

Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA

Regular Town Board Meeting December 17, 2024 - 6:00 PM TOWN HALL (101 Huntersville-Concord Road)

Live stream available via YouTube [@townofhuntersvillenc28078](https://www.youtube.com/@townofhuntersvillenc28078)

- 1. Pre-meeting**
- 2. Call to Order**
- 3. Invocation/Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Announcements**
- 6. Public Comments, Requests, or Presentations**
 - 6.A. Presentation to recognize the Fall 2024 graduates of Huntersville 101. (*Ethan Smith*)
 - 6.B. Vickie Miller, North Carolina League of Municipalities.
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
 - 8.A. Approve the minutes of the November 19, 2024 Regular Town Board Meeting. (*Janet Pierson*)
 - 8.B. Approve the minutes of the December 3, 2024 Regular Town Board Meeting. (*Janet Pierson*)
 - 8.C. Approve First Amended and Restated Agreement for Solid Waste Collection. (*Kevin Fox*)

- 8.D. Approve budget amendment appropriating Capital Reserve revenue in the amount of \$20,000 and Sponsorship Revenue in the amount of \$15,000 to Capital Outlay for a new scoreboard at Huntersville Athletic Park Baseball Field No. 4. (*Pattie McGinnis/Michael Jaycocks*)
- 8.E. Approve budget amendment appropriating Sponsorship Revenue in the amount of \$2,500 to Non-Capitalized Expense for a sponsored park bench at the greenway connection to Rosedale Nature Park. (*Pattie McGinnis/Michael Jaycocks*)
- 8.F. Approve budget amendment appropriating Tree Fund Bank Revenue in the amount of \$3,400 to Tree Fund Bank Expense to plant trees at Richard Barry Park and Waymer Park. (*Pattie McGinnis/Michael Jaycocks*)
- 8.G. Adopt 5th Amendment to the Capital Project Ordinance for Gilead Road West. (*Pattie McGinnis*)
- 8.H. Receive 2024 Progress Report on Implementation of the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan for Town of Huntersville. (*Bobby Williams*)

9. Public Hearings

10. Other Business

- 10.A. Discuss current Medic contract and consider negotiating new terms. (*Commissioner Walsh/Chief Dotoli*)
- 10.B. Consider decision on Petition #R24-06, Rosedale Infill, a request by Antiquity Woods LLC - Joe Roy to rezone approximately 0.186 acres of land located at 9923 Ansonborough Square from NR (TND-O) to NR (TND-O) (CD) to develop four townhome units. (*Nathan Farber*)
- 10.C. Consider decision on Petition #R24-09 Town Center General Rezoning, a request by Derong Huang and Franklin Lowry to rezone +/- 1.089 acres located at 115 and 117 Gilead Road from Neighborhood Residential District to Town Center District. (Brian Richards)
- 10.D. Consider decision on Petition #R24-05 Hillco Skilled Nursing Facility, a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business to Campus Institutional Conditional District to develop a Skilled Nursing Facility. The property is located at 13600 Reese Boulevard East in the Huntersville Business Park. (*Brad Priest*)
- 10.E. Consider decision on Petition #R24-08, a request by Stephen A. McLane to rezone approximately 0.591 acres from Corporate Business to Neighborhood Residential. (*Nathan Farber*)

- 10.F. Consider appointing two (2) members to the Huntersville Firefighters' Relief Fund Board of Trustees. (*Jackie Huffman*)
- 10.G. Consider appointing three (3) members to the Greenway, Trail & Bikeway Commission due to three expiring terms. (*Michael Jaycocks*)
- 10.H. Consider appointing three (3) members to the Parks and Recreation Commission due to three expiring terms. (*Michael Jaycocks*)
- 10.I. Consider appointing three (3) members to the Public Arts Commission due to three expiring terms. (*Michael Jaycocks*)

11. Closing Comments

12. Adjourn

General Meeting Information

Town Board:

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

Meeting Time, Place and Agenda:

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

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. ([Public Comment and Public Hearing Policy - Amended February 19, 2024](#))

Special Accommodations:

Please contact the Town Clerk, 72 hours prior to the meeting, for special accommodations to attend this meeting and/or if this information is needed in an alternative format. Janet Pierson can be reached at clerk@huntersville.org or 704-875-6541.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Janet Pierson, Town Clerk

Subject: Approval of Minutes - November 19, 2024

EXPLAIN REQUEST:

Consider approving the minutes of the November 19, 2024 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 19, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on November 19, 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

Provided Gilead Road Closure update so NCDOT can complete work on the diverging diamond interchange.

Provided update on traffic delays on Statesville Road for Charlotte Water to make emergency repair of sewer service in the area.

Town offices will be closed November 28 and 29, 2024 in observance of Thanksgiving.

Ways to connect with us – website, social media pages, Town of Huntersville app and newsletter.

PUBLIC COMMENTS

Environmental Sustainability Committee. Trisha Knight presented update on the Environmental Sustainability Committee. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

It was the general consensus of the Board to direct staff to research recommendations from the Environmental Sustainability Committee.

Small Business Saturday Proclamation. Mayor Clark proclaimed November 30, 2024, as Small Business Saturday in Huntersville.

A PROCLAMATION FOR SMALL BUSINESS SATURDAY

WHEREAS, the Town of Huntersville, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer or restaurant on Small Business Saturday 2023; and

WHEREAS, the Town of Huntersville supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim November 30 as “**SMALL BUSINESS SATURDAY**” in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 19th day of November, 2024.

Joe Sailers said this is in reference to Overhill. Originally Overhill was being developed and this board approved two entrances on Mt. Holly-Huntersville Road and no construction traffic, no tie-ins to Pembroke, Westminster, Shields, or Wedgewood. Because the contractor went bankrupt and Nate Bowman sold the property to another developer, we are seeing construction traffic on Shields, Westminster, and Pembroke. I'm requesting that you notify the contractor so that ceases and they do not use the neighborhood as the entrance to the subdivision.

The other thing is we have heard rumors that the two roads on Mt. Holly-Huntersville Road will not be built. If that be the case, that's going to throw all of that traffic on Overhill, down Pembroke, into Westminster Park and out to Beatties Ford Road, which now they can't get on Beatties Ford Road because of the back-ups already. It's going to burden our neighborhood with additional traffic that we were promised would not happen.

Thirdly, I've heard a rumor that Town staff with your traffic people and engineering people have suggested that Overhill be closed at McCoy. That is the entrance or the exit for this particular development. We were promised that they would use Overhill to go to Beatties Ford Road and McCoy and into Huntersville. If you close off Overhill, that will again force all of that traffic back down Pembroke and into Westminster Park, which we were promised when the development was approved would not happen.

Lee Hallman said tonight I want to talk about R24-09, the public hearing that was held on 11/4. I'm a little frustrated by the staff's bias toward the petitioner in both the Staff Report and the answers to the questions asked by the Board. Also, in the dismissive attitude toward both the Zoning Ordinances and the residents that will be greatly impacted by this action.

We know we often hear I trust staff, but let's trust and verify. We pledge the truth, the whole truth, and nothing but the truth. Of course, the difference between the truth and the whole truth calls out omission of facts in order to deceive or untruths of omission and then nothing but the truth calls out outright lies. Both the latter are equally egregious.

The omissions of facts in this petition are when Commissioner Dumas asked the question, what are the differences between the current NR zone and the proposed TC zone, the response was made by reading down the list of by-right permitted uses in TC and right before the actual uses that are additive and maybe are troublesome, the staff jumps to the list of similar building types in both zones. He specifically leaves out nightclubs, music clubs, bars, and similar entertainment facilities. Why was that?

Further omission occurs in the Staff Report because you'll notice how everything cited on our Community Plan and Downtown Master Plan supports this action. Does that suggest 100 percent compliance? No, he just left those out. Most rezonings include at least some staff comments where the rezoning does not support those plans so that you can make a full and thorough decision. We can and will provide those for you and staff.

There are too many against aspects of this plans to speak of at this time I'm allotted, but as the Vice Chair of the Downtown Steering Committee, I'll highlight that a general upzoning was never the intent of that year-long \$125,000 consultant-led project. We talked about how TC would expand down Gilead Road organically, property by property, overtime, until it reached I-77.

Dismissive quip of calling our Zoning Ordinances barriers also infuriates me. Our Zoning Ordinances are our standards that we worked on to refine for 50 years. This is an insult to the town and shows a strong developer bias. Hopefully this was just a quip, but we'd like to see a more balanced perspective from our Planning staff.

Another burn on residents was the comment the future got here before some expected. First, no. In fact, the future never gets here. I remind staff that planning exists to plan for the future. Upzoning this block to general Town Center zoning says that we're done trying to implement our plans and you can build anything on the list by right and we'll see you at the groundbreaking ceremony, or if you're 117 Gilead Road and already have a habitable structure with a Coming Soon sign that reads Pints and Pages Coffee Bar, you can go ahead and get your alcohol license and start serving pints of coffee to your guests at a picnic table only 30' from a residential bedroom window until two in the morning. That's the genesis of all this. I know because I was in the room where it happened. Deny R24-09 and let's see those long existing plans by way of conditional zoning, please.

Amy Hallman (Tammy Eppley and Dan Boone deferred their time) said I want to apologize for the angryish tone in the previous meeting's public hearing. I came to you with facts. But after listening to the Staff Report, though I am a strong woman, my heart rate was at 154 just sitting in that chair. No, I don't have a medical issue, but there was so much I'll say lacking in the Staff Report that it overtook me. The way the Staff presentation was packaged during the public hearing set off all kinds of alarms. I hope you heard them.

So while two weeks ago I brought you history, tonight I'll be speaking on the room where it happened. I will not leave out by omission. You get the details, the whole truth. Tonight I bring you the residents report. I will email you a copy of the nine-page report of all the points from the 2040 Plan and the Downtown Master Plan that do not support this general rezoning.

If it is not clear already, I am against general rezoning. Each property owner should come to you individually with plans and with all the players involved to ensure that we as a town get the best product for Huntersville. Tell them you don't want to turn the away development, you simply want to know what the development is first.

According to the 2023 Downtown Master Plan, it is intended to evolve with flexibility relative to existing conditions. Page 2. The word existing is centric here.....not potential, not speculation, organic growth and development. Consider calibrating tree preservation requirements, mitigation strategies, or provide incentives to developers for contributing to a downtown tree fund to the Town for planting and maintenance of trees elsewhere in the downtown area, Page 5.

Some points you didn't hear two weeks ago, the tree save in Town Center is zero. The tree save in NR is 10 percent. No buffer yards are required in TC so there's not giant buffers you were promised. The buffer in NR is 20' for a redevelopment. A redevelopment, not a reimagination.

On Page 68, LU-11 Protect Existing Housing Stock.....11.1, with a general rezoning there are zero protections. On Page 70, EV-2 Encourage Existing Economic Assets and Entrepreneurial Business Developments.....EV 2.1, 2.2 and 2.3, these properties can already operate under NR. On Page 61 of the 2040 Plan the first sentence under implementation of the plan is our communities do not change overnight. For instance, properties should not preemptively upzone based on Future Land Use Map until other areas have filled in or the proper infrastructure, roads, parks, schools, utilities, emergency services, etc. is in place.

I had believed that any of the rezonings that were going to happen would happen conditionally because conditional rezoning is what we do in Huntersville. Conditional rezoning would be in good faith, it would be a good steward of the community and the neighbors around them. Conditional rezonings have conditions, concessions for existing neighbors.

Have you asked yourself where this idea of general rezoning came from. Did you assume all the applicants somehow got together and had an idea? That's not what happened. And I know because I was in the room where it happened. In 2023 one neighbor told us he wanted to put in a biergarten. He had already been to the Planning staff. He believed it was a go from what he told us.

In a June 28, 2023, meeting with us, the property owner, his designer, Jack Simoneau and Brian Richards, the two Planning staff said that his project was too big for NR. So, if a biergarten and a restaurant are too big for NR, why are we comfortable with this general and no plan rezoning. Doesn't this count as a plan? Simoneau said staff had seen the plan. Where is it?

I was surprised by the non-contiguous and raggedly knitted together properties asking for a general zoning, but when you asked if any of the applicants were in attendance, you were told no. But the applicants from 106 Gilead were in this room. Mr. Richards said that NR zoning would be a barrier to development during the Staff Report, despite having two residential properties in the middle of these 108 and 119, neither for this rezoning. Foregoing existing zoning to remove barriers would seem as part of the high intensity development plan that was the least popular when designing the Downtown Master Plan, Page 3.

Economic development recommendations. Recognize and plan for a phased approach to potential future development based on the realities of existing land ownership and associated parcels geometry and street frontage, Page 6.

Facilitate potential joint development approaches with multiple developers and landowners, Page 6. Are we doing this? We don't know. We don't know if developers and plans are not present.

Encourage incremental, small scale infill development congruent with existing land ownership and parcel size and geometries, Page 6. If the zoning is changed to a TC general rezoning, this will not happen...106, 115 and 117 can and quite possibly will be torn down and replaced with what, we don't know.

A general rezoning at this point will increase the market value for those properties. The only mention of the Downtown Master Plan two weeks ago from staff was Gathering. He said the parcels were too small for big development of the parking restrictions, but he didn't mention that the staff is looking into removing the downtown parking restrictions, which had been talked about at the Downtown Steering Committee and in our June 23 meeting.

Encourage implementation of shared parking or joint access agreements, Page 6. Throughout the Downtown Master Plan, it talks about this.

In our June 23 meeting Richards said the nationwide parking restrictions in downtown municipalities in general has gone away. They rely on shared parking, parking decks, etc. We also know that our Planning staff is working on eliminating parking restrictions. Why not mention that? How does he know that Gathering works when none of these properties has submitted a plan? He has admitted that Henson's not giving you any plan. He has no intent of changing anything at 121, so he doesn't need a change, and the other three properties are vacant and have been for 2 to 20 years. No renovation has taken place at any of these properties with these owners.

By the way, there are five more downtown organizing principles: mobility, nature, living, civic and soul. And for soul it says build to scale, at a rhythm and according to pattern that respects historical precedent. Historical and cultural were the two things that were missing from the Staff Report last time where it said that the other things wouldn't be bothered, but historical was left out. And I explained to you what the historical stuff was.

Under soul, development in the primary Gathering area and balanced with selective, and context sensitive redevelopment while enhancing and celebrating existing neighborhoods, civic and historic downtown buildings, open spaces and activities. Putting a by-right biergarten in the middle of these, 30' from someone's residence bedrooms is not sensitive. If North State wants to come in and buy 115 and 117 to complete the square of their project, I am not theoretically opposed to that. But be upfront about it.

When staff said the future got here faster than some folks thought, this is not the future. He called these petitioners pioneers. The staff refers to 117 as operating as a business, and it has been vacant for 2-1/2 years. He has also described 115 as in disrepair. He says this general rezoning will invite some potential projects that would've never come before. All of them are vacant except 121. One was inherited about 20 years ago. One was bought in 2022, paid \$495,000 in cash, and another was bought as part of a \$6 million real estate deal in a single week in June of 2022.

These are not mom and pop developers, as you were told. This isn't some long time Huntersville resident trying to turn their property into business. You know that a developer has had a conversation with two of these properties as evidenced in my report and a separate resident's email two weeks ago.

This isn't mom and pop. I could go on and on. But when Bergsman asked about the music and you were told by staff that there was no difference about having music in either place, you were not told that Neighborhood Residential does not allow any kind of outdoor sale of goods or activity in NR. You weren't told that. And it's true that you can't be outside in NR. So again, I will give you the rest of it later. I appreciate your time.

AGENDA CHANGES

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

CONSENT AGENDA

Budget Amendment – Parks & Recreation. Commissioner Rivers made a motion to approve budget amendment appropriating \$19,000 from the Park Capital Reserve Fund to The Park – Huntersville Greenway Project. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Call for Public Hearing – Historic Landmark Designation. Commissioner Rivers made a motion to call a public hearing for Tuesday, December 3, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 for a historic landmark designation for the “Caldwell-Bradford School” site located at 16401 Davidson-Concord Road. Commissioner Bergsman seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R24-12 Walden Berm Revision. Mayor Clark called to order public hearing on Petition #R24-12 Walden Berm Revision, a request by TF Walden LP to rezone +/-21.509 acres located at 15140 Fred Brown Road from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District.

Brian Richards, Planning Director, entered the Staff Report into the record.

Tonight we have a rezoning amendment for Walden subdivision. This is R24-12. They're looking to go from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District for modifications to berm specifications.

Back in 2007 was the original conception of Walden by Toll Brothers. That included a 20' residential buffer, which is standard in our ordinance, on the western area that we're discussing tonight. In 2014 there was an amendment to that from the Bowman Development Group to add some additional parcels. Again, still keeping the 20' buffer on the western side. In 2018, the TF Walden Group purchased this from Bowman Development and as part of those discussions and consideration of the neighbors, that was the introduction of a 30' buffer with a 4' tall berm. After that was approved in 2018, it moved on to construction plans which are our preliminary plans. That was done in up to nine phases. That was over the course of 2019 to 2022.

Here is an aerial view of where the berms are located on the northwest portion of the development. What the developer is asking for tonight is a modification request to allow for variable slopes. The standard ordinance allows for 3:1 slopes on either side of the berm and an 8' crown across the top. If we do the math simply which was an oversight by staff and developers in the past, that works out to about

32'. You can't put 32' inside of 30', so they are asking for some modifications to the pitch of those berms to make it fit inside that 30', which is greater than the ordinance standard. They would plant that berm to meet the ordinance standards as well.

You can see some existing pictures here. These were taken Friday. They've replaced much of the dead vegetation that was installed earlier this year. Again, you can see the fresh vegetation that was recently planted.

We do recommend approval of this due to consistency with Land Use Policy 11.1. We do ask for some conditions of that, that they do update the plans which would be included in RTAP, that the modification request is approved by Board, the applicant's already asked for that. We would suggest that additional evergreen trees be added to the berm to help with opacity and that a drainage swell is installed and maintained by the developer. It's already installed today, but make sure that's all clear on their HOA documents that that it is the HOA's responsibility to maintain to receive the offsite storm water from the neighboring properties.

Commissioner Bergsman said is there also going to be a presentation from the applicant?

Mr. Richards said they do not have a presentation. This is a very simple one-page amendment to revise those plans, so they chose not to have a presentation, but they are here to answer questions for you.

Commissioner Bergsman said I'll just start with the one for you. I was under the impression in the past couple of months that there was supposed to be a survey that the developer was going to give to staff since March of 2024. Have we received a survey or what is going on with that?

Mr. Richards said we did receive the as-built survey in August. There was a grading plan that was mislabeled as as-built. That's been communicated to the residents and the Board in previous emails over the last several months. So that was not an as-built survey that was handed out in June. The as-built survey was not done until August of this year. We do have that. That has been shared with the adjoining residents. As-builts are typically not done at this phase of development. They're done at the back end to make sure everything's in compliance and we've reviewed those plans, but the developer did agree to do that mid-development cycle to ensure these things, that's when we discovered that the slopes were not correct and could not be put in place. They've asked for this modification based on that survey.

Commissioner Bergsman said could you send a copy of that survey to the Board?

Mr. Richards said you should have that, and I will make sure you guys have that either tonight or first thing in the morning.

Commissioner Dumas said just to make sure I understand, so the berms that were previously approved by the Town Board at that time, we have since learned it is not possible and so this is our.....it's an administrative thing to correct.

Mr. Richards said not administrative, however we're going through the legislative process so we're fully transparent as to what we're doing.

Commissioner Dumas said we made a mistake, we're correcting it.

Mr. Richards said correct.

Commissioner Dumas said have we learned from this? How do we avoid this in the future?

Mr. Richards said moving forward if there are negotiations at the dais for things, we would ask for a pause of two weeks so we can go ahead and make sure everything fits, and then continue on from there.

Craig Campbell said I am with the TF Walden group and here to answer any questions.

Commissioner Bergsman said I was onsite with our Town Manager this morning and I did notice that there are additional plantings especially compared to a couple months ago, so I do appreciate that you've taken that step. There are aspects that still seem like they're in progress. Would you say that what it is today is what it would remain or are you still working on some of the slope, the landscaping, things like that?

Mr. Campbell said there's still some minor adjustments to be made. Our landscaping crew was out there last week and this week and even as of today still kind of doing some touch-up items. I'm not sure the extent that you're asking, but there's still some clean-up items happening. I do believe the plantings are per the approved landscape plan. We're cleaning up some of the erosion and whatnot. That's what's been happening in the last couple days.

Commissioner Bergsman said they do feel that it is currently to the ordinance. Would you consider going above and beyond since this is.....if we're being asked to make a sacrifice in terms of the slope, would you be willing to plant, especially the arborvitae, and add some more in there along to make it more opaque?

Mr. Campbell said I would consider that with staff's.....and as Mr. Richards just explained, I don't want to say we'll do something tonight and not have a chance to meet with our landscaper and work through these things to make sure that we can accommodate that. I'm willing to have those discussions and consider that.

Commissioner Bergsman said are you working with an arborist on that landscaping or is that something that you're discussing with staff in looking at what can and can't be done. Is there willingness to include an arborist?

Mr. Campbell said I believe our landscape contractor has an arborist on staff.

Commissioner Bergsman said how much time do you think you would need to discuss and work with staff to get to come back to the Board?

Mr. Richards said we'll work with the development team and make sure we have an answer prior to the December 3 meeting. We have Planning Board tomorrow night. Obviously, nothing's going to happen in 24 hours, so we'll get something to you shortly.

Commissioner Bergsman said one of the other things that I've noticed is that there does seem to be some erosion issues still. Are you aware of that?

Mr. Campbell said yes, we've had the contractors out there repairing and continuing to monitor that. As this is newly built and we're trying to get some of the vegetation, not necessarily the taller vegetation,

but more the grass is established, we have to kind of continue early on with this type of a construction. Early in the phases you have to repair erosion more frequently than in later time as things have kind of grounded and rooted themselves in the soils and the plant materials work together.

Commissioner Bergsman said can you talk through a little bit of what your process typically looks like in factoring and mitigating that during the construction until you get to that post-construction phase when everything is complete in regards to erosion?

Mr. Campbell said we have to follow the Town and State erosion control measures. There's an actual permit that we have to abide by.

Commissioner Bergsman said do you do regular checks though?

Mr. Campbell said yes, we have a third party that comes out twice a month, it might be more frequent than that, to do erosion control checks and then they provide us a report and we quickly get out and correct those items.

Commissioner Bergsman said would you be able to send us a copy of that report?

Mr. Campbell said I believe so, yes.

Commissioner Bergsman said Thanksgiving reading material perhaps. And then one thing I also noticed today is in that one section of the berm there is, and thanks to Anthony for identifying for me, what's called Johnson grasses, which is an invasive grass and it's close to the neighboring property which is a farm. Are you planning on kind of mitigating that to make sure that invasive species doesn't pop over into the neighboring properties?

Mr. Campbell said yes, as part of our maintenance of the whole area we look out for those types of things. I'm glad you're bringing that to our attention. I'll make sure we focus on that a little more aggressively.

Commissioner Bergsman said I know there's at least one section. There may be more. And that was on the side that's kind of perpendicular to Ramah Church Road. When you mitigate that, is that just spraying or is it that's going to be physically removing, because I do know that is a species that's kind of hard to get rid of.

Mr. Campbell said I would leave it to the experts. I'm not a weed mitigator, so we would leave that up to our contractors in what they deem to be the most appropriate manner.

Commissioner Bergsman said do you think it could be removed by our December 3 meeting?

Mr. Campbell said I can attempt to achieve that. Depends on the weather and their schedule.

Commissioner Bergsman said I would appreciate that. And then just my last question is in relation to on the stub street there is that sewer, I don't know if manhole is the right word, that's sitting pretty high up. I am just curious and maybe this is actually a staff question and not your question, but the way that it's sitting seems it's right in the middle of the stub street almost. I'm kind of confused why that was built the way that it was.

Mr. Campbell said if I misspeak, I'll ask my engineer to come up. But that's designed per the Town design and the engineering plans that were submitted. As that road gets built going forward, storm and sanitary stubs are in the road. Manholes sit in the road as that road is to pop through. The elevation grade, we have to capture grade going up to get to that property line, and so it looks odd today, but at future build out that's built to be the appropriate location and height.

Commissioner Bergsman said so you feel it is the correct height. How tall would you say that was? It was sitting a couple feet up.

Anthony Roberts, Town Manager, said it's probably 2' or 3' up, just a guess.

Commissioner Bergsman said you're saying it's meant to be that way?

Mr. Campbell said yes.

Mr. Richards said just one other point of clarification I failed to mention earlier. In the original construction plans, the buffer was identified as an undisturbed buffer. Obviously, if you're going to install a berm and plantings, you have to disturb that, so we'll make sure that's cleared up as well on the ensuing construction documents.

Mayor Clark called for public comments.

Joe Sailors said Marilyn's property is here, actually all in here where this is because of the way they had to put two things on the same map. This buffer was cut down approximately 12' and then added back. This buffer was cut within 6" of Marilyn's fence and it drops straight down 27' to the lots that you see graded here. Had they not cut the 30' buffer that was supposed to be undisturbed, as he said originally, they wouldn't be in this predicament. Staff allowed the developer to cut the berm to within 6" of Marilyn's property. It was supposed to be 30' of undisturbed. They did away with it. Naturally they cannot put a 4' berm or 30' buffer and a 4' berm on top of that because it wasn't there. Staff made them come back and put back dirt. The only problem is at the widest point along that buffer is 26' wide at the same elevation as Marilyn's property is to where the same elevation was before they took the dirt away. Now they're stuck with putting a 4' berm on top of a 26' wide buffer, that can't happen. And now they're coming back with the recommendation of doing a 2:1 instead of a 3:1 slope on that berm. In their own words 3 years ago they said that they had to have a 3:1 ratio in order for the berm to work, but now they're coming back to you with a revision in this plan that says we're going to do a 2:1 ratio instead of a 3:1 ratio, which is totally different from what they said 3 years ago when we were here. Now the other thing that they said a little bit earlier in the presentation is that the as-built plans have been given to the owners. They have asked for the as-built plans and have not received them.

Josh Berbrick said all I can say to this is the whole thing has been clouded. This is 5 years of a waste of our time over nothing. We were with the Town planner twice in his office about this opaque berm that he was going to build. That berm and that buffer that you're showing there, I know a few of you have been up there, it is not slanted. You couldn't run up that hill. That's not like that. Two weeks ago when we went to whatever the town meeting that the planner Walden was holding, the Town Planner was sitting there and remained silent. I'm still clouded by this because when this started the Town Planner was talking like he worked for Walden. Now, all of a sudden, the guy from Walden is talking at a Town Hall meeting like he works for the Town and he's running a meeting that's involving our property, not his property. We're supposed to be the taxpayers here, but all we simply wanted was a berm. We have a farm, we have animals, we have a fence that is electrocuted from solar energy. We do not want children

who will see our horses and our farm, just like Marilyn's, and they'll come into it. This is what we got. We got cookies and tea at the Town Planner's office, oh we'll take care of it and his vast knowledge of what opaque means. Well, I know what opaque means and that's never going to be opaque because when I measured today, those trees were 32' apart. I don't think you can grow a tree 32' wide. Not only do we not want someone coming into our property, but we don't want light coming from those properties and we don't want children to be able to come onto our property. They also where Marilyn's property.....there was no arborist involved. If the arborist was there, he was running a giant backhoe that took every tree that either we or the Ainslie's did not own and took it off that property. They brought all the property down, moved all the dirt away, and that's where the problem is because now they've brought new dirt in and they've built it up. That berm is never going to last. It's been there 6 months and the erosion is severe and in back of Marilyn's property it's probably 10' already that it's eroded and it's straight up and down and it's supposed to be on a 3:1 slant. A 2:1 slant I would even....it's not even close. You couldn't climb up that berm. I couldn't, a child couldn't because it's so loose. So her problems that she's going to have with the erosion are going to lead to her water on her property and that's the same thing that's going to happen to our property. But I just want to be clear that the town is not Walden and they're not building an orphanage, they're building houses for sale so they can make money. I don't know how it turned into the town being on their side instead of the taxpayer's side.

Toni Berbrick said I first want to commend you for having Commissioner Bergsman help us with this issue that you inherited. And I hope you take this as a really clear warning in black and white that this town needs to address poor governance. Brian Richards who sits here and seemingly a Cub Scout dad, engineer with good ethics, as well as other people in the Planning Department, as well as the developer and his folks....we're talking about a billion dollar company, we're not talking about Bob the Builder from Huntersville. I'm not going to take up your time and go through a list of all the issues because we've been lied to. I have it in writing that it was to be an opaque landscaping. At the community meeting when I asked if they admitted that they talked about opaque landscaping, they in fact did. They said yes, we did say opaque landscaping and then they snickered and said it will grow opaque. And then I thank you, sir, for coming from Florida because the only two times anything has gotten done on that berm is when you come to visit. And we laughed the one time when you were supposed to show up and didn't come because they moved earth moving machines, building up the berm, trying to make it look wonderful. I've spent 30 years investigating fraud and not just this project, you heard a woman speak earlier about a different project. The Town Planning Board comes up and talks about these minor issues. This is just a minor adjustment. This is asking for forgiveness after a mistake. This is not asking for permission. You might as well put a billboard out on 485 and 77 that says builders come this way. You can do whatever you want because the Planning Department is going to help you do it and then they're going to stand up and say it's okay. The Planning Department under no conditions should be standing up here talking and presenting. Their job is compliance. It's either in compliance or not. If it's not in compliance, the answer's no. They shouldn't be recommending something that's a 2:1 buffer that at the minutes when this was approved, his boss Jack Simoneau went in detail, and I ask you to go to those minutes, went in detail as to why 3:1 was the absolute minimum. I have a ditch that they created, a 6" ditch that when he said it was a minor adjustment that they're asking for 2", that minor adjustment notice that it also includes a 6" ditch. There is no 30' berm. The berm isn't 30' wide right now. You heard him say there was a survey. I'm not sure if you heard him say it was an aerial survey. Well, an aerial survey is a lot different than a survey when the Town Manager tells me there were stakes out there. You don't throw stakes from an airplane. We asked for a survey. As-built drawings should require a land survey and there is no reason why the Board should be accepting anything other than that. I ask you to take off the rose-colored glasses and take a good look and listen to what the community's saying to you, project after project.

Greg Ainslie (Marilyn Ainslie deferred her time) said I have some highlights. My wife has some written notes that she can provide you if you would like them, that you can look at. We feel very put upon and very disturbed that the edges of our property have been severely degraded by the poor development done.

I am a retired Air Force officer, and I know a little bit about topography and I know a little bit about how to read a map. And rather than build on the land that was presented and set there, they have gone to great lengths to cut down that land to put very steep banks on the edges of our property there, and it just can't meet any of the requirements that you've put in about the buffer and the slopes and anything that are there. It does not and cannot possibly come close to what your Town planners and the developers have said that they would try to do. It is physically impossible for them to come back and correct it without moving a great deal more dirt around and putting it in there. Had they developed on the land that was there to start with, we wouldn't be here today because they took great efforts to move land, move soil out, and then bring back more soil and try to compact it into something that will hold up a house.

If you look to the east of where Ferrelltown Parkway should come someday, they've put in fill dirt that I would suggest may or may not hold a house at some point in the future. And personally, I would never buy any of that property. And I fear for those people who may be buying property there, that they will not be getting sustainable property that can hold a house that can be lived in and survive through whatever comes from the weather in the future.

Marilyn Ainslie said I'll just add quickly there's supposed to be a 6" ditch at the base of the berm on our side that will carry off the run-off from our property. There are state statutes saying a developer cannot bring the drainage on adjoining property. We're getting too much water standing in some areas. If it was a drainage ditch that they had put in there earlier, it is all filled in with red dirt and weeds that are taller than me. That will have to be fixed or we'll have serious problems.

We've always since we've lived there been able to drive around the property line with any size vehicle and not get mired down with mud and water. And after some of these rains since that ditch has gone away, I would not drive my car out there. I wouldn't drive my golf cart on some days. And when the ditch is put in, it needs to be level with our property, not above it, and it needs to all stay on Walden's property.

Our fence is 6" to 12" within our property line, so things need to be measured from our property line, not from our fence, otherwise it will be encroaching on our property and we just need the drainage fixed. I want the people that farm that for us to be able to get their equipment in and out without leaving huge ruts in our field because people don't like to farm fields that are uneven. We did not get any plantings on our side of the berm. The drawings we were shown showed getting plantings on our side to berm, but everything's either on the top or the other side. Grass was not planted on our side.

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

OTHER BUSINESS

Petition #R24-03. Petition #R24-03 Long Creek Retail is 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 a convenience store and retail/commercial use development.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 2.*

An update since the public hearing and Planning Board meeting,. We had concerns at the public hearing and the Planning Board meeting about the phasing of the project, meaning you've got two parts to this project. You've got the convenience store, gas station canopy, and one retail building on the parcel to the right on the screen. And then the parcel on the left would be another retail building. We have just found out that the home on that second parcel on the left will remain until Phase 2 is complete. That is a new update for us.

The applicants have agreed to put the public street in on that left side parcel, which was a condition we had asked for at the previous meeting and the Planning Board did as well.

They've also agreed to the buffer conditions. We had concerns over some of the slopes on some of the buffers. A reminder buffers are required to remain vegetated and not to exceed a 3:1 slope. The previous plan was pretty close to being steeper than that. The modification ask was to grade into those buffers. They have agreed to not exceed the 3:1 buffer on the rear side and to the northwest side property as well.

One concern we had at the previous meetings was a driveway connection from the public road to Phase 1. Because of the existing home that is proposed to remain until Phase 2, that driveway connection will not be able to be done in Phase 1 according to the applicant. With that being said, staff would at minimum like to see a pedestrian connection in the way of a 10' side path along the entirety of the frontage of the plan that is required per ordinance. Originally, Phase 2 was the time when that extension of that side path was to be put in. We'd like that to be in Phase 1.

A little bit briefly about TIA improvements. With the condition of the phasing and the applicant agreeing to put the public street in, the TIA is still in review from NCDOT, however, they did approve the previous rendition of this. Some of the improvements that the applicant has agreed to per NCDOT comments is a right-turn lane access from Beatties Ford Road and a median, which would be right-in/right-out access, a leftover turn lane into Beatties Ford Road access into the driveway, which would go away when Phase 2 is proposed. We believe that right-turn lane would then go to the public street access and then the right-turn lane into the development from Mt. Holly-Huntersville Road would be a right-in/right-out access with a turn lane and a median to prevent full access.

Just a reminder on the 2040 Plan and a couple of the updates, a couple of the Community Plan items that this plan does meet, 6.1 which is support of mix of land uses in key locations and commercial uses encouraged in the Beatties Ford Road/Mt. Holly-Huntersville Small Area Plan. One item that still remains that the Community Plan does not support with this proposal is the prioritization of tree canopy. The applicant is proposing to save one specimen tree. I believe there's approximately 29 existing, but due to the amount of grading they are doing they would like to mitigate with the tree bank fund. The lady here today spoke on some of those mitigation areas and some of the things to look forward in the future. But again, they will be proposing to save one tree along that rear buffer.

In the Planning Board meeting, which was deferred to the September 24 meeting, the Planning Board voted unanimously 7-0 with the conditions that public street be included in Phase 1, which the applicant

has agreed to do, add the stub connection to the adjacent property for future connectivity. The applicant has actually proposed to make that entire side on the northwest buffer a right-of-way, that way if any properties did redevelop in the future, they would have access to that right-of-way to build a connection to that street, so in that way, condition two has been met as well. And then redesign the buffers to stabilize the slopes and ensure healthy plant growth. The applicants have agreed to that and not exceed 3:1.

Moving on to staff recommendation. Staff can support and does support the proposed rezoning with the six conditions on the screen – that they do follow through with the inclusion of the public street in Phase 1 of the development; any TIA improvements approved by NCDOT are constructed at Phase 1 of the plan and the left-over turn lane onto Beatties Ford Road is removed upon completion of Phase 2, making the driveway on Beatties Ford Road a right-in/right-out only access; the inclusion of the entirety of that side path along the frontage to be built in Phase 1 to at least have a pedestrian connectivity; the 30' rear buffer with grading does not exceed 3:1 slope to ensure healthy plant growth and stabilization and all minimum planting standards are met; ensure that the northwest buffer adjacent to the single-family home does accommodate what is in the plans as a 15' evergreen screen or buffer within that new right-of-way. Again, that is a modification request because the buffer next to the single-family home is 30'. They have offered a right-of-way with street trees and a 15' additional evergreen screen. And that any other minor staff comments through the reviews are met. We are still reviewing that plan and sometimes you have some little adjustments here or there.

Commissioner Quarles said on the screen here, you did say that on the single-family side there's a request to reduce the buffer from 30' to 15'.

Mr. James said correct.

Commissioner Quarles said can you confirm that the Town's minimum tree preservation is being met within this plan?

Mr. James said the minimum tree preservation for Highway Commercial is 30 percent specimen tree and 100 percent heritage tree. There are no heritage trees on the site. They are saving less than 5 percent as opposed to the 30 percent requirement, so they are choosing to mitigate through the tree bank fund.

Commissioner Hunt said how many homes are being built in that area, like right behind where this development would be.

Mr. James said Oak Grove Hill has 154 units that are being built. The adjacent parcel to the rear was a senior living facility and that has not come in for construction plans. I'm not sure if those will proceed or not, so it's vacant at this point.

Commissioner Hunt said how close is that, do you know?

Mr. James said the Mosaic senior living is directly adjacent. I don't know how far that property goes until you get to Oak Grove Hill.

Commissioner Bergsman said has the applicant expressed any willingness to go above and beyond our ordinances in terms of the tree mitigation?

Mr. James said we have not discussed that. By ordinance they're allowed to use the tree bank fund and they've shown on the plans that they will meet that minimum tree bank fund mitigation. That's something that you may be able to ask the applicants.

Commissioner Dumas said I was going to wait on this, but since we're talking about trees, so there's 29 trees currently. We're planning on saving one and contributing to the tree bank fund. I personally am not a fan of the tree bank fund. I don't like the idea of cutting down this many trees. It's not the same, planting a small tree versus cutting down all these large trees. That's what we learned and heard earlier. Did we look at creative options for the plans? Maybe this is a question for the applicant. I can wait until that point, but I would love to hear is there any other alternatives to be able to keep some trees?

Mr. James said that's something that we've tried to work with through the first couple of rounds of the plans and then at the Planning Board meeting, is there a way to save more of those trees. I believe the applicant, and they can speak more to this, in order to make the property work with grading, they've asked to grade into those buffers which would be areas where you could keep trees. So that's something they've engineered and found that they could not do.

Commissioner Rivers said you stated previously that we just recently found out that there was someone occupying a residence on the property. Was there not anything done previously or prior to this project was even created or thought of to ensure that the residence were around or near or in, you know, I guess I'm just trying to understand how did we not know that there was someone occupying the residence here.

Mr. James said when we get a conditional plan that occupies, in this case two parcels, we assume that those parcels will be built on. So there was never a question from staff that is this house going to be occupied. We found that out about a week and a half ago. So that's where the whole debate on whether they could build the driveway connection existed or not. They can speak more to that with their agreements with the two property owners.

Mr. James said those left-turn lanes should change with their revising of the TIA because of the public street going into Phase 1. The applicant may know more about this. I believe they have some of their traffic engineering staff here as well. They can maybe speak to how that left-turn lane will look with the inclusion of that public street.

Whitney Hodges, representing the applicant, said it's been a long process. I've been in this for about two years with the applicants.

This was originally approved as a drug store with an additional building and in that original approval there was a certain amount of grading, so that gets to trying to save as many trees as possible. With the change we're doing, and I'm not going to say the best that we can, but we're doing what we can given all of the other things that also need to be in place that are other regulations from the town. So it's oftentimes, especially with a smaller site, hard to get all of that into what you would need on the site, which is why we are grateful for a mitigation bank when we have those instances where there's a 30' difference from the top to the road to be able to safely get people into a small space.

This plan is already something that is Highway Commercial and we're trying to kind of be a part of a larger plan. And that's really challenging when there are multiple property owners. One of the reasons that the house became an issue was because the Houston's had decided not to develop at the same time we were, and that's when they said there's somebody living there.

We've been working through these challenges over the course of two years and a holistic approach over the course of the last year. I think that one of the things that the plan really does stand out is that we're trying to maintain some of that architectural integrity that is in the original Beatties Ford Road corridor area plan. The road improvements that we are putting in Phase 1 rather than in Phase 1 and Phase 2 are significant. That's kind of another thing that we're adding to this collective of a node that the Town would like to see. I think Patrick would like to speak to the TIA because it is actually approved. We do need an addendum for some of the things that we talked about with this different phasing.

Patrick Monroe said I'm the traffic engineer for the project, for the development team. We have submitted the traffic impact study to NCDOT as well as the Town of Huntersville and the City of Charlotte. The TIA was approved and it was approved based on the original phasing that was agreed to by all the parties I just mentioned, including ourselves as the development team. Based on the updated request and the updated commitment to provide that public road with Phase 1, the TIA will be amended with a one-page document that will be sent to NCDOT as well as the Town following this meeting and based on the conditions that we've outlined today. The scope of the improvements are not changing as what was previously outlined in the TIA, it's just a matter of the phasing catching up to capture the public road in Phase 1. The left-turn lane that you mentioned, that's actually going to be extended to the maximum amount possible to that right for the leftover. We're also adding a right-turn lane southbound on the approach.

Ms. Hodges said I do want to say that we do agree to connect the multi-use path all the way up to what I call the public road to the Cathy property, which is where Mosaic is. We'll do that in Phase 1.

Commissioner Bergsman said I think you heard my question earlier that I asked staff, but I'll repeat it again. I understand that the site has its challenges. In terms of contributing to the tree bank, are you willing to go above and beyond what's required?

Ms. Hodges said I think I can speak for the applicant, at this time I don't think with the road improvements that we're doing, we're kind of stretching to the limits our budget at the moment, but I can ask if you would like to consider that.

Jeff Mofelhi said as a Circle K franchisee in Mecklenburg County and surrounding counties. This site has too many challenges and it's already over budget. The way we're committing to road improvements, it is literally over budget by comparison to any other projects we've done in the market. We will do what is required, again with the challenges of grade difference, there's a 35' to 40' drop and grading that has to be done. We'll save every tree we can and what we cannot, we will mitigate it.

Mayor Clark said can you run through the rest of the presentation that you brought.

Ms. Hodges said these were just the commitments that we agreed to. I just wanted to make sure that we would go through those commitments and to add the commitment that we would build the sidewalk all the way to that public road. These are the commitments that DOT needed. I just wanted to make sure that those were in the record.

I had the elevations too, and I can go through the pretty pictures if you want to. This is the elevations of Circle K, they're in your packet. Some more elevations. Just pretty pictures of what we want to do. And then just kind of like an idea of what this might look like as far as architecturally. One of the things that we want to do is to have this kind of inset that you can come into, but we'd like to show pictures of what

Beatties Ford Road in that area looked like to kind of give a nod to this plan and to this region. These are examples of kind of the courtyards in between. I just had those in there. There's a couple more pictures, but that was just in case we needed them.

Mayor Clark said is it definitive that it will be a Circle K.

Ms. Hodges said yes.

Commissioner Dumas said you mentioned earlier that there's been a lot of challenges with this project. In the first presentation I felt like there were a lot of unanswered questions left. It was confusing. There were significant delays since then. We're now revisiting it and just a week ago we find out this part of the property isn't going to be developed at the same time. Is it possible that the timing isn't right? I personally am really on the fence on this project. I've gone back and forth a lot. I think it's a good location for what you're trying to do. I don't like the tree save as mentioned. I have so many on both sides, I'm really struggle with. Why now?

Ms. Hodges said for this area of Beatties Ford to develop, something's got to be the catalyst and so we're kind of putting it out there that this could be the catalyst. I'm not a market expert, but I believe that if you start some development down there with this project, that you will see those other parcels develop much quicker. We didn't have opposition from the public because a lot of those property owners understand that this is supposed to be a node. It's something that they want, but someone's got to start the development down there. This project and the project across the street have been approved since 2008/2009 and someone needs to start something and take that risk. In some sense, you're right about timing but someone has to be the one to start.

Commissioner Rivers said will this be a 24-hour operation?

Ms. Hodges said yes.

Commissioner Rivers said is there any way possible you can tell me about safety, because I know safety concerns have been an issue and they have come up. With this being a 24 hour operation, what does that entail.

Mr. Mofelhi said we take safety as a very important part of our operation. We've been awarded franchisee of the year just for the way we run our locations. We always keep it overstaffed, we keep it clean and if we have to have security, we provide it when needed. We build above the average when it comes to the overall appearance, the look, the cleanliness, the staffing, so safety and security is very important for our customers. It's very important for our employees and that's how we succeed to keep safe and secure and clean and well lit locations.

Commissioner Hunt said we still don't know the tenants going in there, right? Is there any idea on any other tenants that might be coming in?

Ms. Hodges said no, we don't at this point.

Commissioner Hunt said the other question I had is about the underground gas storage. Do you know what leak detection methods are going to be used?

Mr. Mofelhi said the industry has evolved so much since back in the sixties and the seventies when there was a lot of bad history and bad leakage and contamination. Nowadays, those dispensers are equipped with a lot of sensors, equipped with contaminate solutions and containers under each one of the dispensers that alarms to early warning if any drop of anything that would've ever happened, or even a leak of air in any of the pipes. Same thing with gasoline tanks. Those are double walled steel and fiberglass. And there is also sensors and 24 hour monitoring systems that make it nearly impossible for any disasters to come out of those equipment.

Commissioner Walsh said Chief, if you could come up here. There seems to be some concern about security. Can you give us some idea of what kind of incidents and number of incidents we see around gas stations, etc.

Chief Barry Graham said I've provided some stats and stuff I got this morning. *Refer to Exhibit No. 3.* The majority of our stuff is what we call a Part Two crime which is going to be larceny, shoplifting, things like that. We have very few violent crimes on average. In 2022, we had four. Two of those were aggravated assault, two were robbery out of our 15 stores in town. We have 15 gas stations. Same thing in 2023, two aggravated assaults, two robberies. The vast majority are going to be a simple assault, intimidation, credit card fraud, driving under the influence of narcotics, things like that.

Commissioner Walsh said so I'm understanding four incidents per 15 stores per year.

Chief Graham said that is correct.

Commissioner Quarles said these stats, do they equate to the 7-11 that's at Mt. Holly-Huntersville Road and Harris Boulevard.

Chief Graham said that's in Charlotte. I have limited access to those stats, but I can go through and look at the case reports – 2022, 2023, and so far this year they have no robberies. They've had one aggravated assault out of the last three years. Property crimes are about consistent with what we have up here.

Commissioner Bergsman said I'm noticing as I'm looking at this that there's definitely been a drop in 2024 and I just want to commend HPD.

Commissioner Walsh made a motion to approve Rezoning Amendment Petition #R24-03 Long Creek Retail to rezone approximately 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 a convenience store and retail commercial use development with the following conditions. Number one, inclusion of the public street connection during Phase 1 to ensure necessary infrastructure to connect to adjacent parcels is developed upfront.

Number two, the plan accommodates the construction of the entirety of the required side path along with development frontage during Phase 1 of the development to add a key pedestrian connector to the plan.

Number three, any TIA improvements approved by NCDOT are constructed in Phase 1 of the plan and the leftover turn lane to Beatties Ford Road is removed upon completion of Phase 2, making the driveway on Beatties Ford Road a right-in/right-out only driveway access.

Number four, the 30' rear buffer modification with a grading that does not exceed a 3:1 maximum slope to ensure healthy plant growth with ground stabilization and shall meet all planting standard requirements.

Number five, ensure that the northwest buffer adjacent to parcel 0152643, accommodates an interim 15' evergreen screen for the new right-of-way construction.

Number six, address all minor staff comments made on the plan prior to final approval.

It is reasonable and in the public interest to approve the petition because it is consistent with Future Land Use Implementation Policies LU 6.1 and LU 6.2, and it adds a key commercial node to a designed Activity Center within the Huntersville 2040 Land Use Plan.

Commissioner Dumas seconded the motion.

Commissioner Walsh said most of this plan kind of speaks for itself. First of all, this is a commercial property in a commercial node. We just recently just a few yards up the road approved the Long Creek Entertainment Center. And we heard many things about, you know, prostitutes would be out, and all kinds of other unfounded things. Part of the reason for our approving that was so that people in that area had some kind of opportunities to go to a commercial area. In that case, we rezoned actually residential property to get some commercial activity. Again, this is the intersection of two major thoroughfares. It's designated as a node and there's no reason I feel that we shouldn't move forward with it.

Commissioner Hunt said I understand what Commissioner Walsh is saying, but I'm a little disappointed by the lack of effort to save trees. And I completely understand that it's difficult to work around the various requirements there. But you heard from the Environmental Sustainability Committee tonight, there's definitely an appetite in town to stop doing so much mitigation. I understand that, but I do think it's disappointing. We've had a lot of problems in town with buffers and slope modifications to justify building on a site that's already challenging. I also heard you talk about the leak detection equipment that's being used, but data shows that gas tanks eventually leak and there could be some damage before anything is caught and there's going to be 150 homes in that area, so that's a concern for me. I'll be voting no.

Commissioner Rivers said in agreeing with commissioner Dumas, I have been on the fence with this all the way up until now. There have been a lot of challenges, a lot of changes, a lot of things just coming up that have really kind of pushed me to not being in agreement with this right now. I think it's a lot to do with the timing of it. I'm not sure this is the best project for that. I know it's deemed for commercial, but I just feel like maybe this might not be the right project. I just feel like with all the challenges that have come, I think we just need to work through some more things and just get it solid to where we're not having all of these challenges coming up, so I will be voting no.

Commissioner Dumas said I think I'm reluctantly leaning yes or saying yes. It's already zoned in commercial and the tax benefits. I think it is a great start to having some development that we want in that area. But I do have so many frustrating concerns that have already been stated, but I think I'm a yes.

Commissioner Bergsman said I appreciate the attempt... this is an Activity Center and, you know, trying to bring some growth and spur some economic growth in that area. I don't necessarily feel that this

project is the right fit for that and this was a hard choice for me as well. I keep hearing about the challenges. You actually mentioned tonight that things are running over budget to try to meet what the town is requesting in terms of road improvements. And as I keep hearing these things, it just seems to me that it is not the right fit for this location, so I will be voting no.

Commissioner Quarles made a substitute motion to deny Petition #R24-03 Long Creek Retail, a request to rezone approximately 4.39 acres from Highway Commercial Conditional District to Highway Commercial Conditional District. The petition is inconsistent with Policies EOS-3, LU-6.1, and LU 6.2 of the 2040 Community Plan. The Long Creek Village Activity Center calls for a mix of interconnected residential and commercial uses to encourage pedestrian traffic, but this development does not fully integrate both commercial and residential uses into the Activity Center during the initial phase of the project. the addition of a gas station to the Activity Center would have the effect of increasing vehicular versus pedestrian traffic. The petition is not reasonable and in the public's interest because:

One, the development is surrounded by single-family residential users to the north and east, while the area to the south is zoned for commercial. It is currently vacant without interconnection the residential and commercial uses in this Activity Center. The development is in incompatible with the surrounding land uses of the 2040 Community Plan, as it does not establish a mixed-use Activity Center that encourages pedestrian traffic.

Number two, the request to modify the buffer against the single-family usage from 30' to 15' will result in the detriment to the surrounding residential property owner or owners.

Number three, the failure to satisfy the Town's minimum tree preservation requirements would serve as a detriment to the community and the environment.

Commissioner Rivers seconded the substitute motion.

Emily Sloop, Town Attorney, said you need a vote on the substitute motion first.

Mayor Clark called for the vote on the substitute motion which is to deny the project. Commissioners Bergsman, Quarles, Hunt and Rivers are in favor. That motion passes.

Petition #TA24-14. Petition #TA24-14 is a request to align the Town's Soil Erosion and Sedimentation Control Ordinance with state law.

Brian Richards, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 4.*

As you just stated, this is a, a text amendment to update the Town Soil and Erosion Control Ordinance. Listed on the screen in front of you by the articles that will be in alignment with Session Law 2023-108 and then Article 153.1111 for Session Law 2023-142. I'd like to mention on October 22, the Planning Board did recommend approval unanimously.

Commissioner Quarles made a motion to approve Petition #TA24-14 to align the Town's Soil Erosion and Sedimentation Control Ordinance with the state law.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote to approve Petition #TA24-14.

Motion carried unanimously.

Environmental Sustainability Committee Appointments. Consider appointing two members to the Environmental Sustainability Committee due to two vacancies.

Commissioner Bergsman nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Quarles nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Hunt nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Dumas nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Walsh nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Rivers nominated Mary Ann Sprung and Anne Marie O'Neill.

Commissioner Hunt made a motion to appoint Mary Ann Sprung and Anne Marie O'Neill to the Environmental Sustainability Committee.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution – NCLM Commit to Civility Program. Mayor Clark said I just want to give some background on this. Some of the commissioners and I attended City Vision in the spring and we learned about this Commitment to Civility there. It was something that appealed to us as that has been part of our mission as a board to maintain civility. It's a program that promotes civility in local government and recognizes these governing boards that dedicate themselves to this approach. It engages and challenges municipal officials to embrace civility throughout the course of their work and within their communities. The objectives are to understand that civility is about disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, listening past one's preconceptions and teaching others to do the same. Civility is the hard work of staying present even with those who have deep rooted or fierce disagreements. Civility is inherently political not only to those, it's a prerequisite for civic action and it's because about negotiating interpersonal power so that everyone's voice is heard.

Commissioner Bergsman made a motion to adopt the Resolution for North Carolina League of Municipalities Commit to Civility Program.

Commissioner Hunt seconded the motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

CLOSING COMMENTS

Commissioner Rivers wished everyone that celebrates a happy Thanksgiving.

Commissioner Hunt expressed appreciation to the Environmental Sustainability Committee for their presentation and congratulated the appointees.

Mayor Clark expressed appreciation to the Environmental Sustainability Committee for their presentation.

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

Approved this the ____ day of _____, 2024.

DRAFT



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Janet Pierson, Town Clerk

Subject: Approval of Minutes - December 3, 2024

EXPLAIN REQUEST:

Consider approving the minutes of the December 3, 2024 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 3, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on December 3, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh. Commissioner Amanda Dumas was not present.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

NCDOT has opened the diverging diamond interchange on Gilead Road.

Contractors will be performing overnight construction on Huntersville-Concord Road through December 19.

The Planning Department will hold a public meeting on December 5 to receive resident input on the possible extension of Church Street.

Leaf collection runs through January 15.

Holidays in Huntersville is Friday, December 6 and Saturday, December 7.

Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

National Human Rights Month Proclamation. Mayor Clark proclaimed December 2024 as National Human Rights Month.

A Proclamation For National Human Rights Month

WHEREAS, December is observed as both Universal and National Human Rights Month and December 11th is Human Rights Day; and

WHEREAS, the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, establishes the principles that underscore the shared commitment of the global community to safeguard the rights of every individual, irrespective of nationality, ethnicity, gender, religion, or any other status; and

WHEREAS, the observance of Human Rights Month throughout the month of December provides an opportunity for reflection, education, and action to promote and protect the rights and freedoms enshrined in the Universal Declaration of Human Rights; and

WHEREAS, the promotion of universal respect for and observance of human rights and fundamental freedoms contributes to social progress and better standards of living around the globe; and

WHEREAS, the Town of Huntersville is grateful for the work of our Human Rights Commission, and all that they do to eliminate discrimination and promote universal human rights in Huntersville; and

WHEREAS, the assurance of equitable treatment for all of Huntersville's residents has been and will continue to be an ongoing priority for the Mayor's Office.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim December as "**NATIONAL HUMAN RIGHTS MONTH**" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 3rd day of December, 2024.

Presentation of Financial Statements. Cassie Wilson of Martin Starnes presented the FY 2024 Financial Statements. *PowerPoint attached hereto as Exhibit No. 1.*

AGENDA CHANGES

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

CONSENT AGENDA

Approval of Minutes. Commissioner Walsh made a motion to approve the minutes of the November 4, 2024 Regular Town Board Meeting. Commissioner Hunt seconded the motion. Motion carried unanimously.

2025 Town Board Regular Meeting Schedule. Commissioner Walsh made a motion to adopt the 2025 Town Board Regular Meeting Schedule. Commissioner Hunt seconded the motion. Motion carried unanimously.

Meeting Schedule attached hereto as Exhibit No. 2.

Resolution – 2025 Town Wide Resurfacing Contract. Commissioner Walsh made a motion to adopt Resolution to accept the 2025 Town Wide Resurfacing Contract with Blythe Construction. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Budget Amendment – Powell Bill. Commissioner Walsh made a motion to approve budget amendment appropriating Powell Bill fund balance in the amount of \$950,000 to Powell Bill Paving expense to

complete the funding of the Town-wide resurfacing contract of \$2,897,483.65 with Blythe Construction. Commissioner Hunt seconded the motion. Motion carried unanimously.

Public Arts Commission Bylaws Revision. Commissioner Walsh made a motion to approve changes to the Public Arts Commission Bylaws revising the meeting schedule from monthly to quarterly. Commissioner Hunt seconded the motion. Motion carried unanimously.

Revised Bylaws attached hereto as Exhibit No. 4.

Schematic Plan for CATS Hambright Park and Ride Transit Shelter. Article 9.39.3 of the Huntersville Zoning Ordinance requires that the Town Board approve the schematic plans for transit shelters constructed by agencies other than the Town of Huntersville. The Charlotte Area Transit System (CATS) is building a Park and Ride facility at 11100 Hambright Road in Huntersville. Prior to construction plans being submitted for staff review, they are requesting approval of their schematic/concept plan per Town ordinance.

Commissioner Walsh made a motion to approve the Schematic Plan for the Charlotte Area Transit System (CATS) Hambright Park and Ride Transit Shelter. Commissioner Hunt seconded the motion. Motion carried unanimously.

CATS Hambright Schematic Plan attached hereto as Exhibit No. 5.

Resolution – Acquire Property for North Meck HAWK Crossing Project. Commissioner Walsh made a motion to adopt Resolution to acquire property necessary for the construction of the North Meck HAWK Crossing Project. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

Resolution – Awarding of Service Firearm to Retiring Law Enforcement Member. Commissioner Walsh made a motion to adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Call for Public Hearing – Petition #R24-07. Commissioner Walsh made a motion to call a public hearing for Tuesday January 7, 2025 at 6:00 p.m. at Huntersville Town Hall on Petition #R24-07, a request by the property owners to rezone +/- 106 acres located east of the intersection of Hambright Road and Everette Keith Road from Transitional Residential to Neighborhood Residential Conditional District. The purpose of the rezoning is to develop a single family detached and attached house subdivision. Commissioner Hunt seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #R24-10. Commissioner Walsh made a motion to call a public hearing for Tuesday, January 7, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #R24-10 Merancas Fire Training Facility, a request by Jeffrey Smith on behalf of Central Piedmont Community College to rezone +/- 5.28 acres located at 11700 Old Verhoeff Drive from Campus Institutional and Neighborhood Residential to Special Purpose. Commissioner Hunt seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Caldwell-Bradford School Historic Designation. Mayor Clark called to order public hearing on the historic designation of the Caldwell-Bradford School Site located at 16401 Davidson-Concord Road.

Rebecca Bleich, Planner II, entered the Staff Report into the record. *Staff Report and PowerPoint attached hereto as Exhibit No. 8.*

Ms. Bleich introduced Tommy Warlick of the Historic Landmarks Commission.

Mr. Warlick reviewed the history of the Caldwell-Bradford School. *Refer to Exhibit No. 8.*

Commissioner Hunt said if we adopt the ordinance, would this prevent future modification to the building?

Mr. Warlick said it would not prevent future modification of the building but it would subject them to what we call the Certificate of Appropriateness process. That is a statutory process. We are required by law to have a quasi-judicial hearing held by the Historic Landmarks Commission to determine whether or not the requested changes are appropriate historically, architecturally consistent with what the building is. We don't have the ability to force them to make those changes. We also don't have the ability to keep them from tearing the building down ultimately. However, if they choose to do so, they lose the benefits of the tax deferrals that are available to them by state law. We can delay a demolition or a substantial alteration of the building for up to 365 days, so there is a bit of a disincentive there for the property owner to do that or at least to work with us to come up with a solution that would meet the needs that they have as well as maintaining the historical or architectural significance of the property.

Commissioner Bergsman said was this initiated by the property owners, or do you know if they are in support of the historic designation.

Mr. Warlick said the property owners are in support of this. This property actually came to our attention back in 2010ish. That was when the Caldwell Station School, which was the school that effectively replaced this school, was named as a historic landmark by this council. We learned about this school in connection with researching that property. Over the course of the years the property owner of the McAuley Road farmhouse, that is the Bragg family. We worked with them in designating that property and recommending that to you to designate in the early 20-teens. Mr. Bragg has since acquired this property. He purchased it about five years ago. He approached our staff a while back and said is this property actually eligible or not. We went back and did our homework and we decided yes, it probably would be eligible if it's something you're interested in pursuing.

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

OTHER BUSINESS

Caldwell-Bradford School Historic Designation. Rebecca Bleich, Planner II, entered the Staff Report into the record. *Refer to Exhibit No. 8.*

Commissioner Rivers made a motion to adopt Ordinance on this historic landmark designation of the Caldwell-Bradford School Site located at 16401 Davidson-Concord Road.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 9.

Petition #R24-12 TF Walden LP. Brian Richards, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

We're here to discuss the Walden berm revision. Just a quick location, this is south of Ramah Church Road. We've gone over the brief history during the public hearing as well as the Planning Board meeting. Here's the location of the berm which is on the northwest part of the project outlined in the red. The one outstanding request from the developer is for a modification of the berm to allow for variable slopes along the width of the berm. Again, this is due to an oversight when the agreement to widen the buffer from 20' to 30' as well as the installation of a berm a number of years ago. You cannot put the berm into the 30' width due to the design standards so they're asking for modification to those, so you would have to design a 32' wide area. Again, we're working with 30' so they are asking for variable slopes. The developer and his team here is going to offer some additional conditions as part of this. Here's some recent pictures of this. Staff is in favor of this.

Commissioner Bergsman said can you explain the ordinance in regards to the landscaping of the berm and if the rezoning changes that makes a difference.

Mr. Richards said currently the berm is planted per the planting rates prescribed in Article 7 of the ordinance – number of trees, number of shrubs per 1,000 sq. ft.

Commissioner Bergsman said do you mind just reminding me what the details of that is.

Mr. Richards said I believe it's 5 trees per 1,000 sq. ft. and there's a percentage of evergreens and deciduous trees as well as the number of and quantity of evergreen shrubs that have to be in there.

Commissioner Walsh said as this process goes forward, who is responsible for inspection of that berm.

Mr. Richards said Town staff.

Craig Campbell said as Brian had mentioned we're here this evening to go ahead and see if we can help improve the situation that's been talked about here for a few weeks. We would like to offer an additional up to 100 Arborvitae evergreen trees to be planted along the berm. That's in addition to what's already been planted. That's about a 67 percent increase in the number of trees that we would be adding to the area. We would also like to offer similar count, up to about 100 smaller Juniper type ground cover plantings that we think will help establish the berm stabilization a little bit easier and also help with the weed eradication by having that type of ground cover versus more native grasses.

Commissioner Hunt said can you talk about the aerial survey and what details that provides as well as information that might to the land surveyor.

Mr. Campbell said I'm not sure what you mean by aerial survey or to the land surveyor. There is no criteria that we had to survey the berm. We did go ahead and have our certified engineer do a survey of

the berm and that was I believe shots every 50' along the berm to come up with an established slope, berm height, berm width and that's the as-built document that's been circulated before. I'm not sure if that answers the question.

Commissioner Rivers said I think I was under the impression and maybe I'm wrong that there was an aerial survey. You said you are unclear of that or you weren't sure that was done. Maybe I missed that....it was an aerial survey or aerial pictures that were taken.

Mr. Campbell said there is a GIS system that the state monitors for aerial surveying and we have utilized that in this process when we did the design work, not the post berm but we did an actual onsite survey, but for the design work we did utilize the state aerial surveying system.

Commissioner Rivers said was there something printed or documented, is there something tangible that can be seen from that report.

Mr. Campbell said I don't know what that would be other than we utilized what is available to all public regarding the aerial survey system and then we did create separate from that aerial type of documents that are available we created a true as-built document which is going actually onsite, much more detail.

Commissioner Rivers said so that goes into the as-built document.

Mr. Campbell said that's the as-built.

Commissioner Quarles said was this project ever stopped or was there a pause on the project, meaning the berm itself.

Mr. Campbell said yes, as far as the construction of it?

Commissioner Quarles said yes.

Mr. Campbell said we were fairly well complete on the construction and then we've now been monitoring and maintaining the erosion and plant control as there's been some plants that have been planted and a few of those have died. We've replaced those. We also have been out more recently repairing some erosion on the berm and then we were asked to pause on that until after this evening. There are portions of the berm that are in somewhat of a under construction state at this point until the hearing was finished.

Commissioner Quarles said I ask because I was out yesterday and I saw some parts looked like it was being worked on and then as I walked further down it just didn't match the work itself.

Commissioner Bergsman said on the as-builts in August it had one of the berm breaks between Lots 272 and 273 and that shifted in the last few months so then November 1 and when you go out there and look now it's slightly different. Was that done based on follow-up after the aerials or can you kind of walk us through why that's slightly different.

Mr. Campbell said back to the aerial type of photography, that's what we used as initial foundation to design the berm itself and then when we went out to construct that.....there were two berm breaks that were shown on that design plan, one I believe at Lots 272/273 and then 274/275, kind of splitting that bend in the berm up there. When we went out to construct the berm and we had obviously on the

ground more pertinent and visual data. We did notice a low point on the neighboring property here and so we at the time of construction thought it was prudent to put a berm break here to handle drainage off of this property to come right through here more quickly and conveniently. Also, there's a drainage easement on the back of these lots and a side easement here where we have an inlet that actually goes to a pipe system into the storm system. To put the break there with the low point and with the construction of this inlet made much more sense to be much more efficient in getting the water flow off of the properties behind us.

Commissioner Rivers said was that information conveyed to the landowners at the time that it would be the separate break.

Mr. Campbell said not at the time, but it was something that from a construction and maintenance and proper drainage standpoint it needed to be done.

Commissioner Bergsman said say once all the landscaping is planted and there's kind of that one-year period while the roots are bating established and the berm is becoming more stabilized. How is that monitored during that time period to look for problem area or things that need to be fixed or tweaked.

Mr. Campbell said there's a number of ways that that's handled. We have a landscaping company that I as the developer for maintenance that one year period we employ and they are continually out on site monitoring the site for landscape issues. We also have a third party what we call storm water management company that goes out on a monthly basis. We're required by state to look at drainage issues, erosion issues on sites protecting waters of the US so that we're not having erosion and mud running off the site into the offsite creeks and we have a number of storm management systems that work from the point of the berm all the way down to detention ponds before everything filters out into the creeks, so there's a whole storm management program that we monitor on a monthly basis. In addition to that and more thoroughly the Town inspects the property once a month and provides us a report that then we follow-up on that as well and make corrections to storm water issues, inlet protections, erosion concerns. Really there's about a three-fold overlay there that's helping protect everything and make sure on a monthly basis of any issues that are occurring that corrected.

Commissioner Bergsman said I just want to confirm, has that been happening consistently that.....I know from our staff side, but from your side and you checks and balances has that monthly. And then the other one you said continually but you didn't really specify that continually meant.

Mr. Campbell said it will be once we turn it over to the HOA in our CC&R documents that we have already recorded against the property, the HOA will be responsible to maintain all of these items as well.

Commissioner Bergsman said I meant the construction period that's already behind us. Have you been consistent in doing those monthly checks and have there been months that have been skipped or anything like that.

Mr. Campbell said our third party contractor gives us monthly reports. We get the monthly reports from the Town and our contractor is out there and actually part of that work that's happening right now is to correct some of those issues that have come up in the last monthly report and in our monthly inspections. That's what we were told by the Town to halt on at this point.

Commissioner Bergsman said I know you are still working on one of the berms, are the slopes right now, especially on the one are.....by slope I mean where the break is and kind of going down into the break, is fairly steep. Is that going to be changed at all once that break is kind of finalized.

Mr. Campbell said we're actually enamoring that area with some of what we call rip rap which is more of a rock. It is actual rock that is placed in there to help water from eroding the sand or the ground in that area, so we are going to firm that up in a much stronger base as we've now had a number of months to see how this has held up in certain areas, where it hasn't held up well, we're enamoring those areas in a stronger manner.

Commissioner Bergsman said this is going back to the trees and the landscaping in the ordinance. I'm sorry, this is something I just realized earlier. Staff earlier said the ordinance requires five trees per 1,000 sq. ft. The Board had received information sometime this week that there's currently three trees per 1,000 sq. ft. and the additional that we're asking for would bring it up to an additional two per 1,000 sq. ft. Is that accurate because that sounds like it's not currently meeting the ordinance and I kind of wanted to check on that.

Mr. Campbell said I can't speak to that. I know our landscape plan was submitted and approved and so I know we have a number of different types of what you might call a tree or plantings per 1,000 sq. ft. and we were just going to add two more trees to every 1,000 sq. ft.

Commissioner Bergsman said the number that's in an email that I'm looking at right now where it said it was three trees per 1,000 sq. ft., is that possibly a typo or is that correct.

Mr. Campbell said I believe our landscape plans did say three trees, so I don't know.

Mr. Richards said he's correct. I spoke incorrectly earlier, it's three trees per 1,000 sq. ft. is the requirement.

Mr. Campbell said it's three trees which we have per 1,000 sq. ft. We're added two more, so it's about a 67 percent increase.

Commissioner Bergsman made a motion to approve Rezoning Petition #R24-12 TF Walden LP to rezone approximately 21.509 acres south of Ramah Church Road from Neighborhood Residential Conditional District to Neighborhood Residential Conditional District to modify the berm dimension standards in Article 7.5.4 with the following conditions.

The modification request to allow for varying berm slope widths ranging from 2.1 to 3.1 is approved.

The developer shall plant a minimum of 75 additional Arborvitae or other similar evergreen trees on the crown of the berm by February 1, 2025.

The developer shall provide a maintenance warranty for 50 percent of the value of the additional trees to be planted for a period of one year from the date of planting.

The responsibility for maintenance of the trees shall be assigned to the HOA at the end of the warranty period.

During the tree maintenance period the developer shall be responsible for monitoring and removing any existing invasive Johnson grass. This responsibility shall be assigned to the HOA at the end of the warranty period.

The developer shall install a drainage swell to collect water for drainage through the berm breaks. The drainage swell shall be installed in accordance with all applicable Town ordinances and policies as well as approved plans for the project.

The developer shall provide a maintenance warranty for 100 percent of the value of the drainage swell for a period of one year from the date of installation. The responsibility for maintenance of the drainage swell shall be assigned to the HOA at the end of the warranty period.

The developer shall submit a revision to approved plans (RTAP) to update the preliminary plans set to conform with these changes.

The developer shall address all other minor staff comments in the Staff Report.

In considering the petition it is consistent with Policy LU-11.1 in the Huntersville 2040 Community Plan. It is reasonable and in the public interest to approve the petition because the berm modification does not erode the efficiency and intent of the berm and the additional evergreen trees will enhance the screening of the berm from the adjacent properties.

Commissioner Walsh seconded the motion.

Commissioner Bergsman said just one more thing, the placement of the trees, if there are sections of the berm where it's more beneficial for adjacent property owners, is that something that you are taking into consideration.

Susan Irvin, representing the applicant, said I just want to make sure I understand the question. The question is that in determining where the trees are placed, when they go out with the landscape architect to do that, will they be placing those in a way that is most beneficial to the adjoining owners.

Commissioner Bergsman said the information we have is one property owner might not want as many along their side as one of the others so I didn't know if that's something that when deciding the placement can be taken into consideration.

Ms. Irvin said just to be clear we were not proposing to plant any trees on the adjoining property.

Commissioner Bergsman said if I said that, I misspoke.

Mr. Campbell said we're already meeting the code of three trees per 1,000 sq. ft. so we can certainly take a look at that if that's the direction. We just need to be careful and make sure the landscaper will be really the one to kind of decide if that's a reasonable for the life of the plants request if we have many in one area I guess is what I'm getting at.

Commissioner Bergsman said I just want to pass on that I know that area where the bigger berm break is an area that I some folks would want to have looked at.

Commissioner Quarles said I had the pleasure of meeting with the residents as well as communicating back and forth trying to collaborate to make a win-win for everyone and one thing that was asked and I put notes in my phone as I asked the question was what would make a win-win and it was 20 trees on one part of the property, the other was some type of ground cover to prevent the erosion. And I want to thank you adding not just 20 trees but up to 100 trees. The juniper I think will be a win-win for everyone, not just for the residents and the berm but at some point in time this is going to be passed on to the HOA. It will save them a lot of money because they won't have to worry about weed control or chemicals going into the other neighbor's property and getting onto the farm, so I want to commend you for that. With the junipers, will you be heavily mulching that with pine needles and I'm asking that because I know that juniper and pine needles prevent weeds as well.

Mr. Campbell said yes, I think as you've seen out there that we do have some pine needle already out there and we will certainly as we have these new materials, we're going to make sure we refurbish that pine needle material as well.

Commissioner Rivers said I have the opportunity of going out as well on Sunday and when I went out I was very concerned from what I saw. I did see the erosion. I saw a lot of things that were unkept. I did see the pine needles that were there and everything but the break in the berm was concerning. I was happy to know that when Mayor Clark and Commissioner Quarles had went out on Monday that that's being resolved. I appreciate that. I too want to ensure that there is win-win for everyone. I think coming into this you're looking at it as if it's just a berm but we have to consider this is property and it's important because some people you know this is generational property for some of the adjacent property owners, so it's just important that there is a win-win for everyone. I do commend you for hearing and being able to compromise and willing to compromise. I just want to ensure that if this is approved tonight that we will continue to ensure that the berm is taken care of and looked after as well as not with just the developer.....how long will you all be over ensuring the berm is taken care of.

Mr. Campbell said the Town requires a one year maintenance period.

Commissioner Rivers said one year maintenance and then the HOA will take over. I just want to ensure that is done. I think that has been the consensus for everyone. Again, I just want to commend you the compromising on that.

Commissioner Bergsman said the only thing I want to say is and I'll be very open and transparent, I am a member of the HOA in Walden, so this is almost in my backyard and I just want to emphasize that with all our applications and projects we look at, I always think of is this something I would be okay with if it was in my backyard. This is the closest one to that and yes, I feel that enough of the asks and requests have been addressed.

Commissioner Quarles said I know the motion said up to 75 trees, but it doesn't say.....I know you offered the juniper. Can we add up to 75.....

Commissioner Bergsman it said a minimum of 75 trees.

Commissioner Quarles said junipers.

Commissioner Bergsman said do you want that added in?

Commissioner Quarles said yes, please.

Mr. Campbell said as I committed earlier we'll do the juniper ground covering as well.

Commissioner Bergsman said if that gets added in, how do we do that.

Emily Sloop, Town Attorney, said you just can add into the motion but I would suggest clarifying that that has been vetted and that the berm can handle an additional 75 ground coverings of that nature. Has the consultant been.....

Mr. Campbell said yes, it will not damage the berm's integrity.

Ms. Sloop said in which case you can as part of our conditions incorporate a minimum of 75 juniper ground coverings.

Commissioner Bergsman said do I need to repeat the whole motion or just that one.

Ms. Sloop you can say you'd like to revise your motion to incorporate that as a condition.

Commissioner Bergsman said is that's something that's in agreement with.....

Ms. Sloop said you do want to make sure that the second still remains, whoever made the second.

Commissioner Bergsman said I revise Condition Two that the developer shall plant a minimum of 75 additional arborvitae or other similar evergreen trees and a minimum of 75 ground juniper ground cover.

Commissioner Walsh seconded the revised motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution – Real Property Surplus. Property at 16215 Amber Field Dr (Parcel 00925231) and 16209 Amber Field Dr (Parcel 00925230) are two parcels that are located in the Harvest Point subdivision and were donated to the Town by the subdivision developer nearly 25 years ago. Previous investigation efforts by the Town suggest that these parcels would likely require site modifications to address potential soil concerns and infiltration of groundwater as noted from field boring samples. The Town has no immediate use or plans for the parcels.

Commissioner Hunt made a motion to adopt the Resolution declaring certain real property at 16215 Amber Field Drive and 15209 Amber Field Drive in the Harvest Point subdivision as surplus property.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 11.

2024 Audit Items Clarification. During the 2024 annual audit, the auditor identified a Financial Indicator of Concern. Management is required by the Local Government Commission (LGC) to disclose to the Board the concern and how it will be corrected. The auditors identified a Material Weakness related to capital assets that were not recorded in prior years as construction in progress in the Grant Fund. Going forward, a checklist has been developed to include the grant fund to ensure that capital for construction in progress will be included. This will be signed off by the Assistant Finance Director and Finance Director.

Commissioner Quarles made a motion to approve the Corrective Action Plan for 2024 audit items.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Corrective Action Plan attached hereto as Exhibit No. 12.

Resolution – Removal of Gilead Road Widening Project from STIP. The vision for Huntersville, as described in the 2040 Community Plan, is for the town to be “the most livable community in North Carolina.” To realize this vision, the Plan outlines a goal of “creating vibrant, pedestrian-accessible mixed-use areas with restaurants, small businesses, and housing,” with Downtown Huntersville as one such activated mixed-use center. The Downtown Plan, which was adopted subsequent to the Community Plan, includes a number of organizing principles for guiding the development of Downtown Huntersville into the robust and attractive center of our community:

- Treat the car as Guest on all streets.
- Create an optimal pedestrian environment—along all streets and within nature.”
- Plan for automobile circulation with a street network approach vs the current dendritic (branched, tree-like form) and disconnected pattern.

The Downtown Plan also explicitly recommends that “Gilead Road is not widened and is designed as a Multimodal street.” On Tuesday, August 6, the Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall to discuss the Gilead Road project and its current design proposed by NCDOT. Staff was directed to prepare a resolution for the Board to consider. After approving the resolution, we will forward the resolution and cover letter to Charlotte Regional Transportation Planning Organization (CRTPO) officials.

Commissioner Hunt said could you review specifically any of the buildings we might lose if we were to actually widen the road.

Heather Maloney, Transportation Planner, said we would lose part of this building, we would lose 760 Craftworks and part of DPK. Cashion’s would have been impacted.

Commissioner Hunt said can you talk about what we’re going to do to address the traffic in lieu of doing this project.

Ms. Maloney said we’ve hired a consultant to analyze the ability to create a roundabout at this intersection. If that is not done we also have plans to consider an additional right-turn lane on 115 onto

Gilead Road. We can continue to examine other options or we can move forward with the roundabout plan that we've set in motion.

Commissioner Bergsman said since we have the two new roundabouts, north and south of that intersection, is there a way of tracking if that is helping to detour any traffic around that intersection, if there's been any changes to the amount of cars that go through there.

Stephen Trott, Director of Engineering, said a post study of traffic patterns in the general area has not been completed. We have conducted a couple of traffic counts in the area but not a comprehensive system analysis pre and post project.

Commissioner Walsh made a motion to approve Resolution R-2024-42, request by the Huntersville Town Board of Commissioners to the North Carolina Department of Transportation to remove Project U-5807 from the State Transportation Improvement Program.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 13.

CLOSING COMMENTS

No closing comments.

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

Approved this the _____ day of _____, 2024.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Kevin Fox, Director of Public Works

Subject: First Amended and Restated Agreement for Solid Waste Collection

EXPLAIN REQUEST:

It is recommended to approve the "First Amended and Restated Exclusive Franchise for the Collection, Hauling, and Disposal Municipal Solid Waste, Recyclable Materials, and Yard Waste in the Town of Huntersville, NC." The original Agreement with Waste Connections of North Carolina has been amended to provide yard waste services by means of roll-out container or paper bags only. Plastic bags will no longer be collected after January 15, 2025.

ACTION RECOMMENDED:

Approve Amended Agreement

FINANCIAL IMPLICATIONS:

As provided in FY25 Budget

ATTACHMENTS:

1. Updated Solid Waste Contract 5-16-23 Signed

**FIRST AMENDED AND RESTATED EXCLUSIVE FRANCHISE FOR
THE COLLECTION, HAULING, AND DISPOSAL OF
MUNICIPAL SOLID WASTE, RECYCLYABLE MATERIALS, AND YARD WASTE
IN THE TOWN OF HUNTERSVILLE, NC**

THIS EXCLUSIVE FRANCHISE (this "Contract"), is made and entered into this 6th day of December 2024, by and between the **Town of Huntersville**, a body politic and existing under the laws of the State of North Carolina (hereinafter referred to as "Town"), and **Waste Connections of North Carolina, Inc.**, a North Carolina corporation organized and doing business in the State of North Carolina (hereinafter referred to as "Service Provider"), collectively the "Parties."

RECITALS

WHEREAS, the Town and Service Provider are parties to that certain Exclusive Franchise entered as of June 20, 2023, whereby the Town contracted with Service Provider for certain collection and disposal of municipal solid waste, recyclable materials, and yard waste; and

WHEREAS, This Amended and Restated Exclusive Franchise shall be an Ordinance pursuant to N.C.G.S. § 160A-76 and be reflected in the Town Code of Ordinances Book; and

WHEREAS, the Town, subject to the terms and conditions set forth herein and the ordinances and regulations of the Town, desires to grant to the Service Provider the exclusive franchise, license, and privilege to collect, haul, and dispose of municipal solid waste, recyclable materials, and yard waste (as such terms are defined herein) within the Town's corporate limits, as may be amended from time to time.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained in this Contract, the parties hereby amend and restate the Contract, as follows:

ARTICLE I: DEFINITIONS

1. **DEFINITIONS**

Whenever in these specifications, Contract documents, and/or other documents related to this Contract the following terms are used, the intent and meaning shall be interpreted as follows:

1.1. **Annual Contract Sum**: The total annual cost for all types of collection services (municipal solid waste, recyclable materials, and yard waste), calculated using the current number of residential units in the customer base. The number of residential units in the initial customer base, as defined herein, will serve as the starting point basis for calculation of the Annual Contract Sum for the first year of the initial term of the Contract. The formula for calculation of the Annual Contract Sum is as follows: monthly residential unit price X the number of residential units in the customer base X twelve (12) months.

1.2. **Annexed Area**: Any area, contiguous or non-contiguous to the contract area, that is added to the boundaries of the Town by any method of annexation during the contract term.

- 1.3. Area Miss: For purposes of liquidated damages, an Area Miss shall be considered 100 valid misses, as defined herein, on any given day that customers are expecting service.
- 1.4. Bag: Paper sacks, secured at the top, designed to store yard waste with sufficient wall strength to maintain physical integrity when lifted by the top. Total capacity of a Bag shall be between twenty-five (25) gallons and thirty-five (35) gallons, and the weight of a Bag and its contents shall not exceed seventy-five (75) pounds.
- 1.5. Bundles: Items measuring less than three (3) inches in diameter and less than four (4) feet in length and collectively weighing less than fifty (50) pounds, which are stacked, including, but not limited to, tree limbs, shrubs, and brush trimmings.
- 1.6. Business Day: Any day that is not a Saturday, a Sunday, or other day on which banks are required or authorized by law to be closed in the Town.
- 1.7. Back Door Service: Collection services for a residential unit performed at a designated pickup location other than the curbside, which the Service Provider will provide at no additional cost to customers who are physically disabled as defined in this Contract.
- 1.8. Collection Services: Containerized collection of municipal solid waste, recyclable materials, and yard waste as defined in this Contract, including hauling and disposal of the collected materials, by the Service Provider at a disposal facility. The term Collection Services may be used interchangeably with the "Work."
- 1.9. Collection Services Route Maps: Detailed route maps showing the routes for Collection Services within the Contract Area as approved by the Town's designated representative and as may be amended from time to time.
- 1.10. Collection Services Schedule: The schedule of routine Collection Services to be provided to Customers by the Service Provider pursuant to the terms and specifications of this Contract, as approved by the Town's Designated Representative, and as may be amended from time to time.
- 1.11. Container: Any receptacle, including but not limited to front-load containers, roll-off containers, and roll-out cart containers, used by the Service Provider for collection of municipal solid waste, recyclable materials, or yard waste.
- 1.12. Contract Area: The geographic area(s) of the Town, including any Annexed Areas, within which Collection Services will be provided by the Service Provider during the Contract term and any renewal term(s), if granted. The initial Contract Area, as may be amended, is more particularly described in **Exhibit A** attached hereto and incorporated herein by reference.
- 1.13. Construction and Demolition Waste: Solid waste resulting from construction or demolition activities or that is directly or indirectly the by-product of such activities, including, but not limited to, cartons, concrete, excelsior, gypsum board, metal, paper, plastic, rubber, and wood products. Construction and Demolition Waste does not include excluded waste or municipal solid waste.
- 1.14. Customer: residential units and designated municipal facilities receiving Collection Services

pursuant to this Contract.

1.15. Customer Base: The initial customer base plus new customer requests that are approved for addition to the Customer Base by the Town's designated representative during the term of the Contract.

1.16. Designated Municipal Facilities: Municipal facilities designated for Collection Services under the Contract as depicted on **Exhibit B** attached hereto and incorporated herein by reference. The Designated Municipal facilities may be amended from time to time by the Town's designated representative.

1.17. Designated Representative: The Town's Designated Representative shall be the Town's Public Works Director or designee.

1.18. Disposal Facility: Defined as a facility to which each material collected under the Contract must be delivered. The Disposal Facility for any or all of the materials collected may change to meet the need and contractual obligations of the Town. The term Disposal Facility may be used interchangeably with "Landfill."

1.19. Excluded Waste: Any hazardous waste and any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, or toxic material as defined by applicable federal, state, or local laws or regulations.

1.20. Front-Load Container: Container with a capacity between two (2) and ten (10) cubic yards used for Collection Services at Designated Municipal Facilities.

1.21. Hazardous Waste: Waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, or so classified by any applicable federal or state statute, rule, order, or regulation.

1.22. Holidays: The following days:

- (1) New Year's Day (January 1st)
- (2) Thanksgiving Day
- (3) Christmas Day (December 25th).

1.23. Initial Customer Base: The number of residential units and Designated Municipal Facilities required to receive Collection Services pursuant to this Contract as of the first day of the initial term of the Contract. The number of residential units in the Initial Customer Base shall be the starting point basis for billing by the Service Provider. The proposed Initial Customer Base shall be provided by the Service Provider in writing to the Town's Designated Representative for review and approval no later than ten (10) Business Days prior to the first day of the initial term of the Contract.

1.24. Missed Collection Service: Reported or discovered missed Collection Service from any Customer location at the time it is reported or discovered. Once any route has been completed, or is

scheduled to have been completed, any Missed Collection Service will be designated as a Missed Collection Service, regardless of the time of day that it is reported or discovered.

- 1.25. Monthly Residential Unit Price: The monthly price for all Collection Services per residential unit as set forth in **Exhibit C** attached hereto and incorporated herein, as may be amended from time to time.
- 1.26. Multi-Family Residential Unit: Any residential dwelling that is designed for, and inhabited by, multiple family units and that generates and accumulates municipal solid waste, recyclable materials, and yard waste such as duplexes, triplexes, and quadruplexes.
- 1.27. Municipal Solid Waste: Solid waste resulting from or incidental to municipal, community, institutional, recreational, or residential activities. Municipal Solid Waste does not include Construction and Demolition Waste or Excluded Waste.
- 1.28. New Customer. A residential unit location activated and approved for Collection Services within the Contract Area after the first day of the initial term of the Contract.
- 1.29. New Customer Request. A request for Collection Services at a residential unit location within the Contract Area that was not included in the Initial Customer Base as of the first day of the initial term of the Contract.
- 1.30. Physically Disabled: An individual who is either physically unable to bring a roll-out cart container to the curb or for whom the undertaking of such an act would clearly and seriously threaten that person's health.
- 1.31. Recyclable Materials: Any non-contaminated materials eligible for recycling at the Mecklenburg County Materials Recovery Facility, which may include, but are not limited to paper, cardboard, plastics, textiles, and wood. Recyclable Materials do not include Municipal Solid Waste, Construction and Demolition Waste, or Excluded Waste.
- 1.32. Refuse: is defined as that portion of Municipal Solid Waste which is not a Recyclable, Yard Waste, or other material specifically excluded from the definition of Municipal Solid Waste.
- 1.33. Repeat Missed Collection Services: A valid miss, as defined herein, that occurs more than once in a thirty (30) day period. This may also refer to a Repeat Missed Collection Service in an Area Miss.
- 1.34. Residential Unit: Any residential dwelling that is either a Single-Family Residential Unit or a Multi-Family Residential Unit as defined herein.
- 1.35. Roll-Off Container: Container with thirty (30) cubic yards of capacity used for Collection Services at Designated Municipal Facilities.
- 1.36. Roll-Out Cart Container: Container with ninety-six (96) gallons of capacity used for Collection Services.
- 1.37. Single Family Residential Unit: Any residential dwelling that is designed for, and inhabited by,

a single person or family unit and that generates and accumulates Municipal Solid Waste, Recyclable Materials, and yard waste.

1.38. Solid Waste: As defined by the EPA under 40 C.F.R. § 261.2(a)(1) or by applicable state laws, including, without limitation, any such waste that is mixed with or that constitutes Recyclable Materials.

1.39. Valid Miss: A Missed Collection Service that was not collected by the times specified in this Contract, and that, upon investigation, is determined to have been missed by the Service Provider's negligence or omission.

1.40. Yard Waste: is defined as grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials, which are generated in the maintenance of yards and gardens and are separated from other solid waste materials and placed in a designated collection Container or Bag.

ARTICLE II: RULES OF CONSTRUCTION

2. RULES OF CONSTRUCTION

2.1. Number and Gender of Words. Words importing the singular shall include the plural and vice versa, and words importing the masculine gender shall include the feminine and neuter genders.

2.2. Use of Headings. The headings herein are solely for convenience of reference and shall not constitute part of this Contract nor shall they affect its meaning, construction, or effect.

2.3. Exhibits. All references to exhibits are references to exhibits of this Contract.

ARTICLE III: CONTRACT TERM

3. CONTRACT TERM

3.1. Exclusive Franchise: This Contract grants to the Service Provider an exclusive franchise for the collection, hauling, and disposal of Municipal Solid Waste, Recyclable Materials, and Yard Waste within the Contract Area, as may be amended from time to time. During the term of the Contract, as described below, the Service Provider may independently enforce the exclusivity provisions of this Contract against third-party violators including, but not limited to, seeking injunctive relief, and the Town shall reasonably cooperate in such enforcement actions brought by Service Provider.

3.2. Contract Term: The initial contract term will be for a period of seven (7) years. The initial term shall begin on July 1, 2023 and end at 11:59:59 p.m. on June 30, 2030 (the "Initial Term"). The Parties hereto may mutually agree to extend the Contract for two (2) successive two-year periods, each a "Renewal Term," and together with the Initial Term, the "Term." The Service Provider shall have the option of requesting a Renewal Term a minimum of one hundred twenty (120) days before the expiration of the Contract. The Town shall give the Service Provider written notice of its intention to extend the Contract a minimum of ninety (90) days before the expiration of the Contract. Any changes

to the Contract shall be agreed to and accepted, in writing, by the Parties.

ARTICLE IV: GENERAL OPERATIONS

4. GENERAL OPERATIONS

4.1. **Scope of Work.** The Service Provider shall furnish sufficient supervision, labor, personnel, equipment, vehicles, materials, tools, insurance, equipment storage, and all other incidental items necessary to perform Collection Services, including hauling and disposal of collected materials, within the Contract Area in accordance with generally accepted solid waste disposal practices and the Contract terms and specifications.

4.2. **Containerized Collection Services.** The Service Provider shall be responsible for providing Customers with regularly scheduled containerized Collection Services for Municipal Solid Waste, Recyclable Materials, and Yard Waste utilizing 96-gallon Roll-Out Cart Containers, unless otherwise specified. The Containers shall be color-coded grey for Municipal Solid Waste, blue for Recyclable Materials, and green for Yard Waste. All Containers issued after the first day of the Initial Contract Term shall also be uniformly labeled as to the respective material they are to be used for (i.e. the grey Containers shall be labeled "Municipal Solid Waste", the blue Containers shall be labeled "Recyclable Materials", and the green Containers shall be labeled "Yard Waste"). Collection of all three materials will be conducted Monday through Friday between 7:00 a.m. to 7:00 p.m., unless service is interrupted by a Holiday, an emergency, or inclement weather, in which case Collection Services may be extended to Saturday of the same week, but in any event, shall be provided on the Business Day immediately following the Holiday, end of the emergency, or end of the inclement weather event. Collection Services shall be provided to all Customers within the Contract Area based on the Collection Services Schedule and Collection Services Route Maps approved by the Town's Designated Representative. The initial Collection Services Schedule and Collection Services Route Maps shall be provided in writing to the Town's Designated Representative for review and approval no later than ten (10) Business Days prior to the first day of the Initial Term of the Contract. Amendments, if any, to the Collection Services Route Maps shall be provided to the Town for approval on a monthly basis. The assigned collection days for Municipal Solid Waste, Recyclable Materials, and Yard Waste shall coincide per Customer.

4.3. **Fleet of Collection Vehicles.** During the Contract Term, the Service Provider shall provide, maintain, and store a fleet of collection vehicles sufficient in number and capacity to perform and render the Collection Services required by the Contract. At all times during the Contract Term, the fleet must be sufficient to handle adverse and inclement weather and maintained in good repair free of excessive noise, odor, and emissions. An updated list of all vehicles to be used in the provision of Collection Services, along with year of manufacture and condition of each, shall be submitted to the Town's Designated Representative by July 1st of each year during the Contract Term. All vehicles must be uniformly identified and include the Service Provider's company name, phone number, and vehicle identification number. Vehicles used by subcontractors should also be easily identifiable.

4.4. **Replacement of Fleet Vehicles.** The Service Provider's fleet of vehicles used to provide Collection Services pursuant to this Contract shall be modernized by replacing vehicles in accordance with the replacement schedule set forth in **Exhibit D** attached hereto and incorporated herein by

reference. The Parties acknowledge that the estimated replacement schedule may be affected by vehicle delivery delays.

4.5. Provision of Containers. The Service Provider shall provide Containers to Customers for the containerized Collection Services, including replacement containers for those Containers that are lost, stolen, or damaged at Service Provider's sole expense. Container repairs and the cost of replacement parts (such as wheels, lids, hinges, axles, and handles) shall be the sole responsibility of the Service Provider. Replacements and repairs shall be provided by the Service Provider in a timely manner not to exceed ten (10) Business Days from the initial request for replacement or repair. All Containers issued or replaced after the first day of the Initial Term of the Contract shall bear the Service Provider's phone number and the Huntersville logo design depicted in **Exhibit E** attached hereto and incorporated herein by reference. The phone number shall be affixed to the Containers via a removable, adhesive sticker. Containers shall be leak-proof, durable, and easily cleanable. If the Service Provider experiences recurring theft of Containers or damages or destruction thereto, the Service Provider may, prior to replacing or repairing the Containers, require security deposits from the Customers utilizing such Containers. The amount of any security deposit shall not exceed the cost of the Container being secured.

4.6. Ownership of Containers. All Containers used in the performance of the Work hereunder, except for Containers purchased at a Customer's expense pursuant to Section 5.6, shall be considered property of the Town. Title to said Town-owned Containers shall remain with the Town at the end of the Contract Term, or upon termination of the Contract, at which time all Containers shall be conveyed to the Town.

4.7. New Customer Requests. The Services Provider shall be responsible for accepting and processing New Customer Requests for Collection Services from Residential Unit locations within the Contract Area, including the activation of new accounts for said Residential Unit locations. All New Customer Requests shall be processed within seven (7) calendar days of the Service Provider's receipt of the New Customer Request. Containers for Municipal Solid Waste, Recyclable Materials, and Yard Waste shall be delivered to the Residential Unit location of the New Customer Request within seven (7) calendar days of the account activation date.

4.8. Additional Services. The Service Provider shall not provide any Customer with additional services, which are outside the scope of the Contract, except that the Service Provider and Customers shall not be precluded from directly contracting for additional services which are not included within the scope of this Contract. Any additional services contracted for pursuant to this Section 4.8 shall be at the Customers' sole cost and expense. The Town shall not be responsible to the Service Provider or any Customer for any additional services provided by the Service Provider at the request of a Customer.

4.9. Title to Waste. Title to and liability for Municipal Solid Waste, Recyclable Materials, and Yard Waste shall pass to the Service Provider upon loading of such materials into the Service Provider's collection vehicles and transportation of those materials to the designated Disposal Facility shall be the sole and complete responsibility of the contractor. Notwithstanding the foregoing or any other term contained herein, the Service Provider shall have no obligation to collect any material which is, or which the Service Provider reasonably believes to be, Excluded Waste. Title to and liability for any Excluded Waste shall remain with the Customer, even if the Service Provider inadvertently

collects and disposes of such Excluded Waste. If the Service Provider finds what reasonably appears to be discarded Excluded Waste, Service Provider shall notify the Customer and the Town.

4.10. Public Education. On a bi-annual basis during the Term of the Contract, and within a reasonable time of any changes thereto, the Service Provider shall provide written education and awareness materials to notify Customers about complaint procedures, proper waste disposal, recycling, the Collection Services Schedules and Collection Route Maps, and applicable rules and regulations such that every Customer has equal exposure to such information. Up-to-date information regarding the preceding information shall also be posted on the Service Provider's website. The Service Provider shall provide alternative methods of notification to Customers with Physical Disabilities on an as needed basis.

4.11. Emergency Plan. No later than ten (10) Business Days prior to the first day of the Initial Term, the Service Provider shall submit an Emergency Plan to the Town which shall sufficiently detail those actions which the Service Provider will take to deal with emergency situations such as extreme cold temperatures, snow/ice, fire, or natural disaster that would require a deviation from normal operating procedures. The Emergency Plan shall also include emergency contact phone numbers for the Service Provider and for key personnel, such that a responsible contact person is available to the Town at all times. The Emergency Plan must also include Customer notification procedures.

4.12. Customer Service. The Service Provider shall be responsible for all Customer inquiries and complaints, including damage claims, related to the provision of Collection Services pursuant to this Contract. All personnel shall serve Customers in a courteous and helpful manner. It shall be the duty of the Service Provider to take whatever steps may be necessary to remedy the cause of the complaint. The Service Provider will provide the Town with a log regarding the type, source, disposition, and disposition date of each complaint received on a weekly basis. The Service Provider shall make best efforts to resolve complaints not involving Missed Collection Services within seven (7) Business Days from their date of receipt. In any event, complaints not involving Missed Collection Services shall be resolved within thirty (30) Business Days from their date of receipt. Missed Collection Services are subject to the provisions of Article X. Failure to remedy Customer complaints in a timely manner shall be considered a breach of this Contract. The Town reserves the right to monitor the resolution of any complaints and notify the Service Provider of deficiencies. If the Town finds that deficiencies previously noted have not been corrected, a charge for reasonable monitoring costs will be deducted from the Service Provider's payment until all deficiencies have been corrected. Notwithstanding the foregoing, the Service Provider shall be required to remedy only those complaints to the extent such complaints arise out of the provision of Collection Services. This section does not preclude any other remedies associated with Missed Collection Services or other contractual requirements.

4.13. Care and Due Diligence. The Service Provider shall exercise all reasonable care and diligence in the provision of Collection Services, including hauling and disposal of collected materials. Care shall be taken by the Service Provider to prevent damage to property and landscaping and the Collection Services shall be performed with as little noise and disturbance to Customers as possible. Containers must be placed back in an upright position after being emptied into collection vehicles. If the container falls over, it must be reset in an upright position by the Service Provider. Reasonable effort must be made to prevent spilling, scattering, or dropping of collected materials during the provision of Collection Services. In the event that collected materials are spilled, scattered or dropped, the Service Provider shall immediately clean up the material. Failure to clean up spilled, scattered, or dropped materials shall constitute a breach of this Contract and the Service Provider shall pay the

Town damages in the amounts listed in the liquidated damages schedule set forth Article XIII.

4.14. No Interruption of Existing Service. No interruption of the existing Collection Services as being provided pursuant to the contract entered into between the Town and Service Provider on May 2nd, 2016 is permissible as a result of the award of this Contract.

4.15. Use of Subcontractors. The Service Provider's use of a subcontractor to perform any portion of the Collection Services described herein, including the hauling and disposal of collected materials, shall be pre-approved in writing by the Town's Designated Representative.

ARTICLE V: RESIDENTIAL COLLECTION SERVICES

5. RESIDENTIAL COLLECTION SERVICES

5.1. Access to Containers. Containers should be placed by Customers for Collection Services at least three (3) feet from trees, mailboxes, cars, obstructions, and other Containers. Collection vehicles should have clear access to Containers.

5.2. Single-Family Residential Units. The Service Provider will collect Municipal Solid Waste and Yard Waste from Single-Family Residential Units on a regular schedule of once per week and will collect Recyclable Materials once every other week. Containers must be placed within three (3) feet of the curbside or right-of-way adjacent to the Single-Family Residential Unit no later than 7:00 a.m. on the scheduled collection day. Notwithstanding the foregoing, Service Provider will provide Back Door Services to individuals with Physical Disabilities in accordance with Section 6.2.

5.3. Multi-Family Residential Units. From the curbside or a location mutually agreed upon by the Service Provider and Multi-Family Residential Unit owner, the Service Provider will collect Municipal Solid Waste and Yard Waste from Multi-Family Residential Units on a regular schedule of once per week and will collect Recyclable Materials once every other week. Notwithstanding the foregoing, Service Provider will provide Back Door Services to individuals with Physical Disabilities in accordance with Section 6.2.

5.4. Yard Waste Collection Services. With the exception of leaf and storm debris collection as described in Article VI, all Yard Waste must be placed in the proper Container and the Containers placed for Collection services as required by Sections 5.2 and 5.3, whichever is applicable.

5.5. Misplaced Materials. The Service Provider will not be required to provide Collection Services for Municipal Solid Waste, Recyclable Materials, and Yard Waste which are not timely and properly placed by Customers inside of Containers as directed by this Contract or the Service Provider's reasonable rules adopted and disseminated to Customers relating to the nature, volume, or weight of Municipal Solid Waste, Recyclable Materials, and Yard Waste. Notwithstanding the foregoing, the Service Provider shall provide the special collection services set forth in Article VI below. Misplaced materials shall not be considered leakage or spillage that the Service Provider is responsible for cleaning up, collecting, or disposing of for purposes of Sections 4.13 and 7.4 of this Contract.

5.6. Excess Materials. Should excess materials routinely be placed outside of the Containers, the Service Provider may, at the sole expense of the Customer, require the Customer to increase the frequency of Collection Services at their sole cost and expense or require the Customer to purchase an additional Container with sufficient capacity to contain the excess materials.

5.7. Unsafe Conditions. The Service Provider will not be required to provide Collection Services when Containers are located near cars, mailboxes, or other obstructions in a way that the Service Provider reasonably determines creates an unsafe condition that could cause damage to property or injury to persons.

ARTICLE VI: SPECIAL COLLECTION SERVICES

6. SPECIAL COLLECTION SERVICES

6.1. Collection Services for Designated Municipal Facilities. At no cost to the Town, the Service Provider shall provide weekly containerized Collection Services for Municipal Solid Waste and bi-weekly Collection Services for Recyclable Materials at the Designated Municipal Facility locations listed in **Exhibit B**, as may be amended from time to time. The Collection Services shall be performed at Designated Municipal Facilities utilizing Front-Load Containers and Roll-Off Containers.

6.2. Back Door Services. The Service Provider shall be responsible for accepting and processing requests for Back Door Services. The Service Provider shall designate a mutually agreeable pickup location for all approved Back Door Services. Back Door Services shall be provided on the same frequency as the Residential Collection Services described in Article IV of this Contract and in accordance with the approved Collection Services Schedule. The cost for Back Door Services shall be the monthly residential unit price as defined herein and depicted on **Exhibit C**.

6.3. Additional Yard Waste Collection Services for Leaves. In addition to regularly scheduled Collection Services for Yard Waste as described above in Article V, and at no additional cost to the Town, the Service Provider shall collect up to five (5) additional Bags of Yard Waste on a weekly basis from each Residential Unit during each year of the Contract Term. The Bags should be placed beside the Yard Waste Containers on days scheduled for Yard Waste Collection Services. From October 15th to January 15th during each year of the Contract Term, and at no additional cost to the Town, the Service Provider shall also collect (10) additional Bags of leaves from each Residential Unit on a weekly basis. The Bags shall be collected on the same days as Yard Waste and shall be placed beside Yard Waste Containers.

6.4. Additional Yard Waste Collection Services for Storm Debris. At no additional cost to the Town, the Service Provider shall collect Bundles of Yard Waste after major storm events as directed by the Town's Designated Representative. Bundles shall be collected on the same days as Yard Waste and shall be placed beside Yard Waste Containers.

6.5. Carboard Boxes. On days scheduled for Collection of Recyclable Materials, in addition to collection of Recyclable Materials placed in Containers, and at no additional cost to the Town, the Service Provider will collect up to twenty-five (25) corrugated carboard boxes that are properly broken down and placed next to the Containers for Recyclable Materials.

6.6. Collection of Christmas Decorations. During each year of the Contract Term, organic

Christmas decorations including garland, wreaths, and trees shall be collected by the Service Provider from December 26th to January 15th at no additional cost to the Town. Collection of organic Christmas decorations shall occur on days scheduled for Municipal Solid Waste Collection Services. Customers must place Christmas trees beside of Municipal Solid Waste Containers for collection. Other organic Christmas decorations may be placed beside of Municipal Solid Waste Containers or inside of Yard Waste Containers for collection. Organic Christmas decorations shall be stripped of all hangers, wires, lights, and other non-organic material. Artificial Christmas decorations shall be placed inside of the Containers for Municipal Solid Waste for collection.

6.7. Municipal Infrastructure Renovation or Street Blockage. In the event that municipal infrastructure renovation or street blockage obstructs access for Collection Services, the Service Provider shall provide alternative schedules and routes for Collection Services such that minimal disruption of service occurs.

6.8. New Customer Request Locations. Prior to the delivery of Containers as required by Section 4.7, the Service Provider shall provide Collection Services at Residential Unit locations that have submitted New Customer Requests. Materials for collection must be placed in Bags that are placed in accordance with Sections 5.2 or 5.3, whichever is applicable.

ARTICLE VII: HAULING

7. HAULING

7.1. Condition of Vehicles. All vehicles and equipment used for Collection Services and transportation of Municipal Solid Waste, Recyclable Materials, and Yard waste to Disposal Facilities shall be maintained in good repair and cleaned as often as necessary to maintain sanitary conditions and prevent nuisances or insect breeding.

7.2. Spillage and Leakage of Collected Materials. The Service Provider shall comply with all federal, state, and local laws including, but not limited to, health and safety regulations related to the protection of the environment. Vehicles and Containers used for the Collection Services and transportation of Municipal Solid Waste, Recyclable Materials, and Yard Waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered when necessary to keep contents dry and to prevent blowing of material. Vehicles used for Collection Services shall also be maintained such that they do not leak oil or hydraulic fuel. If spillage or leakage of collected materials should occur during hauling, regardless of the location, the material shall be immediately picked up by the Service Provider, returned to the vehicle or container, and the area shall be properly cleaned.

7.3. Leakage of Oil and/or Hydraulic Fluid. If leakage of oil or hydraulic fluid should occur while hauling, the Service Provider shall investigate the leakage within 24 hours of receipt of notification of the leakage. Within 48 hours of receipt of notification of the leakage, the Service Provider shall provide the Town's Designated Representative with a response plan addressing the steps Service Provider will take to clean up the leakage. The response plan shall include a proposed cleanup schedule satisfactory to the Town's Designated Representative and the date and time of the initial investigation of the leakage. Unless otherwise agreed to by the Town's Designated Representative, the Service Provider shall clean up the leakage within the times specified in the submitted response plan.

7.4. Failure to Clean. Failure to clean up spillage or leakage in accordance with either Section 7.2 or Section 7.3 constitutes a breach of this Contract and the Service Provider shall pay the Town damages in the amounts listed in the liquidated damages schedule set forth Article XIII.

ARTICLE VIII: DISPOSAL

8. DISPOSAL

8.1. Disposal Fees. The Service Provider is responsible for paying all fees, including taxes and tipping fees, associated with disposal of materials collected pursuant to this Contract.

8.2. Disposal Facilities. The Service Provider shall dispose of all collected Refuse at the BFI Charlotte Motor Speedway Landfill located at 5105 Moorhead Road, SR 1300, Concord, North Carolina. Recyclable Materials shall be disposed of at the Mecklenburg County Materials Recovery Facility (also known as Metrolina Recycling Facility) located at 1007 Amble Drive Charlotte, North Carolina. Yard Waste shall be disposed of at an approved Mecklenburg County Yard Waste Disposal Center.

8.3. Tonnage Reports. The Service Provider shall provide the Town with monthly tonnage reports for disposed of Municipal Solid Waste, Recycling, and Yard Waste.

ARTICLE IX: ITEMS TO BE RECYCLED

9. ITEMS TO BE RECYCLED

9.1. Items to be Recycled. All items accepted by the Mecklenburg County Materials Recovery Facility may be placed in Containers to be recycled.

9.2. Change to Items to Be Recycled. It shall be the Service Provider's responsibility to inform Customers of any changes to the list of items that are accepted for recycling. If additional items become eligible to be recycled at the Mecklenburg County Materials Recovery Facility, the Service Provider shall be able to accommodate additional recyclable materials at no charge to the Town or Customers.

ARTICLE X: MISSED COLLECTION SERVICES

10. MISSED COLLECTION SERVICES

10.1. Missed Collection Service Calls and Reports. Service Provider is responsible for receiving, managing, logging, and responding to calls and complaints regarding Missed Collection Services. The Service Provider is responsible for tracking and providing weekly reports of all Missed Collection Services to the Town in writing on a weekly basis. The weekly reports should include the date and location of the Missed Collection Services and the disposition date and the disposition of the Missed Collection Services.

10.2. Investigation and Response. The Service Provider is responsible for investigating and providing

an appropriate response to all Missed Collection Services call and reports. If the Service Provider does not provide an appropriate response to a Missed Collection Service call, it will automatically be considered a Valid Miss.

10.3. Tagging for Non-Compliance. In the event that Service Provider's failure to collect materials is due to incorrect placement of Containers, mixing of Recyclable Materials with refuse, placement of excess materials, or other noncompliance with the provisions of this Contract, the Missed Collection Service shall not count as a Valid Miss. The Service Provider shall mark the Container and/or non-compliant materials with a tag/hanger or other clearly explanatory printed notice to the Customer explaining why Collection Services were not performed. The Service Provider shall be responsible for tracking and providing reports of all tagged Containers to the Town in writing on a weekly basis. The weekly reports should include the location of the tagged Container and the reason for the tag.

10.4. Failure to Collect Without Cause. In the event that the Service Provider fails to provide Collection Services without cause, resulting in a Valid Miss or an Area Miss, then the Service Provider shall provide Collection Services within one (1) Business Day of the Service Provider receiving notice of such failure. The Contractor shall use its best efforts to minimize the number of Valid Misses and Area Misses. The Service Provider's failure to provide Collection Services for a Valid Miss or Area Miss by the times specified in this Section 10.4 constitutes a breach of this Contract and the Service Provider shall pay the Town damages in the amounts listed in the liquidated damages schedule set forth Article XIII. In addition, the Town may opt to perform Collection Services for any Valid Miss or Area Miss and deduct any and all reasonable operating or contractual expenses incurred by the Town as a result of performing the Collection Services from payment to the Service Provider pursuant to Article XII.

10.5. Repeat Missed Services: The Service Provider is responsible for avoiding Repeat Missed Collection Services. The Service Provider's failure to provide immediate collection of Repeat Missed Collection Services constitutes a breach of this Contract and the Service Provider shall pay the Town damages in the amounts listed in the liquidated damages schedule set forth Article XIII.

ARTICLE XI: RATES AND RATE ADJUSTMENTS

11. RATES AND RATE ADJUSTMENTS

11.1. Initial Rates and Fees. The initial rates and fees to be charged by and paid to the Service Provider are set forth in **Exhibit C** attached hereto and incorporated herein by reference. The initial rates and fees are inclusive of all expenses including, but not limited to, fuel, disposal fees and tipping fees.

11.2. CPI-U Adjustment. The percentage increase, if any, in the CPI-U over the course of the previous twelve-month period shall be determined based on the index for the month of February for each respective year of the Contract. For purposes of this Contract, the term "CPI-U" shall mean the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics, for All-Urban Consumers: United States, All Items (1982-84 = 100). On an annual basis, the Service Provider may request a rate increase of up to, but not to exceed, the percentage increase in the CPI-U for the previous twelve-month period, if any. The request must be in writing and submitted to the Town's Designated Representative for consideration no later than March 10th for each respective year of the

contract. The request must include documentation of the Service Provider's actual cost increase attributable to the services provided under this Contract. Rate increases approved pursuant to this provision shall become effective on July 1st of the year the increase is approved. The Town shall not unreasonably withhold, condition, or delay its consent to any rate increase requested pursuant to this provision.

11.3. Cost Increases. At any time during the term of this Contract, the Service Provider may request to increase the rates set forth in this Contract to offset documented increases in disposal fees, increases in the Service Provider's costs due to changes in local, state or federal rules, ordinances or regulations applicable to the Service Provider's operations or the services provided hereunder, and any increases in and newly imposed taxes, fees, or other governmental charges assessed against or passed through to the Service Provider, with the exception of increases in income taxes and real property taxes. Attached hereto and incorporated herein by reference as **Exhibit F**, is a Fuel Price Adjustment Rider, which establishes the base index for the fuel price to be included in the initial rate calculation as set forth in **Exhibit C**. The Service Provider shall be entitled to request a change in the rate depending on fluctuation in fuel price as specified in the Fuel Price Adjustment Rider. The Town shall not unreasonably withhold, condition, or delay its consent to any rate change requested pursuant to this provision.

ARTICLE XII: BILLING

12. BILLING

12.1. Monthly Billing Invoices. The Service Provider will invoice the Town monthly according to the rates and fees set forth on **Exhibit C** attached hereto and incorporated herein by reference. The rates and fees for Residential Units in an Annexed Area shall be the same as the unit prices reflected on **Exhibit C**. Monthly invoices shall be based on and indicate the number of Residential Units that received Collection Services as reflected in the Customer Base for the billing period. Residential Units activated for Collection Services by the Service Provider between the 1st and the 15th calendar days of the month will be invoiced at 100% of the current Monthly Residential Unit Price for the month of activation. Residential Units activated for Collection Services by the Service Provider between the 16th and last calendar days of the month will be invoiced at 50% of the current Monthly Residential Unit Price for the month of activation. The number of Residential Units in the Initial Customer Base shall be the starting point for the number of Residential Units for billing purposes. The Town shall pay all undisputed invoiced amounts to the Service Provider within 30 days of receipt.

12.2. Addition of New Customers to Customer Base. No later than the tenth (10th) day of each calendar month, the Service Provider shall provide the Town with a certified list of all New Customers activated for Collection Services in the preceding calendar month with the dates of the New Customers' account activations. Notwithstanding the preceding Section 12.1, the Service Provider shall not invoice the Town for Collection Services for New Customers until the Town's Designated Representative has approved the addition of the New Customers to the Customer Base. Approval of the addition of New Customers to the Customer Base shall not be unreasonably withheld and retroactive billing may apply as necessary. Should the Town's Designated Representative object to the addition of a New Customer to the Customer Base, the Town's Designated Representative shall provide a written explanation of such objection to the Service Provider within 15 days of receiving the certified list of New Customers that is being objected to.

12.3. Availability of Funds. Any and all payments to the Service Provider are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this Contract.

12.4. Disputed Invoices. Should the Town dispute any portion of a monthly billing invoice, the Town's Designated Representative shall provide the Service Provider with an itemized explanation of the disputed charges within 15 days of receiving the disputed invoice. Such disputed amounts shall be promptly submitted for settlement via the dispute resolution procedures set forth in Section 18.5.

ARTICLE XIII: LIQUIDATED DAMAGES

13. LIQUIDATED DAMAGES

13.1. Liquidated Damages. The Service Provider and the Town agree that the Service Provider's failure to perform in compliance with the Contract will cause the Town to incur expenses and damages that will be difficult to calculate, at best. Accordingly, the Town and the Service Provider agree that the following amounts are reasonable estimates of the Town's damages, and thus constitute liquidated damages, and not penalties, for the Service Provider's breach of this Contract. If the Contractor fails to perform in accordance with this Contract, the Town may deduct the following amounts from any sum that otherwise would be payable to the Service Provider under this Contract.

13.2. Liquidated Damages Schedule.

Violation	Damages
1 to 10 Valid Misses during any one calendar month	\$200/Valid Miss
11 to 20 Valid Misses during any one calendar month	\$300/Valid Miss
21 or more Valid Misses during any one calendar month	\$500/Valid miss
200 or more Valid Misses during any one calendar month	In addition to penalties above, \$5,000/month in which there are 200 or more Valid Misses
Second or third Repeat Missed Collection Service at any one location during a 30-day period	\$500/Repeat Missed Collection Service
Fourth or more repeat missed collection at any one location during a 30-day period	\$1,000/Repeat Missed Collection Service
Area Miss	\$2,000/Area Miss
Each additional location missed over 100 locations in an Area Miss	\$20/location (in addition to \$2,000)
Failure to cure Valid Miss or Area Miss in 1 Business Day	\$200 per occurrence for the first (4) occurrences within 30 days \$500 per occurrence for all subsequent occurrences within the same 30 days
Leakage or spill of oil or hydraulic fluid from collection vehicle while hauling	\$1,000 per occurrence
Failure to clean up leakage or spillage of oil or hydraulic fluid in accordance with Section 7.4	\$1,000 per day not cleaned after proposed cleanup date as submitted in response plan
Leakage or spillage of collected materials from collection	\$100 per occurrence

vehicle while hauling	
Failure to clean up leakage or spillage of collected materials in accordance with Section 4.13 or 7.4	\$1,000 per occurrence
Failure to educate Customers in accordance with Sections 4.10 or 9.2.	\$50 per Customer
Failure to respond to a customer complaint not involving Missed Collection Services within the time specified in Section 4.12	\$100 per occurrence
Failure to provide Containers to Customers in accordance with Sections 4.5 or 4.7	\$50 per occurrence

ARTICLE XIV: INSURANCE

14.0 INSURANCE

14.1. **Minimum Insurance Requirements:** The Work under this Contract shall not commence until the Service Provider has obtained all required insurance and verifying certificates of insurance have been approved in writing by the Town on an approved form. Except for Worker's Compensation and Professional Liability policies, the Town shall be named as additional insured on all policies. These certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount, or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such alteration or cancellation. If endorsements are needed to comply with the notification or other requirements of this article, copies of the endorsements shall be submitted with the certificates. The insurance coverage and limits set forth below shall be deemed minimum coverage limits and shall not be construed in any way as a limitation on Service Provider's duty to carry adequate insurance. All policies of insurance shall be primary insurance and non-contributory with respect to all other available sources. The minimum insurance coverage which the Contractor shall procure and maintain at its sole cost and expense during the term of the Contract is as follows:

- a. **Worker's Compensation:** Coverage at the statutory limits in compliance with applicable State and Federal laws. Contractor shall ensure that any subcontractors also have workers compensation coverage at the statutory limits.
- b. **Employer's Liability:** Coverage with minimum limits of \$1,000,000 per each employee accident and \$1,000,000 per each employee disease.
- c. **Commercial General Liability:** Insurance covering all operations performed by the Service Provider with a minimum limit of \$10,000,000 per occurrence with a \$10,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations or Contractual Liability.
- d. **Business Automobile Liability:** Insurance covering all owned, non-owned, and hired vehicles used in performance of this Contract. The minimum combined single limit per occurrence shall be \$5,000,000 and shall include uninsured/underinsured motorist coverage per N.C. Gen. Stat. § 20-279.21.

- e. Pollution Liability: Insurance covering potential pollution risk to the environment or losses caused by pollution conditions that may arise from the operations of the Service Provider in performance of the Contract with a minimum limit of \$1,000,000 per loss with a \$2,000,000 aggregate. Policy shall cover the Service Providers completed operations. If the coverage is written on a claims-made basis, the Service Provider warrants that any retroactive date applicable to the coverage under the policy precedes the effective date of this Contract, and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of three (3) years beginning from the time that Work under this Contract is completed.

14.2. Umbrella/Excess Liability. If the Service Providers underlying liability policy limits are less than those required, Service Provider may provide an excess or umbrella policy to meet the required limits of insurance. The excess or umbrella policy shall extend coverage over all underlying liability policies. Any additional insured under any policy of the underlying insurance will automatically be an additional insured under this insurance.

14.3. Maintenance of Higher Limits. If the Service Provider maintains higher limits than the minimums shown above, the Town requires and shall be entitled to coverage for the higher limits maintained by the Service Provider. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Town.

14.4. Duration. Each insurance policy required by this Contract must be in effect at or prior to commencement of the Work under the Contract and remain in effect for the duration of the Contract.

14.5. Insurer Rating. All insurance shall be procured from reputable insurers authorized and qualified to do business in North Carolina with a rating of A-VII or better as determined by A. M. Best Company.

14.6. Subcontractors. Service Provider shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Service Provider shall ensure that the Town is an additional insured on insurance required from subcontractors.

14.7. Waiver of Subrogation. Contractor hereby grants to Town a waiver of any right to subrogation, which any insurer of said Service Provider may acquire against the Town by virtue of payment of any loss under such insurance. Service Provider agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

14.8. No Limitation of Liability. The limits of coverage under each insurance policy maintained by the Contractor shall not be interpreted as limiting the Contractor's liability and obligations under this Contract.

14.9. Lapse of Insurance. Should there be a lapse in insurance coverage at any time, the Contract shall be in breach of this Contract and the Contract shall be subject to termination and the surety bond shall be subject to calling.

ARTICLE XV: BOND REQUIREMENTS

15.0 BOND REQUIREMENTS

15.1. Surety Bond: No later than ten (10) Business Days prior to commencing the Work, the Service Provider shall furnish to the Town a surety bond in the amount of one hundred thirty-five percent (135%) of the Annual Contract Sum as defined in this Contract. The bond shall be conditioned upon the faithful performance of all terms, conditions, and provisions of the bond. The Service Provider is required to procure and maintain the surety bond at its sole cost and expense. All bonds shall be in the forms prescribed by law or regulation and be executed by such sureties legally authorized to do business in the State of North Carolina.

15.2. Annual Bond Renewal. For the duration of the Contract Term, including any Renewal Terms, the surety bond shall be renewed on an annual basis for one hundred thirty-five percent (135%) of the Annual Contract Sum calculated as of the Contract anniversary date (July 1st). The renewed bonds shall be provided to the Town's Designated Representative no later than ten (10) Business Days after the contract anniversary date for each respective year of the Contract Term.

15.3. Valid and Non-cancelable. The surety bond shall be valid for the required amount and non-cancelable for the duration of the Contract Term, including any Renewal Terms.

15.4. Surety Bankruptcy, Insolvency, etc. If the surety on any bond furnished by the Service Provider is declared bankrupt, becomes insolvent, its right to do business is terminated, or it ceases to meet the requirements herein, the Service Provider shall promptly notify the Town in writing and shall within five calendar days thereafter substitute another surety bond, which must be acceptable to the Town.

ARTICLE XVI: GENERAL TERMS

16.0 GENERAL TERMS

16.1. Acceptance. Service Provider's acknowledgment of the terms of this Contract constitutes an agreement to and acceptance of all terms and conditions set forth or referenced herein including all Exhibits hereto (the "Contract Documents" or "Contract"). In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to the Town shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Service Provider's proposal, acknowledgment, invoice, or in any other communication from Service Provider to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify, or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.

16.2. Written Approvals. Notwithstanding anything herein which may be to the contrary, all approvals or consents required or permitted pursuant to the Contract shall be in writing in order to be considered valid and effective.

16.3. Changes, Additions, Deletions, or Substitutions. No changes, additions, deletions, or substitutions of the scope of work, specifications, terms and conditions, quantity, or price will be

permitted without the prior written approval from the Town.

16.4. Relationship of the Parties. The Service Provider is an independent contractor and not an employee of the Town. The conduct and control of the Work will lie solely with the Service Provider. The Contract shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Service Provider and the Town. Employees of the Service Provider shall remain subject to the exclusive control and supervision of the Service Provider, which is solely responsible for their compensation.

16.5. Familiarity with Laws. The Service Provider is assumed to have made itself familiar with all applicable federal, state, and local laws, ordinances, and regulations, which may in any manner, affect those engaged or employed in the Work, the materials or equipment used in or upon the Work, or in any way that affects the conduct of the Work. No pleas of misunderstanding will be considered on account of the ignorance thereof. If the Service Provider shall discover any provisions in the specifications or Contract which are contrary to or inconsistent with any such laws, ordinances, or regulations, the Contractor shall forthwith report it to the Town's Designated Representative in writing.

16.6. Observance of Laws. The Service Provider shall at all times observe and comply with all federal, state, and local laws, ordinances, regulations, and all such decrees as exist at present or may be enacted during the Contract Term by bodies or tribunals having any jurisdiction or authority over the Work in any manner affecting the conduct of the Work. No plea of misunderstanding will be considered on account of the Service Provider's ignorance thereof.

16.7. Permits and Licenses. The Service Provider shall procure all required permits and licenses and give all required notices necessary for the due and lawful provision of the Work unless otherwise noted in the specifications or plans herein.

16.8. Assignments. The Service Provider may not assign, convey, pledge, or in any manner encumber its rights, in whole or in part, under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent. In the event of any such assignment, the assignee shall comply with any conditions that the Town may reasonably require for assignment of the Contract and shall accept such assignment and perform all Work and other obligations of the Service Provider as fully as if the Contract were originally made by the assignee. Any such assignment shall not relieve or excuse the Service Provider from responsibility for performance to the Town in the event the assignee does not fully perform all Work and other obligations of the Service Provider under the Contract.

16.9. Transfer of Ownership Interest in Company. If in the event the Service Provider sells, transfers, or relinquishes, whether voluntarily or by operation of law, control of the corporation, partnership, or proprietorship it is operating under, this Contract shall terminate unless the Town has granted prior written consent. Such consent shall not be withheld if the new controlling party complies with the provisions of this Contract. The Service Provider shall promptly notify the Town of any actual or proposed change in, transfer of, or acquisition by another party of control of said corporation, partnership, or proprietorship. For purposes of this Contract, the word "control" as used herein means actual working control in whatever manner exercised. Any approval by the Town of transfer of control shall be contingent upon the perspective controlling party becoming a signatory to the Contract and otherwise complying with all the terms and conditions herein. No sale, transfer, or acquisition by another party of control of said corporation, partnership, or proprietorship shall be approved unless the

perspective controlling party submits a surety bond satisfactory to the Town and in the amount specified under the Contract.

16.10. Public Safety: The Contractor shall conduct the Work in such a manner as to ensure the least obstruction to vehicular and pedestrian traffic at all times.

16.11. Property Damage. The Service Provider shall protect all roads, private drives, alleys and cartways, buildings, bridges, fences, walls, property monuments, pipes, and other structures and objects legally existing adjacent to the Work being performed. In the event of any injury or damage to such public or private property by reason of, or as a result of, the execution of the Work provided for herein, the Service Provider shall make all such repairs as may be necessary to restore such property to its former condition at its own cost and expense.

16.12. Indemnification. To the greatest extent allowed by North Carolina law, the Service Provider shall indemnify and hold harmless the Town and its agents, divisions, officers, directors, employees, and assigns from all liability, losses, costs, claims, damages, expenses, attorney fees, judgments, and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of the Service Provider or any employee, agent, or assignee of the Service Provider.

16.13. Anti-Discrimination and Equal Employment. During the performance of the Contract, the Service Provider shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.

16.14. Verification of Work Authorization: Service Provider shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.

16.15. Property Rights: The Service Provider shall maintain a list of all Collection Services Schedules, Collection Services Route Maps, and Customers in the Contract Area including each Customer's street and mailing address and phone number, and a description of service(s) provided to each Customer. This information is deemed the property of the Town and shall be provided to the Town in its correct form upon the end of the Contract Term, termination of the Contract, or upon request by the Town.

16.16. Applicable Laws and Courts. This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina.

16.17. Strict Compliance. The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the Parties to the contrary.

16.18. Confidentiality. The Contractor acknowledges the Town is subject public records law and no term shall be inconsistent with N.C.G.S. §132 et al.

16.19. Valid Contract for Services. In order for a Contract for services of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.

16.20. Iran Divestment List. With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

16.21. Companies that Boycott Israel. With the execution hereof, Service Provider certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.

16.22. Governmental Immunity. Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or a waiver of any limitation on liability or damages created by law.

16.23. Transition of Services. The Contractor shall cooperate with the Town and any new service providers that may assume the provision of services hereunder after the end of the Contract Term or upon termination of the Contract, including but not limited to, supplying a list of Customers, Collection Services Schedules, and Collection Services Route Maps, as well as other actions as necessary to effectuate a smooth transition of services.

16.24. Notices: Any notices required or permitted to be delivered hereunder shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the respective party at the address set forth below:

If to the Town:

101 Huntersville-Concord Rd.
Huntersville, NC 28078
Attn: Kevin Fox

If to the Service Provider:

5516 Rozzelles Ferry Rd.
Charlotte, NC 28214
Attn: Pamela Stine

With a Copy to:

Waste Connections
3 Waterway Square Place, Suite 110
The Woodlands, Texas 77380
Attn: Legal Department

or such other addresses as the parties may hereafter specify by written notice and delivered in accordance herewith.

ARTICLE XVII: TERMINATION

17. TERMINATION

17.1. For Failure to Appropriate Funds. The Town and Service Provider agree that the Town may terminate the Contract for failure to appropriate funds, at any time, by giving one hundred eighty (180) days' prior written notice to the other party of such intent to terminate. In the event of a termination for failure to appropriate funds, the Town shall Pay the Service Provider for all services rendered prior to the effective date of termination.

17.2. Termination for Convenience. The Town shall have the right, without assigning any reason therefore, to terminate any work under the Contract, in whole or in part, at any time at its complete discretion by providing the Service Provider with 180 days' written notice. If the Contract is terminated by the Town in accordance with this Section 17.2, the Service Provider will be paid in an amount which bears the same ratio to the total compensation as does the Collection Services actually performed.

17.3. Termination for Cause. The Town may terminate the Contract with the Service Provider for any of the following reasons:

- 1) The Service Provider is adjudicated bankrupt, is subject to the appointment of a receiver and fails to have the receiver removed within sixty days, has any of its property attached and fails to remove such attachment within sixty (60) calendar days, becomes insolvent, or is unable to pay its debts as they become due;
- 2) The Service Provider fails to provide and maintain the surety bond as required by the Contract; fails to obtain or maintain the insurance policies and endorsements as required by the Contract; or fails to provide the proof of insurance as required by the Contract;
- 3) Within a 30-day period, the Contractor fails to cure, within 1 Business Day from the time of notification by the Town, 10 or more Valid Misses or one Area Miss;
- 4) The Contractor fails to provide Collection Services, due to a strike or other event not constituting a Force Majeure, and the Town determines that the Contractor is unable to perform the Collection Services as specified in the Contract; or
- 5) The Contractor fails to fulfill or maintain in a timely and proper manner any other obligations, duties, or provisions of or under the Contract and fails to cure such default within thirty (30) calendar days of the Town's written notice to the Contractor of such default. If the default is not capable of cure within said thirty (30) calendar days, the Contractor shall provide written notice to the Town together with a schedule of cure within fifteen (15) calendar days of the Town's notice of default, shall begin action to cure the default within said thirty (30) calendar days, and shall diligently proceed to cure the default. The Town may accept the Contractor's schedule of cure, may make a written

demand that the Contractor cure the default within a time period set by the Town, or may terminate this Contract at the end of the thirty-day default period.

ARTICLE XVIII: MISCELLANEOUS TERMS

18.0 MISCELLANEOUS TERMS

18.1. **Binding Effect.** This Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assignees where an assignment has been permitted.

18.2. **Severability.** In the event that any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, on its face or as applied, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein or modified if possible, consistent with the intent of the parties. The remainder of the Contract shall not be affected thereby, and all other provisions shall remain valid and enforceable.

18.3. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced, including but not limited to Exhibits, shall constitute and represent the complete and entire agreement between the Town and Service Provider and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.

18.4. **No Waiver.** Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver or on-going waiver of such right or of any other right, breach, or default.

18.5. **Dispute Resolution Procedures.** Any claim, dispute, or other matter concerning the performance of the Contract, or the interpretation of the Contract, shall initially be referred to the Town Manager, in writing, for a decision. Such decision shall be rendered within thirty (30) days, in writing, following the final presentation by the Service Provider of evidence or argument relative to such claim, dispute, or matter. The Town Manager may consult with the Town's Designated Representative or other Town employees as may be necessary regarding the claim, dispute, or other matter in order to render a decision.

18.6. **Remedies not Exclusive.** The Town's remedies as set forth herein are not exclusive.

18.7. **Time is of the Essence.** Time is of the essence for each and every part of this Contract.

18.8. **Force Majeure.** Except for the payment of amounts owed hereunder, the performance of this Contract may be suspended and the obligations hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond reasonable control of such party, but only until the condition preventing performance is remedied. Such conditions shall include, but not be limited to, acts of God, acts of war, accident, explosion, fire, flood, riot, sabotage, acts of terrorists. In the event of such a Force Majeure, the Service Provider shall give the Town prompt telephone notification followed by written notice describing the Force Majeure and estimated duration of said

Force Majeure. The Service Provider must make a reasonable effort to resume service as soon as possible once the Force Majeure ends. Strikes, slowdowns, walkouts, lockouts, industrial disturbances, or other disputes are not excused under this provision. In the event that any of the aforementioned should occur, the Service Provider will be held responsible for meeting its obligations under the Contract.

18.9. Town Not Liable for Delays. It is further expressly agreed that in no event shall the Town be liable for or responsible to the Service Provider, any subcontractor, or to any other person for or on account of any stoppages or delay in the work herein provided for by injunction or other legal or equitable proceedings or on account of any delay for any cause over which the Town has insufficient control to cause a different result.

ARTICLE XIX: EXHIBITS

19. EXHIBITS

19.1. Other documents forming part of the Contract are as follows:

- a. Exhibit A- Contract Area
- b. Exhibit B- Designated Municipal Facilities
- c. Exhibit C- Rates and Service Levels
- d. Exhibit D- Fleet Replacement Schedule
- e. Exhibit E- Logo
- f. Exhibit F- Fuel Price Adjustment Rider

[Signature Page Follows]

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals
this 6th day of December, 2024.

Waste Connections of North Carolina, Inc.

Town of Huntersville

Name:

Waste Connections of North
Name of Contractor (type or print) Carolina,
Inc.

Town Manager

By:

Penelope Stone
(Signature)

Attest: _____
Town Clerk

Title:

District Manager

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

Attest:

(Secretary, if a corporation)

Finance Director

Exhibit A

Contract Area

[Insert]

Exhibit B

Designated Municipal Facilities

Abernathy Park	Glendale Drive, Huntersville NC 28078
Arts & Cultural Center - Meeting Space	14614 S Old Statesville Rd Huntersville NC
Barry Park - Restroom/Storage Shelter	13707 Beatties Ford Rd, Huntersville NC 28078
Bradford Park - Restroom/Storage Shelter	17005 Davidson Concord Rd, Huntersville NC 28078
Electricities - Electric Substation	12470 Commerce Station Dr, Huntersville NC 28078
Electricities - Garage & Office	11316 Sam Furr Rd, Huntersville NC
Fire Station #1 - Fire Station	14515 S Old Statesville Rd
Fire Station #2	15600 BEATTIES FORD RD HUNTERSVILLE NC 28078
Fire Station #3 - Generator & Water Storage Tank	13423 Eastfield Rd, Huntersville NC
Fire Station #4 - Fire Staion	8826 McIlwaine Rd, Huntersville NC 28078
Greenway Park - Playground	Greenway & Dallas, Huntersville NC 28078
Holbrook Park	100 Sherwood Dr, Huntersville NC 28078
Holbrook Park - Pavillion	Sherwood Dr, Huntersville NC 28078
Huntersville Athletic Park	11720 Verhoeff Dr, Huntersville NC 28078
Huntersville Elementary - Gymnasium	200 Gilead Rd, Huntersville NC 28078
Huntersville Family Fitness/Aquatic Center/Rec Ctr	11725 Verhoeff Dr, Huntersville NC 28078
North Meck Park	16131 N Old Statesville Rd, Huntersville NC 28078
Police Station - Offices	9630 Julian Clark Ave, Huntersville NC
Public Works - Old Jail	301 Huntersville Concord Rd Huntersville NC 28078
PW/P&R Operations Center - Office	416 Seagle St, Huntersville NC 28078
Rosedale Nature Park - Restroom Building	9519 Rosewood Meadow Lane, Huntersville NC 28078
Storage Warehouse	102 N Old Statesville Rd Huntersville NC 28078
Torrence Lytle Comm Center - Office/Meeting Space	508 Dellwood Dr, Huntersville NC 28078
Town Center - Offices, parking	105 Gilead Rd, Huntersville NC
Town Hall - Offices	101 Huntersville Concord Rd Huntersville NC 28078
Veterans Park + Amphitheater	201 Huntersville concord Rd, Huntersville NC 28078
Waymer Park	14200 Holbrooks Rd, Huntersville NC 28078

Exhibit C

Rates and Service Levels

The undersigned having carefully read and considered the terms and conditions of the Contract Documents for Collection of the Municipal Solid Waste, Recyclable Materials, and Yard Waste for the Town of Huntersville, North Carolina, does hereby offer to perform such services on behalf of the Town of the type and quality and in the manner described, and subject to and in accordance with the terms and conditions set forth in the Contract Documents at the rates hereinafter set forth:

Description of Collection Services	Rate
Once weekly collection of curbside Refuse (96 gallon Roll-Out Cart Container)	\$11.20 per home per month
Once weekly collection of Yard Waste (96 gallon Roll-Out Cart Container)	\$5.13 per home per month
Once Bi-weekly collection of Recyclable Materials (96 gallon Roll-Out Cart Container)	\$2.67 per home per month

Monthly Unit Price per Residential Unit- \$19.00

Exhibit D

Current Fleet and Fleet Replacement Schedule

Current Year/Model Breakdown				
<u>Truck #</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Type</u>
110	2021	Mack	LR64	ASL
121	2020	Peterbilt	PB320	ASL
122	2022	Mack	LR64	ASL
155	2015	Peterbilt	PB320	ASL
170	2015	Peterbilt	PB320	ASL
173	2016	Peterbilt	PB320	ASL
191	2018	Peterbilt	PB320	ASL
192	2019	Peterbilt	PB320	ASL
432	2017	Peterbilt	PB320	REL
433	2017	Peterbilt	PB320	REL
434	2013	Mack	REL	REL

Anticipated Replacement Schedule				
<u>Truck #</u>	<u>Year</u>	<u>Make</u>	<u>Type</u>	<u>ETA to Replace</u>
192	2019	Peterbilt	ASL	2025
191	2018	Peterbilt	ASL	2024
173	2016	Peterbilt	ASL	2023
170	2015	Peterbilt	ASL	2023
155	2015	Peterbilt	ASL	2023
432	2017	Peterbilt	REL	2027
434	2013	Mack	REL	2024

Average ASL Age		
<u>Current</u>	<u>2024</u>	<u>2025</u>
4.75	2.13	2.38

Exhibit E

Huntersville Logo for Containers



Exhibit F

Fuel Price Adjustment Rider

1. A fuel price adjustment may be made based upon the price of diesel fuel as determined by the US Department of Energy's Weekly Retail on Highway Diesel Prices for the Lower Atlantic ("DOE Price").
2. The Base Index Price for this Contract shall be \$5.00 per gallon.
3. The Base Index Volume for this Contract shall be 10,000 gallons per month ("gpm"), unless adjusted as hereafter provided.
4. The Base Index Price and the Base Index Volume shall be deemed to be calculated into and part of the initial Contract proposal.
5. The Quarterly Average Price shall be the average of the price per gallon (using the DOE Price) on the first week of each month for the three months preceding the Quarterly Fuel Adjustment Date. The Quarterly Fuel Adjustment Date shall be the first day of each October, January, April, and July during the Term of the Contract. For example, if the Quarterly Fuel Adjustment Date is July 1, then the prices effective on the first days of April, May, and June shall be averaged to obtain the Quarterly Average Price for that date.
6. The first Quarterly Fuel Adjustment Date shall be October 1, 2023.
7. If the Quarterly Average Price is more than ten (10%) per cent above the Base Index Price, then a fuel price adjustment may be made reflecting the increase from the Base Index Price. The increased price shall be applied to the Base Index Volume for the preceding three-month period and the result shall be added to the payment for the month of the Quarterly Fuel Adjustment Date. For example, if there is an increase of 12% from the Base Index Price, and the Base Index Volume is 10,000 gpm, then the adjustment for the three-month period shall be \$18,000. ($\$5.00 \times .12 = \$0.60 \times 10,000 \text{ gpm} \times 3 \text{ mos.} = \$18,000.00$). The same formula shall be applied on each Quarterly Fuel Adjustment Date.
8. The Service Provider may request an adjustment to the Base Index Volume based upon a review of actual usage. The Service Provider will supply all proper documentation when seeking a Base Index Volume adjustment or when requested by Town to justify a request for an adjustment in the Base Index Price. The Service Provider shall further supply any other proper documentation when requesting a Fuel Price Adjustment or when otherwise requested by Town in administering this Contract.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Pattie McGinnis, Finance Director

Subject: Budget Amendment - Huntersville Athletic Park Scoreboard

EXPLAIN REQUEST:

Appropriate Capital Reserve revenue (103510.9999) for \$20,000 and Sponsorship revenue (103505.9999) for \$15,000 to Capital Outlay (106200.0500) for a new scoreboard at Huntersville Athletic Park baseball field number 4.

ACTION RECOMMENDED:

Approve budget amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Pattie McGinnis, Finance Director

Subject: Budget Amendment - Rosedale Nature Park Park Bench

EXPLAIN REQUEST:

Appropriate Sponsorship revenue (103505.9999) for \$2,500 to Non-Capitalized expense (106200.0280) for a sponsored park bench at the greenway connection to Rosedale Nature Park.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Pattie McGinnis, Finance Director

Subject: Richard Barry and Waymer Parks Trees

EXPLAIN REQUEST:

Appropriate Tree fund bank revenue (403435.9999.13004) for \$3,400 to Tree fund bank expense (406200.0648.13004) to plant trees at Richard Barry Park and Waymer Park.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Pattie McGinnis, Finance Director

Subject: 5th Amendment to the Capital Project Ordinance for Gilead Road West

EXPLAIN REQUEST:

Adopt Capital Project Ordinance for the Gilead Road West project to incorporate the remaining Direct Attributable grant funds of \$3,086,250.

ACTION RECOMMENDED:

Approve Gilead Road Capital Project ordinance.

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

1. Capital Prj Ord- Gilead Rd West-
2. GRW NCDOT-U6106_SupplementalAgreement #11122 - 2022.4.20 EXECUTED

**TOWN OF HUNTERSVILLE
FIFTH AMENDMENT
GILEAD ROAD WEST PROJECT
CAPITAL PROJECT ORDINANCE**

WHEREAS, it has been determined that G.S. 159-45 and related chapters allow local governments to finance capital projects through the use of General Obligation Bonds; and

WHEREAS, the citizens of Huntersville voted on November 6, 2012 and approved the Public Improvement Bonds voting 68.11% in favor and Street Bonds voting 67.86% in favor; and

WHEREAS, the Local Government Commission approved a three year extension on September 10, 2019 for the \$17,850,000 Street Bonds and \$7,150,000 of Public Improvement bonds authorized on November 6, 2012 of which \$11,985,000 of Street Bonds and \$3,575,000 of Public Improvement Bonds remain unissued, and

WHEREAS, the Board approved the Resolution to adopt the sale of \$15,560,000 General Obligation Bonds on February 3, 2020, and

WHEREAS, the bonds were sold on February 19, 2020, and

WHEREAS, in accordance with North Carolina General Statute 159-13.2, the Town is authorized to establish a balanced project ordinance for projects involving the construction or acquisition of a capital asset; and

WHEREAS, on March 5, 2018 a project ordinance was adopted for the Gilead Road West Project for the purchase of right of way, design and engineering, utility relocation, landscaping and construction costs ("Project Ordinance"); and

WHEREAS, on June 17, 2019 the Project Ordinance was amended for the purpose of transferring funds from the General Fund to cover expenses until the 2020 bonds were sold; and

WHEREAS, on May 18, 2020, the Project Ordinance was amended for the purpose of incorporating the additional funding sources which are the 2020 Bonds issued and the Direct Attributable grant funds for the continued purchase of right of way, design and engineering, utility relocation, landscaping, construction and bond issuance costs;

WHEREAS, on March 4, 2024, the Project Ordinance was amended due to the pace of the various transportation projects have changed and some to the projects are being delivered quicker than others; and

WHEREAS, the Project Ordinance needs to be amended for the purpose of incorporating the remaining Direct Attributable grant funds for the continued purchase of right of way, design and engineering, utility relocation, landscaping and construction.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that a Project Ordinance is hereby amended as follows:

SECTION 1. The Gilead Road West project authorized is to deliver the roadway improvements on section of Gilead Road between McCoy Road and Wynfield Creek Parkway. This will include planning, permitting, engineering design, right of way acquisition and construction.

SECTION 2. The officers of the unit are hereby directed to proceed with the capital project within the terms of the bond resolution, grant documents, and the budget contained herein. Such authorization includes but is not limited to bidding, awarding and entering into contracts as necessary to carry out the capital project as allowed by law and after review by the Town Attorney for compliance with lawful procedures.

SECTION 3. The following amounts are appropriated for the project:

	<u>Original Budget</u>	<u>Prior Amendment</u>	<u>12/17/2024 Fifth Amendment</u>	<u>Total Budget</u>
Construction, Utility relocation, purchase of right of way, design and engineering and landscaping and bond issuance cost				
TOTAL PROJECT COSTS	\$ 6,300,000	\$ 10,566,956	\$ 3,086,250	\$ 17,069,256

SECTION 4. The following revenues are anticipated to be available to complete this project:

	<u>Original Budget</u>	<u>Prior Amendment</u>	<u>12/17/2024 Fifth Amendment</u>	<u>Total Budget</u>
2016 Bonds Issued	\$ 300,000	\$ -	\$ -	\$ 300,000
2020 Bonds Issued	2,900,000	2,889,256	-	5,789,256
General Fund balance	-	3,103,950	-	3,103,950
Grant Fund	3,100,000	4,573,750	3,086,250	10,760,000
Transfer to other projects		(4,547,723)	-	(4,547,723)
Transfer from other projects		1,663,773	-	1,663,773
TOTAL REVENUE	\$ 6,300,000	\$ 10,566,956	\$ 3,086,250	\$ 17,069,256

SECTION 5. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project

Duly Adopted this 17th day of December, 2024.

NORTH CAROLINA
MECKLENBURG COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 3/16/2022

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-6106

AND

WBS ELEMENTS: PE _____

ROW 48174.2.1

TOWN OF HUNTERSVILLE

CON 48174.3.1

FEDERAL-AID #: 2136008

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$1,990,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Huntersville, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and the Municipality on 7/20/2020, entered into a certain Project Agreement for the original scope: Construction of bike lanes and sidewalk on along both sides of SR 2120 (McCoy Road) to Wynfield Creek Parkway., programmed under Project U-6106; and,

WHEREAS, WHEREAS, the Department, in concurrence with the Charlotte Regional Transportation Planning Organization (CRTPO) has agreed to allocated additional funding to complete this Project.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

FUNDING

The Department's original participation was \$8,770,000. The Department agrees to reimburse the Municipality an additional \$1,990,000 in funds. The Municipality will provide their local match as detailed in the table below.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Local	Non-Federal Match Rate
BGANY	\$8,750,000	80 %	\$2,187,500		20 %
BGDA	\$2,010,000	80 %	\$502,500		20 %
<i>Additional Local</i>				\$368,000	
Subtotals	\$10,760,000		\$2,690,000	\$368,000	
Total Estimated Cost		\$13,818,000			

OTHER PROVISIONS

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 7/20/2020, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

TOWN OF HUNTERSVILLE

BY: DocuSigned by: Anthony Roberts
19DC7CC4ADC14CA...
TITLE: Town Manager
DATE: 03/24/2022

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

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

 DocuSigned by: Pattie McGinnis
E9129C826241481...
(FINANCE OFFICER)

Federal Tax Identification Number
56-6001252

Remittance Address:

Town of Huntersville
PO Box 664
Huntersville, NC 20870

DEPARTMENT OF TRANSPORTATION

BY: DocuSigned by: R. K. Kuntz
F03CB85C6D2D4C6...
(CHIEF ENGINEER)
DATE: 04/20/2022

DS
BLB

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 03/10/2022 (Date)

DS
AgS



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Bobby Williams, Assistant Town Manager

Subject: 2024 Progress Report on Implementation of the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan

EXPLAIN REQUEST:

Receive report. This is the final update to the current plan, as the 2025 update to the Hazard Mitigation Plan is underway.

A certified statement that this report was provided will be sent to Mecklenburg County.

ACTION RECOMMENDED:

Receive and accept report.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. HMP_ProgressReport_Huntersville_2024-1



2024 Progress Report

Implementation of the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan – Town of Huntersville

1 Introduction

To maintain the Community Rating System (CRS) status within the National Flood Insurance Program, the **Town of Huntersville** is required to provide an annual status update of the implementation of each of the mitigation actions the town proposed in the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan (HMP). The objective of this evaluation is to ensure that there is a continual planning process that will keep the HMP plan dynamic and responsive to the needs and capabilities of the community.

The HMP was developed in response to requirements of the Disaster Mitigation Act of 2000. The initial version was completed in 2005 and, since then, there have been updates every five years. The current version of the plan was adopted by the Town Council on October 19, 2020 and approved by FEMA on January 4, 2021. A copy of the current HMP is available online via the link below:

<https://www.charlottenc.gov/files/sharedassets/city/public-safety/em/documents/2020-mecklenburg-county-mjhmp-final.pdf>

2 Implementation

The hazard mitigation planning process involves setting goals and objectives, reviewing community vulnerabilities and capabilities, and developing mitigation actions that would make the **Town of Huntersville** more resilient during natural hazards. The goals and objectives of the 2020 plan includes:

- Identify and implement hazard mitigation projects designed to reduce the impact of future hazard events on existing critical facilities and infrastructure as well as public and private property.
- Conduct education and outreach activities intended to better inform people about hazards and encourage personal responsibility for preparedness and mitigation.
- Improve emergency preparedness and response capabilities.
- Enact planning and policy measures to reduce the impacts of identified hazards and make future development more resilient to hazards.

The implementation status of individual mitigation actions outlined in Section 7 of the plan is summarized in a tabular format in Section 6 (Review of Mitigation Actions) of this report.

3 Recommendations

Implementation and maintenance of the plan is critical to the overall success of hazard mitigation planning. It is recommended that the CRS Coordinator work closely with the Charlotte-Mecklenburg Emergency Management Office (CMEMO) Planner and the Town of Huntersville's HMP Committee in all plan monitoring and update procedures to meet CRS requirements.

4 Justice40: The Need

The Justice40 promise seeks to create an equitable recovery for Americans facing challenges created by aging infrastructure, a frayed social safety net, natural disasters, and the ongoing COVID-19 pandemic. Justice40 must address inequities that hinder a sustainable, just society, and that disproportionately harm low-income and communities of color across America.

<https://www.thejustice40.com/>

https://www.fema.gov/sites/default/files/documents/fema_equity-webinar-final_8-17-21.pdf

5 Dissemination

This Progress Report will be made available to the Town of Huntersville Board of Commissioners by December 3, 2024. The report will also be made available to the public at www.huntersville.org. Additionally, copies are available at the Huntersville Planning Department located at 105 Gilead Road, 3rd Floor, Huntersville, NC 28078. For more information, please call (704) 875-7000.

6 Review of Mitigation Actions

Action#	Mitigation Action	2024 Implementation Status Update
Huntersville- 1	Seek grant funding to retrofit critical facilities and Town- owned facilities for improved resilience to all hazards with the use of the latest building materials and technology. This could include, but is not limited to: wind retrofits, low water consumption fixtures, leak detectors, backup generators, ignition-resistant materials, 320 or 361 compliant safe rooms, lightning protection, hail resistant roofing, and anchoring fixed building equipment.	No actions were needed in the last five years due to other priorities. The Town will continue to seek funding to equip new and/or existing Town- owned facilities with materials and technology that will improve resilience to hazards.
Huntersville- 2	Implement storm water mitigation projects, including the grading of ditches and replacing failing/potentially failing storm water structures	The Town of Huntersville processes property owner concerns. The Town evaluates, ranks, and mitigates all qualifying stormwater matters within Town of Huntersville corporate limits. Additionally, the Town and/or NCDOT are constructing a variety of transportation projects throughout town, which will improve connectivity (beneficial if there are significant events) and each have substantial storm water components in their design, which assist with mitigation of flooding concerns.
Huntersville- 3	Conduct an annual tabletop exercise addressing potential hazards faced by Town. This exercise would bring together representatives from all Town departments that would work together creating and implementing a plan to effectively deal with the hazard.	Exercise conducted through CMEMO through the FEMA-evaluated FNF exercise.
Huntersville- 4	Coordinate with Char-Meck EM to relay critical information on the Towns Social Media Sites regarding potential hazards, localized emergencies, preparedness, and property protection options.	Town regularly shares information from Char-Meck Stormwater, CMEMO and other emergency partners, utilities, etc. as needs arise during potential and real hazards. CMEMO is our EOC and have extended invitation to activate any time needed by the Town.
Huntersville- 5	Provide and maintain NIMS training for town employees and government officials likely to be involved with hazard mitigation or emergency response.	There have been ongoing training opportunities through CMEMO.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Jim Dotoli, Fire Chief

Subject: Medic Contract

EXPLAIN REQUEST:

Discuss current Medic contract and consider negotiating new terms.

ACTION RECOMMENDED:

Discuss current Medic contract and consider negotiating new terms.

FINANCIAL IMPLICATIONS:

Potential new contract is expected to have financial ramifications.

ATTACHMENTS:

None



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Nathan Farber, Senior Planner

Subject: #R24-06 Rosedale Infill

EXPLAIN REQUEST:

Consider a decision on Petition #R24-06, Rosedale Infill, a request by Antiquity Woods LLC - Joe Roy to rezone approximately 0.186 acres of land located at 9923 Ansonborough Square from NR (TND-O) to NR (TND-O) (CD) to develop four townhome units.

ACTION RECOMMENDED:

Make a Decision

FINANCIAL IMPLICATIONS:

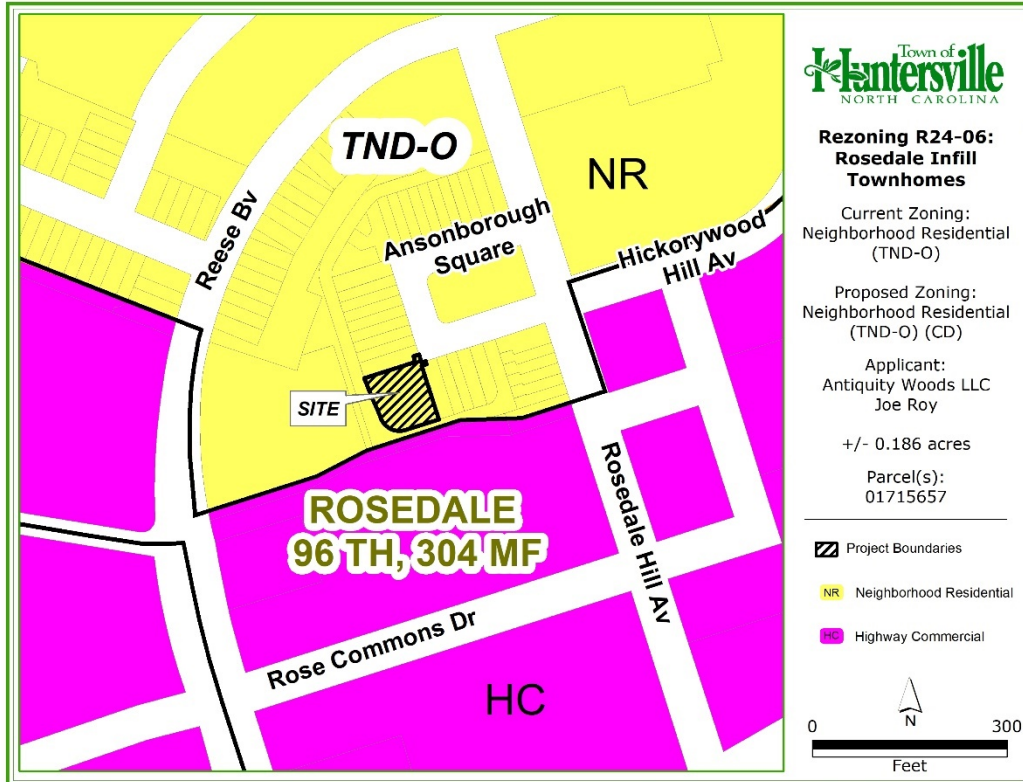
N/A

ATTACHMENTS:

1. R24-06 TB Staff Report
2. A - Rezoning Application
3. B - R24-06 Rezoning Plan
4. C - Neighborhood Meeting Report (September 20, 2024)
5. D - APO Notification
6. E - R98-12 Approved Site Plan
7. F - R01-13 Approved Site Plan
8. G - Engineering Staff Statement/Comments

Petition R24-06 Rosedale Infill

PART 1: PROJECT SUMMARY



Applicant: Antiquity Woods LLC – Joe Roy

Property Owner: Antiquity Woods LLC – Joe Roy

Property Address: 9923 Ansonborough Square

Project Size: (+/-) 0.186 acres

Parcel Numbers: 01715657

Current Zoning: NR (TND-O)

Current Land Use: Residential (Vacant Open Space)

Proposed Zoning: NR (TND-O)(CD)

Proposed Land Use: Single Family Attached

- Purpose: Rezone +/- 0.186 acres South west of Ansonborough Square from Neighborhood Residential and Traditional Neighborhood Development (NR (TND-O)) to Neighborhood Residential and Traditional Neighborhood Development Conditional District (NR(TND-O)(CD)) for four single family attached townhomes.
- Project Background: The Rosedale mixed-use development was approved as part of the R98-12 “Rosedale” rezoning in 1999 (See Attachment E). Two years later, Meeting Street Homes submitted R01-13 “Rosedale Townhomes” as an amendment to a 3.147-acre portion of Rosedale (See Attachment F). The Rosedale Townhomes development was approved to include 33 total units made up of 26 townhomes, 7 live-work units, and three open spaces. The three open spaces are made up of one large forecourt and two common open spaces.
- The applicant is proposing to modify the existing R01-13 site plan by replacing 0.186 acres of common open space with four single family attached townhomes. The Townhomes will front on urban open space and will utilize the existing private alley way for vehicular parking.
- Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential and Traditional Neighborhood Development – Currently Single Attached Townhomes.
 - South: Highway Commercial – Currently Rosedale Shopping Center.
 - East: Neighborhood Residential and Traditional Neighborhood Development – Currently Single Attached Townhomes.
 - West: Neighborhood Residential and Traditional Neighborhood Development – Currently Daycare Center.

5. A neighborhood meeting was held on September 20, 2024, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
6. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Rosedale Hill Avenue.

PART 2: REZONING/SITE PLAN

The proposed Rosedale Infill Conditional District Rezoning Plan is summarized as follows:

- The applicant is proposing to modify the existing approved R01-13 rezoning plan (See Attachment E and F).
- The original R98-12 “Rosedale” rezoning required a single Urban Open Space, as required by the Traditional Neighborhood Overlay (TND-O), to be provided for the Rosedale Townhomes development. The existing forecourt open space fulfills the open space requirements for the subdivision and will continue to fulfill the requirements as it will not be removed. The applicant is proposing to remove the existing common open space and replace it with four Single-Family Attached homes (Townhomes). The removal of the existing common open space is not detrimental to the R98-12 or R01-13 rezoning plan, as the ordinance at that time only required urban open space in TND areas. The forecourt in Ansonborough Square by itself satisfies the open space requirement for this section of Rosedale.
- R01-13 was approved for a total of 33 units. The applicant is proposing to add four additional townhomes, which would increase the total units to 37. Each home will be located on its own parcel.
- R01-13 has a max Attached House height of 30’. The applicant has proposed that the max height of the four homes will remain compliant at 30’. This is measured from the highest finished grade to the eaves.
- The Townhomes will front on an urban open space Plaza as allowed by Article 8.1.4 of the zoning ordinance as the current parcel does not front on a public road. The urban open space Plaza will include a seating area using pea gravel and benches that will be surrounded by landscaping, a circuitous walking path to each home, and a sculpture in the center. This area will be located in between the new and existing Townhomes.
- A pedestrian connection between the front of the homes and Ansonborough Square will be provided via a sidewalk.
- An encroachment agreement will be required with the Town of Huntersville as the proposed sidewalk will run through a 15’ Public Drainage Easement and Public ROW.
- Vehicular access will be provided via the existing private alleyway in the rear.
- Minimum parking requirements for Residential dwelling units with more than one bedroom is 1.5 spaces. The overall development will require a total of 6 spaces. The developer is providing 7 spaces made up of a mix of parking options that are specific to each townhome which include a driveway, two separate parking areas, and one unit will have a garage.
- Tree preservation was not a requirement as part of the original R98-12 and R01-13 rezonings.
- The applicant has requested for new utilities to be routed through an existing public drainage easement. The applicant has requested this as a modification. Staff has recommended that this modification be removed from the modification list as it is not an ordinance requirement. Staff is working with the applicant to resolve this request (See Attachment G).
- Please see Attachment G for Stormwater and Impervious information.
- The applicant has submitted preliminary construction documents to be reviewed simultaneously as the rezoning.
- Planning, Transportation, and Storm Water Engineering staff have outstanding site plan comments that need to be addressed before final plan approval.
- One (1) Ordinance Modification is proposed:
 1. Article 4.11: Lot Type/Attached House – Building Placement/Parking/Vehicle Access – Requires buildings to be placed on the lot within zones represented by the hatched area. Building facades are to be generally parallel to front property lines. All buildings shall front onto a public street.
APPLICANT PROPOSAL – The applicant is requesting to place the homes on the existing property while not fronting a public street or generally parallel to the front property line.
STAFF COMMENT –Staff SUPPORTS this modification request as it is consistent with the Zoning Ordinance. The proposed homes will be oriented towards Ansonborough similar to existing units, in so doing, the catty-

corner orientation creates the urban open space that connects the units to the public street (Ansonborough). This proposed design meets the spirit of the ordinance.

PART 3: TRANSPORTATION ISSUES

Please see Attachment G for all Engineering comments.

PART 4: REZONING CRITERIA

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

2040 Huntersville Community Plan



STAFF COMMENT – The 2040 Huntersville Community Plan DOES SUPPORT this project through the following sections:

- **LU 2.1:** Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville’s zoning jurisdiction. **STAFF COMMENT:** The proposed intensification is located within two miles of I-77/ NC-115 corridor.
- **LU 5.1:** Allow more intense development only where transportation infrastructure and utilities already exist. **STAFF COMMENT:** LU 5.1 does support the rezoning as the proposed residential increase in density is being placed in a location using already existing road infrastructure and utilities.
- **LU 7.1:** Require all new development to adhere to the following design principles:

- In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:

- All buildings shall front a public street or open space.

STAFF COMMENT: LU 7.1 supports the rezoning as the project will be using urban open spaces as it's frontage as it is not possible to front on the existing public street. This urban open space will provide a gathering place for the new and existing residents.

- **LU 9.1:** In higher intensity areas including Mixed Use Centers, Activity Centers, the Town Core, and Moderate Density areas neighborhoods should adhere to the following design principles:

- All homes must front a public street or open space.
 - Front porches and recessed garages are encouraged.
 - On-street parking is required in new developments that have lot widths below 60'. Alley-loading is also encouraged in these cases.

STAFF COMMENT: LU 9.1 supports the rezoning as the proposed project is located within a Mixed-Use Center and will utilize the recommended design principles. The Townhomes will front on urban open space and will be alley-loaded. Existing on-street parking is located on Ansonborough Square.

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

STAFF COMMENT: LU 11.2 supports the proposed rezoning as the new buildings will maintain similar spacing, massing and scale as the existing surrounding Townhomes. The street frontage relationships will be different from the existing Townhomes but will provide urban open space that benefits both the new and existing homes.

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

- **LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards
 - Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.
 - Offer flexibility using performance standards, guided by the design principles.
 - Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
 - Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
 - Incentives that could include:
 - Modification of height limit.
 - Increase in percent of allowable attached residential.
 - Reduced parking requirements.
 - Reduced buffer yard requirements.

STAFF COMMENT: The rezoning did not originally contemplate housing units in this specific area, as open space was established. The applicant is asking for a modification to amend the original rezoning to allow the increase in units at the proposed site. To allow this increase staff recommends a higher design standard over and above the minimum standards of the ordinance per Policy 8.2 of the Huntersville 2040 Plan. While the rezoning site plan shows an urban open space that could meet this higher level of design, staff would recommend the applicant commit to the proposed improvements and design through the inclusion of a conditional statement at a minimum. At the time of this staff report the condition had not been added to the rezoning site plan, though the applicant has verbally agreed to the conditions.

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

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

STAFF COMMENT:

The property is surrounded by residential properties such that the higher intensity proposed use would be consistent with existing development in the immediate vicinity of the subject property. The proposed townhomes will stylistically differ from the existing townhomes as they will use a white Hardie board versus the existing brick. While the style will differ, Staff finds that the proposed structures will be consistent with the existing townhomes as they will maintain a similar massing and scale. The proposed rezoning for the Rosedale Infill project is consistent with envisioned uses and development patterns set forth in the 2040 Community Plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was not required – see Attachment G.
- The property will be served by public drainage, water, and wastewater.
- The property will be served by Charlotte Water.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, or cultural resources. Currently, the site is not encumbered by any historic easements or deed restrictions.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R24-06, Rosedale Infill, Staff supports the rezoning and the additional four units with the following condition:

- That the applicant provide a conditional note stating their commitment to formalizing the urban open space.

PART 6: PUBLIC HEARING COMMENTS

The Town Board heard the public hearing for R24-06 on November 4, 2024. During the hearing, a concern was raised regarding the plan not including a sidewalk to the existing mailboxes. Staff is working with the applicant to review the feasibility of adding sidewalk to the mailboxes.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board made a unanimous recommendation for approval on November 20, 2024. During the meeting the applicant stated their willingness to offer one unit as affordable. Specifics of this offer was not discussed with the Planning Board nor with staff at any point.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for December 17, 2024.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – R24-06 Rezoning Plan

C – Neighborhood Meeting Report (September 20, 2024)
D – APO Notification
E - R98-12 Approved Site Plan
F – R01-13 Approved Site Plan
G – Engineering Staff Statement/Comments

PART 10: CONSISTENCY STATEMENT – R24-06 Rosedale Infill

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R24-06, Rosedale Infill, the Planning Department recommends approval based on the Plan being consistent with the Huntersville 2040 Community Plan, specifically, Policies LU 2.1, LU 5.1, LU 7.1, LU 9.1 and LU 11.2. It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with existing development patterns in the vicinity and because the requested modification #1 is keeping with the spirit of the ordinance.	APPROVAL: In considering the proposed rezoning application R24-06, Rosedale Infill, the Planning Board recommends approval of the rezoning to accommodate the additional four units. We find the request to be consistent with policy LU 2.1, LU 5.1, LU 7.1, LU 9.1, and LU 11.2 of the Huntersville 2040 community plan. We also recommend approval to the requested modification to Article 4.11 as the proposal has the properties in a similar orientation to the existing properties. Our recommendation for approval is also dependent on the following conditions. That the applicant provides a conditional note stating their commitment to formalizing the urban open space. It is reasonable and in the public interest to approve the rezoning plan as it is consistent with the existing development patterns in the vicinity and because the requested modification is in keeping with the spirit of the zoning ordinance.	APPROVAL: In considering the proposed rezoning application R24-06, Rosedale Infill, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL: NA	DENIAL: NA	DENIAL: In considering the proposed rezoning application R24-06, Rosedale Infill, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application July 31, 2024

Name of Project Rosedale Infill Phase # (if subdivision) _____

Project Address 9923 Ansonborough Square (per Address Verification)

Parcel Identification Number(s) (PIN) 01715657

Current Zoning District NR (TND-O) Proposed District (for rezoning only) NR (TND-O) CD

Property Size (acres) 0.186 AC Street Frontage (feet) 0' (PUBLIC), 166' (PRIVATE)

Current Land Use UNDEVELOPED, COMMON OPEN SPACE

Proposed Land Use(s) SINGLE FAMILY ATTACHED (TOWNHOMES)

Is the project within Huntersville's corporate limits?

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

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

The applicant is seeking to rezone the property in order to provide 4 new townhomes within a previously approved CD zoned project that contains a master stormwater pond and originally designated the parcel as common open space. The project will include a new small urban plaza space between the proposed townhomes and the existing townhomes on adjacent parcels.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Antiquity Woods LLC - Joe Roy Phone 704-714-3077
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title Manager Email royjt@meetingstreet.net

Address of Applicant 19925 Jane Crump Ln Cornelius, NC 28031

7. Property Owner (if different than applicant)

*Printed Name Antiquity Woods LLC - Joe Roy Phone 704-714-3077
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title Manager Email royjt@meetingstreet.net

Address of Property Owner 19925 Jane Crump Ln Cornelius, NC 28031

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application **MUST** be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an **INVALID APPLICATION**. If additional space is needed for signatures, attach the **Town of Huntersville Signature Addendum Form**.

8. Development/Design Firm Contact Information

Meeting Street Homes & Communities	Joe Roy	704-714-3077	royjt@meetingstreet.net
Development Firm	Name of Contact	Phone	Email
W&A Engineering	Kristen James	704-875-1615	kjames@waengineering.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

Sheet List Table	
Sheet Number	Sheet Title
Z01	COVER
Z02	SURVEY
Z02A	SLOPE ANALYSIS
Z02B	DEMO + TREE SAVE PLAN
Z03	REZONING PLAN
Z04	PRELIM GRADING PLAN
Z04A	DRAINAGE EXHIBIT
Z04B	DRAINAGE EXHIBIT CONT.
Z05	LANDSCAPE AND UTILITY PLAN
Z06	SITE PLAN + OPEN SPACE RENDER
Z07	ELEVATIONS

CONDITIONAL REZONING PLANS

FOR

ROSEDALE INFILL

LOT 35, ANSONBOROUGH SQUARE

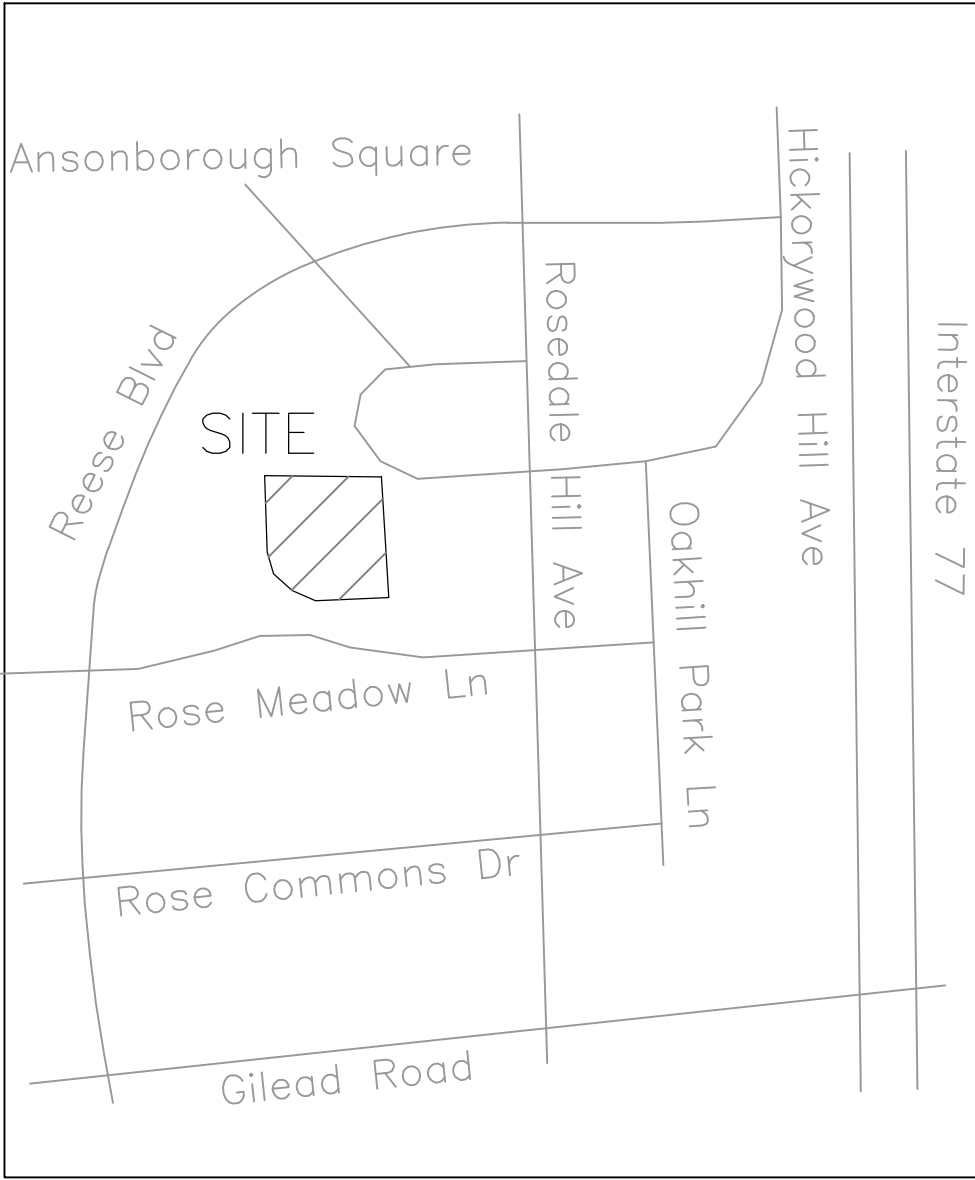
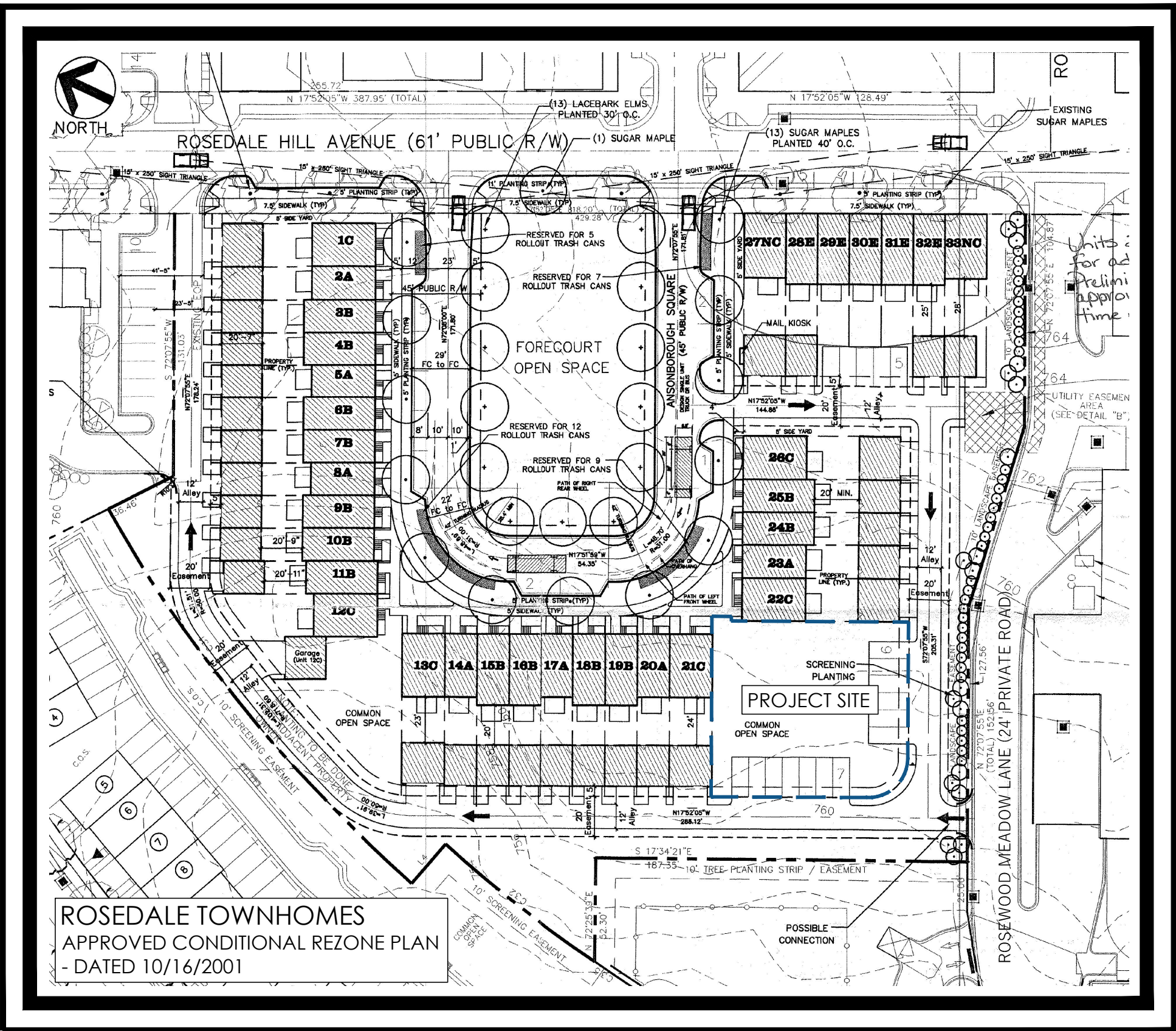
HUNTERSVILLE, MECKLENBURG COUNTY, NC

0.19-ACRE SITE

ISSUED XX/XX/XX

HFI PROJECT # 223057

MUNICIPAL PROJECT #: R24-06



VICINITY MAP
NTS



W&A
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LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

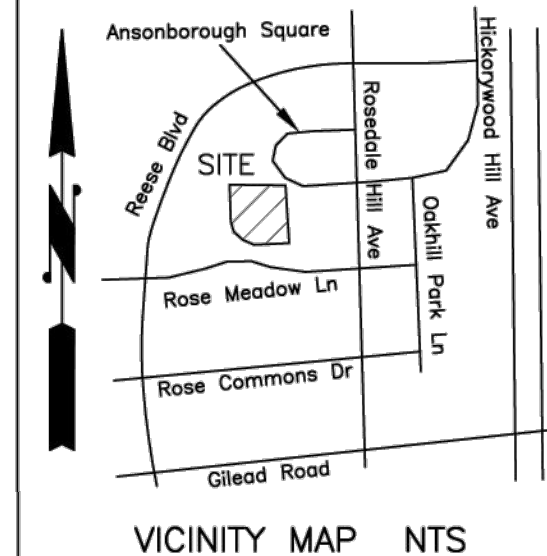
121 Gilead Rd, Huntersville, NC 28078
P: (704) 875-1615
WAENGINEERING.COM
Building Better Communities, One Project at a Time.

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





North Ref. NC GRID NAD83/2011



CALL TABLE

Course	Bearing	Distance
L1	N 17°47'52" W	9.00'
L2	N 72°12'08" E	9.00'
L3	S 17°47'52" E	12.80'
L4	N 72°12'08" E	5.26'
L5	S 17°47'52" E	5.00'
L6	S 72°12'08" W	8.00'

CURVE TABLE

Curve	Radius	Chord	Chord Bear.
C1	31.00'	42.70'	N 64°17'16" W
C2	310.00'	26.58'	N 23°14'31" W
C3	290.00'	39.96'	N 21°44'55" W

ANY ADDITIONAL PAVEMENT OR CURB NOT LOCATED BY SURVEY OR THAT CONFLICTS WITH PROPOSED PAVEMENT & CURB AND GUTTER MUST BE REMOVED. ALL PAVEMENT AND CURB TO BE REMOVED SHALL BE SAW CUT AT THE PROPOSED JOINT LOCATION.

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY W&A ENGINEERING IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

THIS SURVEY WAS PROVIDED BY OTHERS AND IS INCLUDED AS REFERENCE ONLY.

SURVEY BY:
ALLEN GEOMATICS, P.C.
PO BOX 89
ADVANCE, NC 27006
PH: 336-998-0218

NOTES:

- PIN: 01715657
- DB 38 PG 790
- MB 37 PG 741, MB 38 PG 479
- Zoned NR (TNB-O)
- Total Area: 0.186 Acres
- Elevations are NAVD88
- Location of PSDE and PDE are based on centerline of existing Storm Sewer Structures and scaled in from MB 37 PG 741.

LEGEND

PT CALCULATED POINT (NOT SET)
EIR EXISTING IRON REBAR
IRS #4 REBAR SET
EP EDGE OF PAVEMENT
BC BACK OF CURB
LP LIGHT POLE
EM ELECTRIC METER
TF TRANSFORMER
GM GAS METER
R/W RIGHT-OF-WAY
PIN PARCEL IDENTIFICATION NUMBER
DB DEED BOOK
MB MAP BOOK
PG PAGE
NAD NORTH AMERICAN DATUM
NAVD NORTH AMERICAN VERTICAL DATUM
NTS NOT TO SCALE
FFE FINISH FLOOR ELEVATION
TP TELEPHONE PEDISTAL
WM WATER METER
DI DROP INLET
YI YARD INLET
CI CURB INLET
INV INVERT
STMH STORM SEWER MANHOLE
CO CLEANOUT
SSMH SANITARY SEWER MANHOLE
RCP REINFORCED CONCRETE PIPE
PVC POLYVINYL CHLORIDE PIPE
PSDE PUBLIC STORM DRAINAGE EASEMENT
PDE PRIVATE DRAINAGE EASEMENT
MB MAIL BOX KIOSK

SYMBOL LEGEND

MAIL BOX KIOSK
ELECTRIC METER
LIGHT POLE
SPOT GRADE LOCATION SIGN
TELEPHONE PEDISTAL
GAS METER
PET WASTE
WATER METER
CLEANOUT
FFE LOCATION
SURVEY CONTROL
GRID MONUMENT
BUSH
TREE
STORM SEWER MANHOLE
CURB INLET
DROP/YARD INLET
SANITARY SEWER MANHOLE

LINETYPE LEGEND

CONCRETE
LANDSCAPED AREA
PSDE/PDE AREA
EXISTING BUILDINGS
EXISTING BRICK PORCH AND STEPS

LINETYPE LEGEND

PROPERTY LINE
EASEMENT
PUBLIC R/W
LINES NOT SURVEYED (ADJOINERS)
FENCE
TIE LINE
SETBACK LINE
STORM SEWER LINE
SANITARY SEWER LINE

PIN: 01715657
0.186 Acres

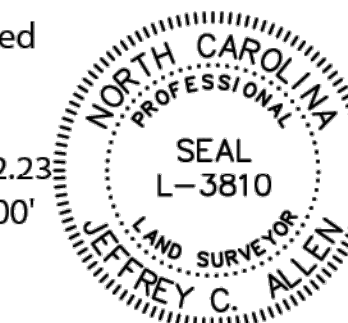
I certify that this map was drawn under my direct and responsible charge from an actual ground survey made under my supervision; that this ground survey was performed at the 95 percent confidence level to meet Federal Geographic Data Committee Standards; that the original data was obtained 02/08/24 to 02/15/24; that all elevations are based on NAVD88; that the boundary survey references the deed description recorded in Deed Book 33693 Page 790, Map Book 37 Page 741, and Map Book 38 Page 479; that the ratio of precision does not exceed 1:10,000; that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (Title 21 NCAC 56.1600); and that the Global Positioning System (GPS) survey and the following information was used to perform the "Class A" GPS survey: RTK Network procedure on 02/08/24; NAD83 Datum / Epoch 2011 / GEOID18; Checked Published NCGS Monument "LEAD"; Positional accuracy < 0.10'; US Survey Feet Combined Grid Factor 0.99984421.

Witness my original signature, license number and seal this 23rd day of February, 2024.

PROFESSIONAL LAND SURVEYOR L-3810

Jeffrey C. Allen

Digitally signed by Jeffrey C. Allen
Date: 2024.02.23 16:22:06 -05'00'



Boundary & Topographic Survey Lot 35 Rosedale

Ansonborough Square
Huntersville - Mecklenburg County
NORTH CAROLINA

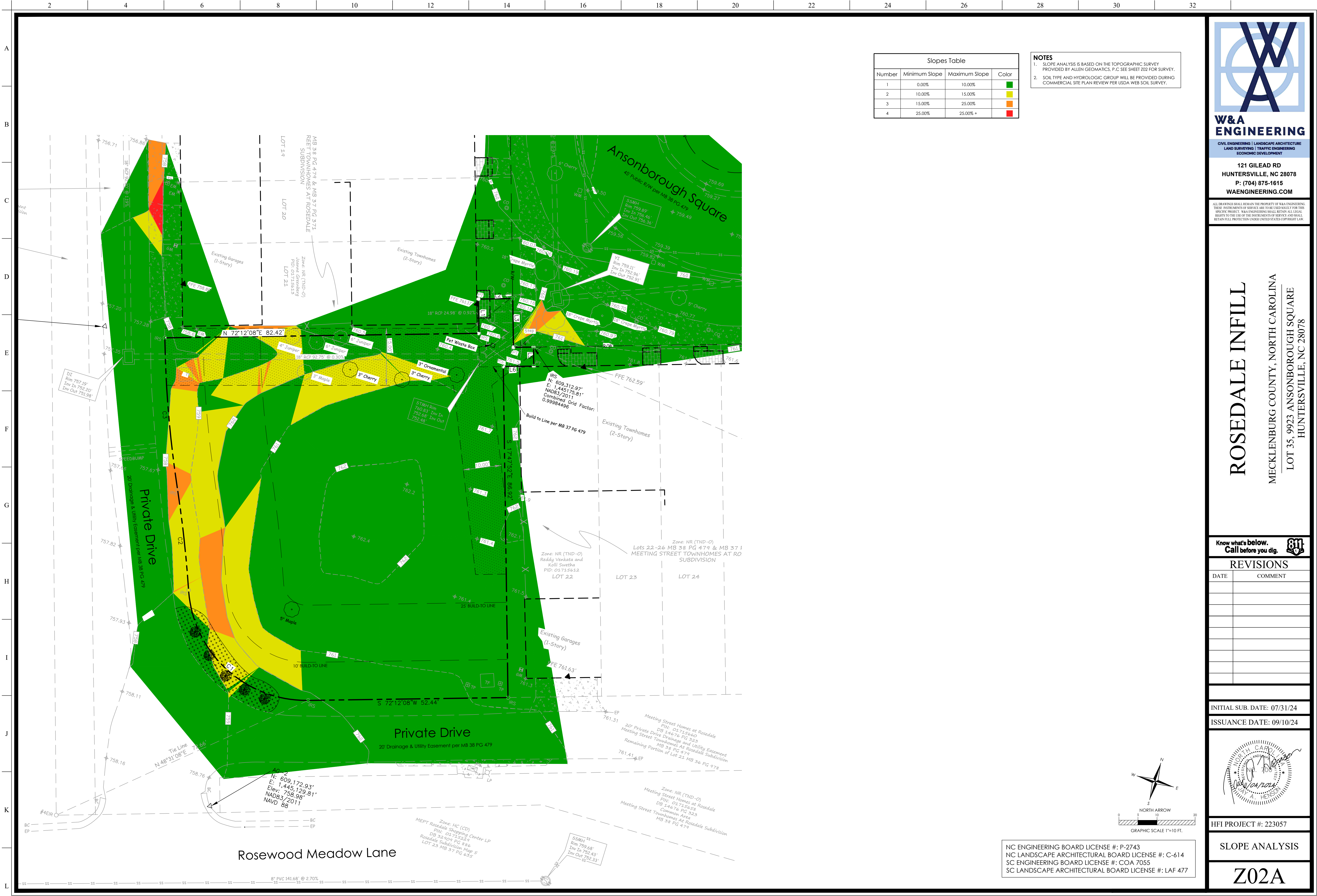
10' 5' 0 10' 20' 30'

SCALE 1"=10' DATE 02/23/24 JOB # 1927 DRAWN BRS

Allen geomatICS
LAND SURVEYING

OWNER:
Antiquity Woods LLC
19925 Jane Crump Lane
Cornelius, NC 28031

Allen Geomatics, P.C. (C-3191)
PO Box 89, Advance, NC 27006
(336) 998-0218
www.AllenGeomatics.com



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Green
2	10.00%	15.00%	Yellow
3	15.00%	25.00%	Orange
4	25.00%	25.00% +	Red

NOTES
1. SLOPE ANALYSIS IS BASED ON THE TOPOGRAPHIC SURVEY PROVIDED BY ALLEN GEOMATICS, P.C. SEE SHEET 202 FOR SURVEY.
2. SOIL TYPE AND HYDROLOGIC GROUP WILL BE PROVIDED DURING COMMERCIAL SITE PLAN REVIEW PER USDA WEB SOIL SURVEY.



**W&A
ENGINEERING**

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

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

ROSEDALE INFILL

MECKLENBURG COUNTY, NORTH CAROLINA
LOT 35- 9923 ANSONBOROUGH SQUARE
HUNTERSVILLE, NC 28078

Know what's below.
Call before you dig.



REVISIONS

DATE	COMMENT

INITIAL SUB. DATE: 07/31/24

ISSUANCE DATE: 09/10/24

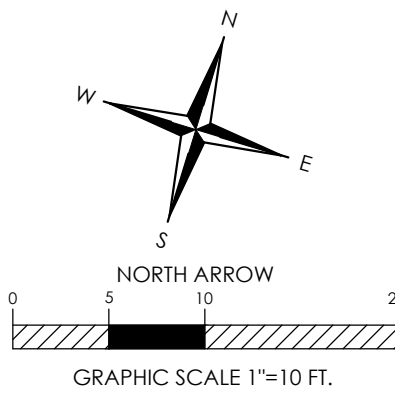


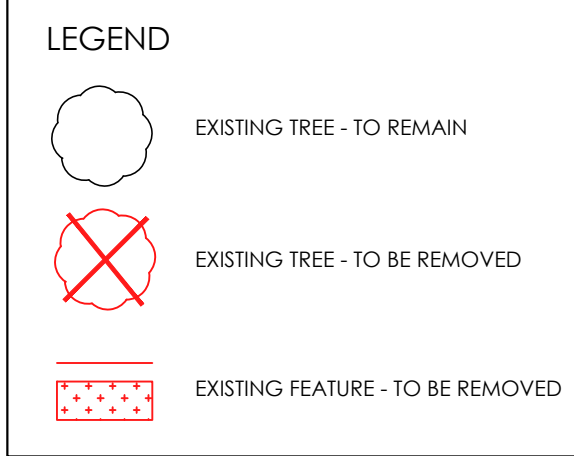
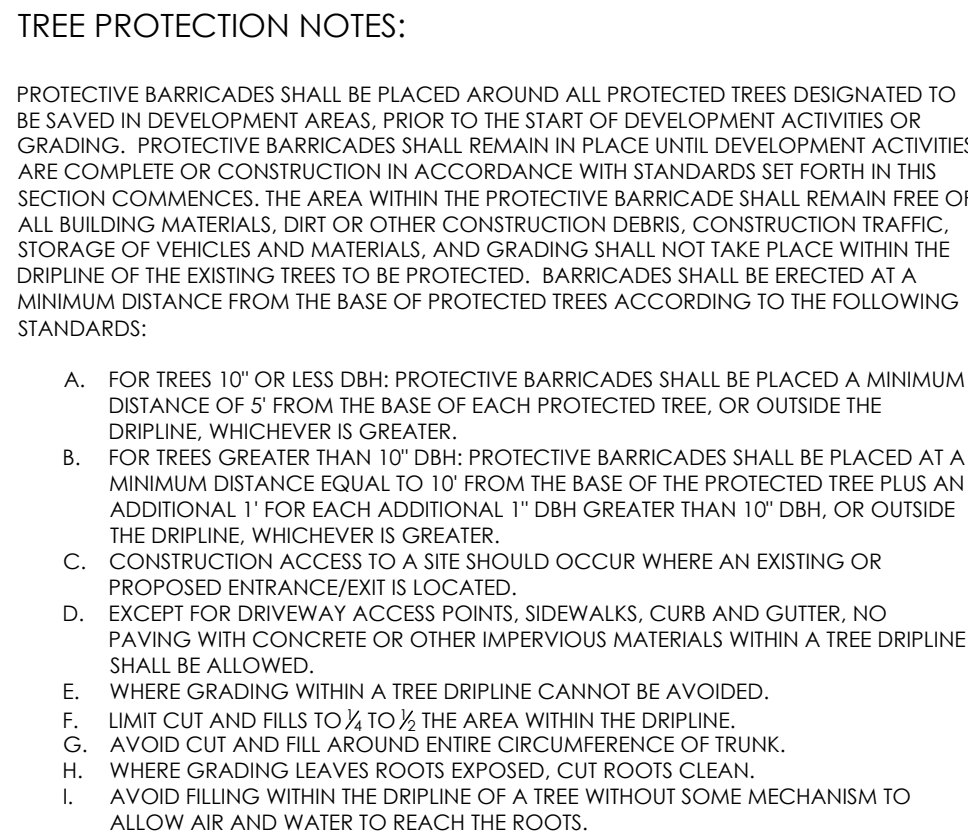
HFI PROJECT #: 223057

SLOPE ANALYSIS

Z02A

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





ANY ADDITIONAL PAVEMENT OR CURB NOT LOCATED
BY SURVEY OR THAT CONFLICTS WITH PROPOSED
PAVEMENT & CURB AND GUTTER MUST BE REMOVED

ALL PAVEMENT AND CURB TO BE REMOVED SHALL BE
SAW CUT AT THE PROPOSED JOINT LOCATION

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY W&A ENGINEERING IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

THIS SURVEY WAS PROVIDED BY OTHERS
AND IS INCLUDED AS REFERENCE ONLY

SURVEY BY:
ALLEN GEOMATICS, P.C.
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ADVANCE, NC 27006
PH: 336-998-0218

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NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
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ROSEDALE INFILL

MECKLENBURG COUNTY, NORTH CAROLINA
 LOT 35, 9923 ANSONBOROUGH SQUARE
 HUNTERSVILLE, NC 28078

Know what's below.
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[illegible]

INITIAL SUB. DATE: 07/31/24

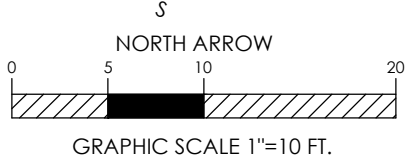
ISSUANCE DATE: 09/10/2010



HFI PROJECT #: 223057

DEMO + TREE SAVE PLAN

Z02B



THE APPLICANT IS SEEKING A CONDITIONAL REZONE OF PARCEL 01715657 [ZONED NR-TND], ALSO KNOWN AS LOT 35 OF THE ANSONBOROUGH SQUARE SUBDIVISION, TO AN UPDATED NR-TND ZONE THAT WILL ALLOW FOR THE PROPOSED DEVELOPMENT. THE ALLOWED USE OF THE LOT PER THE PREVIOUSLY APPROVED CONDITIONAL REZONING PLAN FOR THE ROSDALE TOWNHOMES IS COMMON OPEN SPACE. WITH THIS CONDITIONAL REZONE THERE IS FOUR TOWNHOMES PROPOSED IN PLACE OF THE COMMON OPEN SPACE. THE HOMES WILL BE ANGLED TO CREATE AN URBAN PLAZA SPACE BETWEEN THE FRONT OF THE PROPOSED TOWNHOMES AND THE SIDES OF THE EXISTING TOWNHOMES ON ADJACENT LOTS.

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF PROJECT SITE
DEVELOPMENT SITE AREA	137,083 SF	3.147 AC	N/A
ING ALLOCATED IMP. CVG	51,836 SF	1.190 AC	N/A
PROJECT SITE AREA	8,102 SF	0.186 AC	N/A
PROPOSED BUILDING	2,432 SF	0.06 AC	30.02 %
PAVED CONCRETE/PAVERS	1,684 SF	0.04 AC	20.78 %
PROJECT IMPERVIOUS	4,116 SF	0.09 AC	50.80 %
PROJECT REMAINING IMPERVIOUS ALLOCATION	47,720 SF	1.10 AC	N/A

IMPERVIOUS AREA ALLOCATED FOR THIS PARCEL IN THE COMMON PLAN OF DEVELOPMENT FOR DOWNTOWN HOMES (1.19 AC REMAINING AVAILABLE) FALLS WITHIN DRAINAGE AREA 'A' PER THE EXHIBIT INCLUDED ON SHEET Z04A AND Z04B.

1. **REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION, AND THE ("REZONING PETITION") BY MEETING STREET HOMES & CO., INC. ("PETITIONER"), APPROXIMATELY 0.166 ACRES TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS ROSDALE INFILL (THE "PROJECT"), IN CONNECTION WITH TAX PARCEL 007115657 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO UPDATE THE ALLOWABLE USE ON THE LOT UNDER THE EXISTING CONDITIONAL ZONING ORDINANCE TO ACCOMMODATE THE PROPOSED SPACING OF SINGLE-FAMILY RESIDENTS ATTACHED IN ACCORDANCE OF THE PROVISIONS OF THE TOWN OF HUNTSVILLE ZONING ORDINANCE (THE "ORDINANCE").

2. **DEVELOPMENT STANDARDS.** DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION. UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS (S), OR UNLESS OTHERWISE SPECIFICALLY PROVIDED, THE DEVELOPMENT OF THE PROPERTY SHALL BE GOVERNED BY THE STANDARDS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION FOR THE TRANSITIONAL NEIGHBORHOOD DEVELOPMENT (NR TND-O) ZONING GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.

3. **SCHEMATIC NATURE OF REZONING PLAN.** THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE PETITIONER'S INTENTION IS TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY COMPLETED AS SHOWN ON THE REZONING PLAN.

4. **VESTED RIGHTS.** THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL OF THE REZONING PETITION DOES NOT CONSTITUTE A VESTED RIGHT TO DEVELOP THE PROPERTY UNDER THE ORDINANCE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE TOWN BOARD, PETITIONER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PETITION. HOWEVER, THE PETITIONER'S INTENTION IS TO DEVELOP THE PROPERTY FROM TIME TO TIME AND WITHOUT PURSUING A REZONING, SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS.

5. **USE AND COMPATIBILITY.** THE SITE IS LOCATED WITHIN THE EXISTING ROSDALE TOWNHOMES ZONING DEVELOPMENT ZONE NR (TND-O). IN CONDITIONAL REZONING PLAN R01-13, THE SITE FALLS ON A CORNER LOT (J35) WITH TWO SIDES ALONG THE EXISTING 12' ALLEY THAT IN TURN BRANCHES OFF OF ROSEWOOD MEADOW LN. A 24' PRIVATE ROAD CONNECTING RESE BLVD TO ROSDALE HILL BLVD, UNDER THE EXISTING LOT 135, THE PROPOSED DEVELOPMENT OF THE PROPERTY WAS DESIGNATED AS COMMON OPEN SPACE FOR THE DEVELOPMENT, WITH 13 AUXILIARY PARKING SPACES THOUGH THE PARKING WAS NEVER ALLOWED, THE APPLICANT IS ASKING TO MODIFY THE ORIGINAL REZONE CONDITIONS TO ALLOW THE PROPERTY TO BE DEVELOPED WITH FOUR (4) TOWNHOMES AND REQUIRED PARKING, AND A SMALL URBAN PLAZA TO MINOR THE SURROUNDING DEVELOPMENT.

6. **PERMITTED USES.** ARTICLE 3.2.4.0 - SINGLE FAMILY HOMES (PERMITTED BY RIGHT)

A. "DWELLING UNIT - SINGLE FAMILY HOME" INCLUDES AN ATTACHED OR DETACHED SINGLE-FAMILY RESIDENTIAL UNIT OF AN INDIVIDUAL LOT DESIGNED FOR AND OCCUPIED EXCLUSIVELY BY ONE FAMILY.

B. PERMITTED BUILDING AND LOT TYPE: ATTACHED HOME - THE ATTACHED HOME IS A ROWHOUSE, TOWNHOUSE, DUPLEX, TRIPLEX, OR QUADRIPEX. GENERALLY DEVELOPED SIDE BY SIDE WHERE LAND IS SOLD WITH THE DWELLING UNIT, EXCLUDING THE DWELLINGS FROM THE DEFINITION OF MULTI-FAMILY DWELLINGS, NEW BUILDINGS SHALL REFLECT THE GENERAL SPACING OF STRUCTURES, BUILDING MASS AND SCALE, AND STREET FRONTAGE RELATIONSHIPS OF EXISTING BUILDINGS

7. **ACCESS.** THE PRIMARY VEHICULAR ACCESS TO THE PROPERTY WILL BE FROM THE EXISTING 12' PRIVATE ALLEY (LOCATED IN A 20' DRAINAGE AND UTILITY EASEMENT) THAT SERVES THE ADJACENT TOWNHOMES. UNDER THE ORDINANCE, ALL BUILDINGS SHALL FRONT ONTO A PUBLIC STREET OR HIGHWAY. THE PROPOSED DEVELOPMENT OF THE PROPERTY WILL BE DEVELOPED AS IT MAY BE SERVED BY A PRIVATE AND EXCLUSIVE RECORDED EASEMENT OF AT LEAST 15' IN WIDTH PROVIDED THAT IT IS SERVED BY A DRIVEWAY LOCATED ON SAID EASEMENT.

8. **AMENDMENT.** IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, THE PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT CONSTITUTES A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE PROPERTY OWNED BY THE PERSON WHO REQUESTS THE AMENDMENT. IN WHICH A LOT FOR RESIDENTIAL USE IS RECORDED PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT, ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN WHEN RECORDED.

9. **STORMWATER REQUIREMENTS.** BUILT-UPON AREAS SHALL BE IN ACCORDANCE WITH THE ORDINANCE AS REQUIRED FOR THE NEIGHBORHOOD RESIDENTIAL DISTRICT AND THE WATERSHED DISTRICT. THE PROPOSED DEVELOPMENT OF THE PROPERTY SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT AND THE ADDITIONAL BUILT-UPON AREA PROPOSED UNDER THIS PROJECT FALLS WITHIN THE ALLOWABLE REMAINING AREA FOR THE EXISTING POND. SO NO NEW DETENTION WILL BE REQUIRED.

10. **MODIFICATION.** DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE. MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:

1. THE PETITIONER REQUESTS THAT THE REQUIREMENTS FOR THE FRONT BUILD-TOE LINE AND THE FRONT SETBACK LINE UNDER THE ORDINANCE BE MODIFIED TO BE **AMENDED TO ALLOW STRUCTURES TO EXIST ON THE SITE AS SHOWN** IN ORDER TO BETTER REFLECT THE ORIENTATION OF THE EXISTING BUILDINGS ON ADJACENT LOTS AND TO PROVIDE A BETTER RELATIONSHIP BETWEEN THE DEVELOPMENTS.

10. **TRASH.** GARBAGE SERVICES WILL BE PROVIDED IN ROLL OUT TRASH CONTAINERS FOR RESIDENTIAL UNITS. THESE CONTAINERS SHALL BE SCREENED BY EVERGREEN SHUBS OR FENCE.

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.

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MECKLENBURG COUNTY, NORTH CAROLINA

LOT 35, 9923 ANSONBOROUGH SQUARE
HUNTERSVILLE, NC 28078

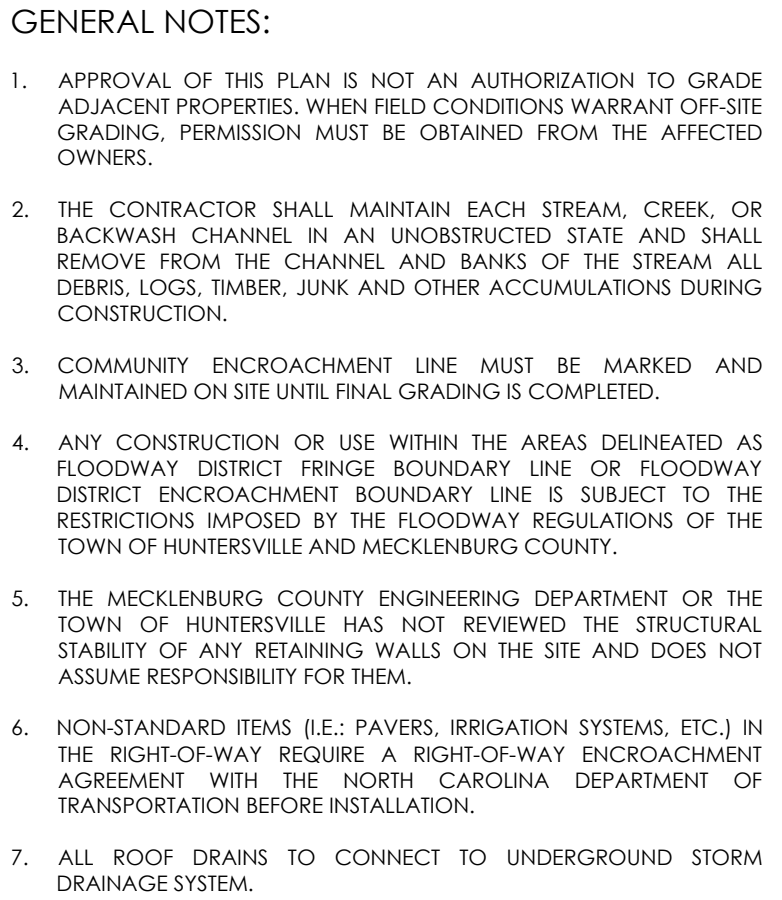
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ISSUANCE DATE: 09/10/24



REZONING PLAN

Z03



DISTURBED LIMITS: 0.20 ACRES

NOTE: WHERE PIPES ARE CALLED OUT TO BE CLASS III OR IV RCP, THEY MAY BE SUBSTITUED FOR ADS N-12.



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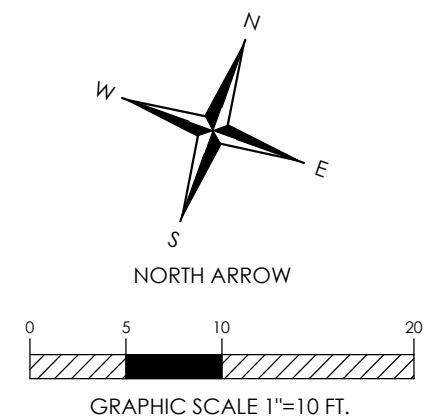


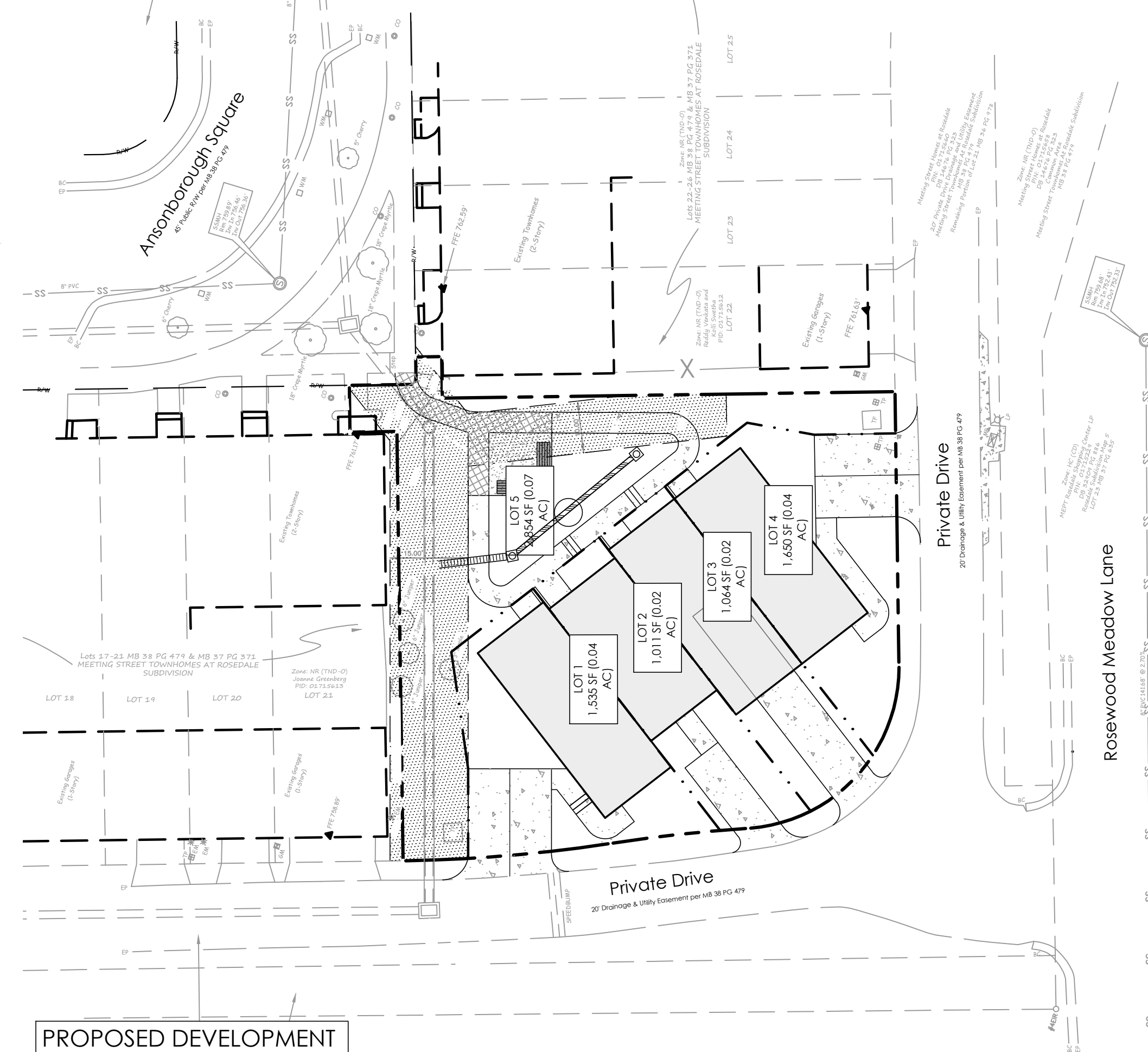
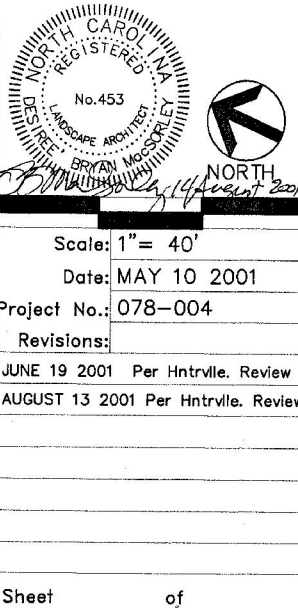
HFI PROJECT #: 223057

PRELIM GRADING PLAN

Z04

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SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477





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Z04B

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF PROJECT SITE
TOTAL SITE AREA	137,083 SF	3.147 AC	N/A
TOTAL ALLOWED IMP. CVG	51,836 SF	1.190 AC	N/A
PROJECT SITE AREA	8,102 SF	0.186 AC	N/A
PROPOSED BUILDING	2,432 SF	0.06 AC	30.02 %
PROPOSED CONCRETE/PAVERS	1,684 SF	0.04 AC	20.78 %
TOTAL PROJECT IMPERVIOUS	4,116 SF	0.09 AC	50.80 %
POST-PROJECT REMAINING IMPERVIOUS ALLOCATION	47,720 SF	1.10 AC	N/A



ROSEDALE INFILL

MECKLENBURG COUNTY, NORTH CAROLINA
 LOT 35, 9923 ANSONBOROUGH SQUARE
 HUNTERSVILLE, NC 28078

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[illegible]

INITIAL SUB. DATE: 07/31/24

ISSUANCE DATE: 09/10/24

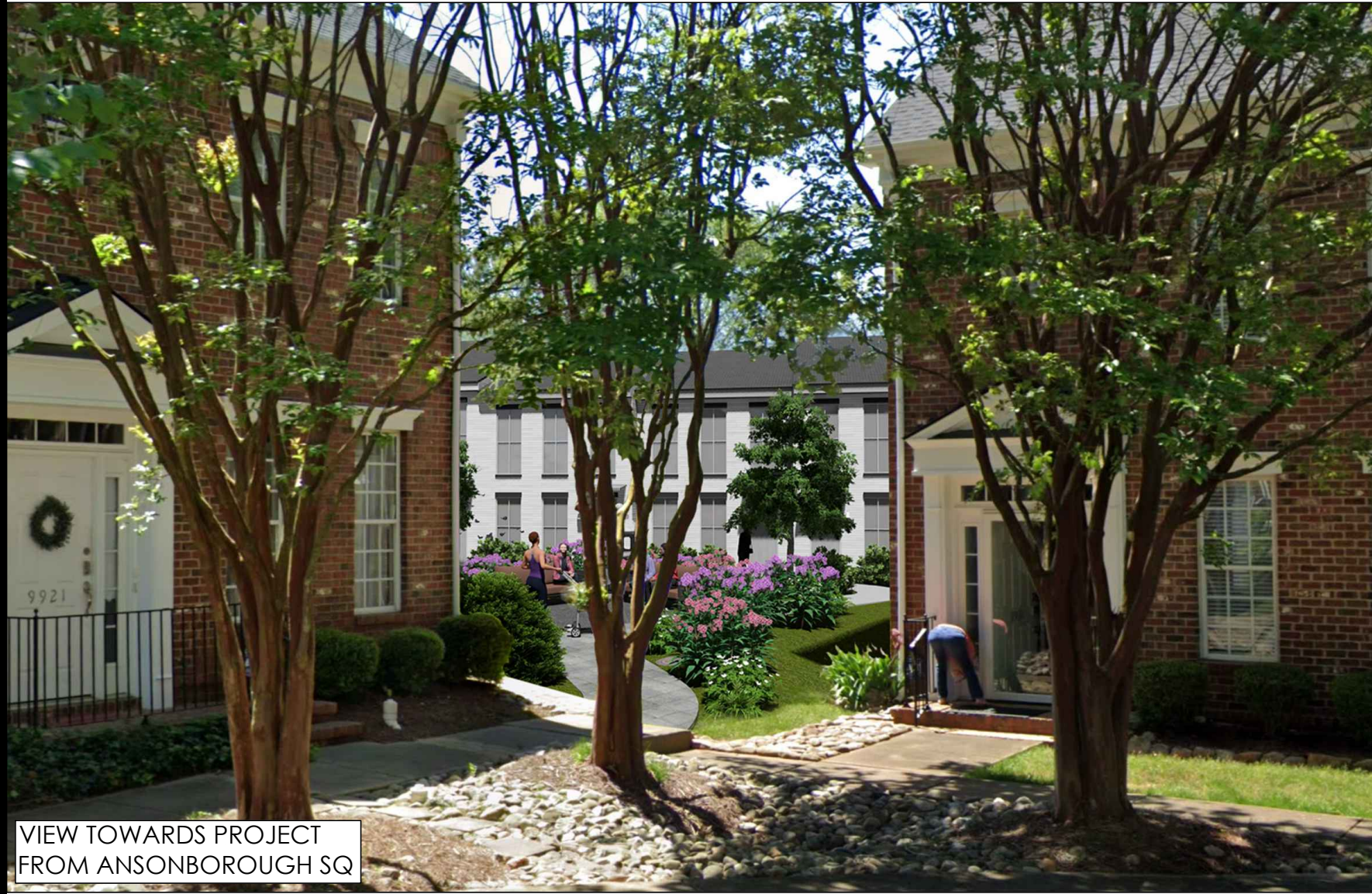


HFI PROJECT #: 223057

LANDSCAPE AND
UTILITY PLAN

Z05

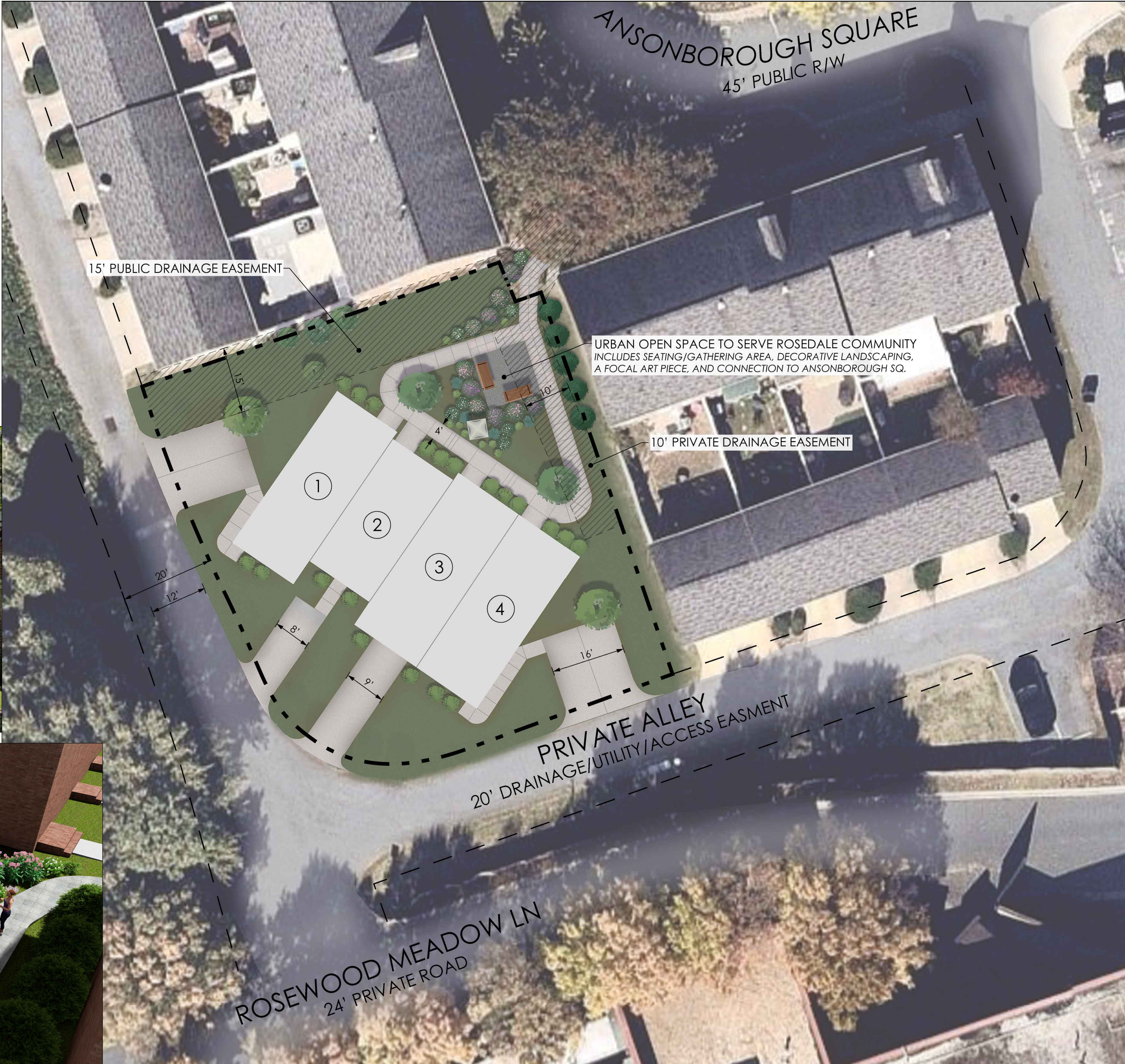
NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 47



VIEW TOWARDS PROJECT
FROM ANSONBOROUGH SQ.



OVERHEAD VIEW OF URBAN OPEN SPACE
BETWEEN NEW AND EXISTING TOWNHOMES





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DATE	COMMENT

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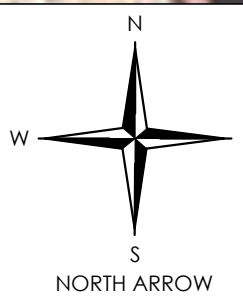
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HFI PROJECT #: 223057

**SITE PLAN + OPEN
SPACE RENDER**

Z06



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LOT 35 - 9923 ANSONBOROUGH SQUARE
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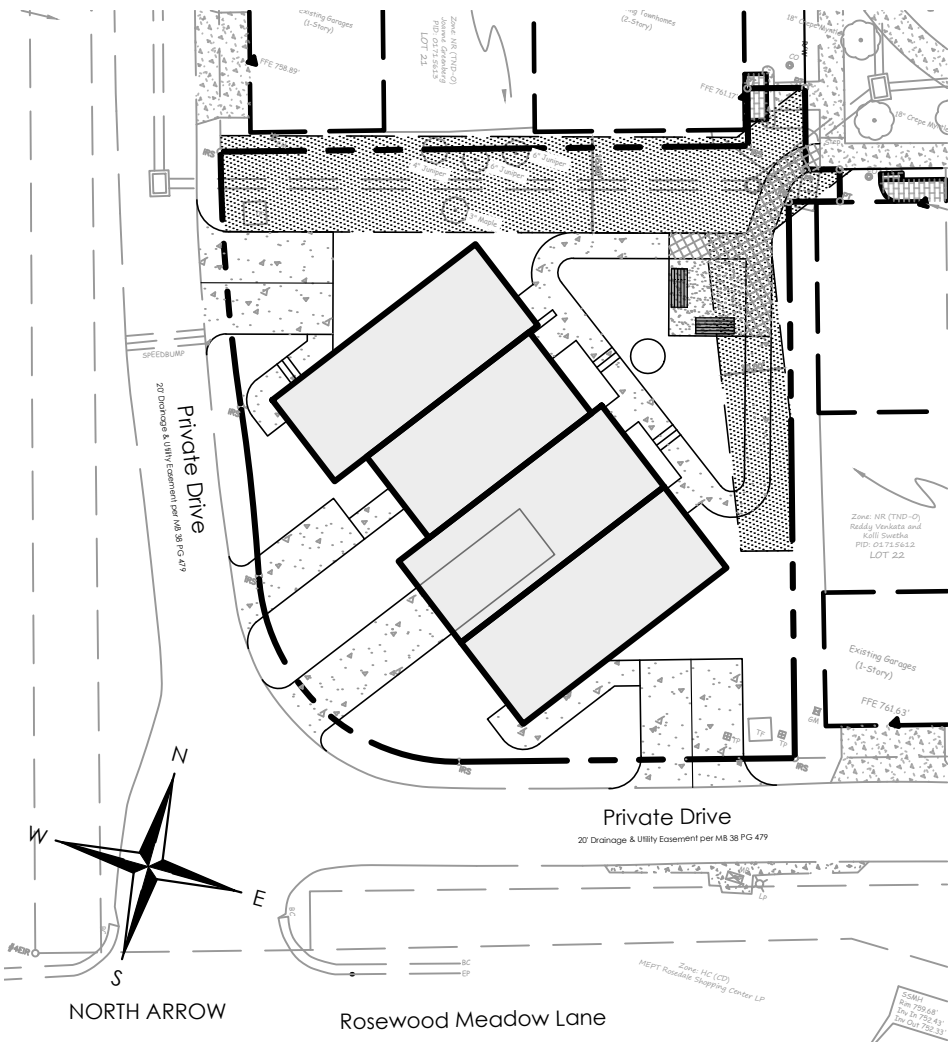
CONCEPT
ELEVATIONS

NOT FOR
CONSTRUCTION USE

HFI PROJECT #: 223057

CONCEPT
ELEVATIONS

Z07



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

COMMUNITY MEETING REPORT

Petitioner: Joe Roy

Rezoing/Conditional Use Petition No. R-24-06

This Community Meeting Report is being filed with the Town of Huntersville Planning Department pursuant to the provisions of the Huntersville Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time, and location of the Community Meeting to the individuals and organizations set out in Exhibit A attached hereto by depositing such notice in the US Mail (sent Certified) on August 23, 2024. A copy of the written notice (along with other items mailed) is attached hereto as Exhibit B.

DATE, TIME, AND LOCATION OF MEETING

The Community Meeting was held on September 20, 2024 at 5:30 p.m. at the Huntersville Arts and Cultural Center.

SUMMARY OF PRESENTATION/DISCUSSION:

Sonny Crater, representing the petitioner, welcomed the attendees. Mr. Crater explained that the subject property, lot 35, had been designated for future building when the development was first begun in 2002, as also stated in the Declaration of Covenants, Conditions, and Restrictions for Meeting Street at Rosedale (Article I section 3). He explained that at the time of the original construction of the existing townhomes, that sales were not great, and that it was decided to wait until a later date to build on the lot. Mr. Roy, the Petitioner added that when the original developer rezoned the property that lot 35 was excluded from the rezoning petition, as showing townhomes on the subject lot.

Mr. Crater explained that Meeting Street was founded on the building of high quality, affordable townhomes, with architecturally correct designs. He went on to say that in the 24+ years of existents Meeting Street had never varied from those founding principles, and that the proposed townhomes for lot 35 would also adhere to those guiding principles. He informed the attendees that the proposed townhomes would have sizes from approximately 1000-1200 heated square feet, similar to the existing townhomes. He also stated that the townhomes would be "affordable" by todays standards, selling from about \$300,000 up to \$350,000. It was mentioned that the last resale townhome sold in 2022 for \$300,000.

Mr. Crater used display boards to show how the builder had done similar buildings in the Antiquity development in Cornelius, and that it fits in very well. He introduced the building layouts on the site, including placement of the buildings, and plantings designed to shield 9921 Ansonborough Square. He also pointed out the plans and designs for a small plaza/park in front of the townhomes, and facing Ansonborough Square intended for the enjoyment of the community. He explained that there would be benches in a seating area, with a backdrop of landscape plantings, and a permanent piece of art.

An attendee asked about parking. Mr. Crater explained that two of the townhome would have two surface parking spaces each. He said another townhome would have a single garage plus a driveway suitable for parking, and that the fourth townhome would have a single surface parking space. An Attendee also asked about guest parking. Mr. Crater pointed out that guest could use spaces already provided, and also use on-street parking around Ansonborough Square. The attendee expressed concern that this would not be enough guest parking. Crater responded by pointing out that in addition to the parking on Ansonborough Square there was also additional on-street parking along Rosedale Hill Avenue and other public spaces nearby. There was still further objection as it was stated that those spaces stayed occupied most of the time. Mr. Crater pointed out that those parking areas serve the commercial areas during business hours, but should be plentiful after business hours and on weekends.

Another attendee asked if there would be access through the property to reach the mailboxes that are located on the backside of lot 35 to reach the community cluster mailboxes. Mr. Roy, stated there it was not intended to have through access, though a couple attendees stated that they walk across the lot to reach the mailboxes. Mr. Roy and Mr. Crater questioned this because the Homeowners association had installed a white picket fence in a way to discourage pedestrian traffic through that area.

The question was asked about the exterior materials. Mr. Roy explained that while the exterior elevation design would be the same as the existing townhomes, cement fiber siding would be used. He pointed out that James Hardie "Color Plus" siding would be used, as the paint hold up for much longer than paint applied after the siding is installed. Some attendees for not quite sure about that. Mr. Crater responded by referring to photos from Antiquity showing the white townhomes nestled amongst the brick townhomes. One attendee approached the display for closer inspection. To go further, it was pointed out that since the Covid days, many bricks were no longer available and matching the current townhomes would not be possible.

Will the new townhomes be in a separate HOA or join the existing HOA. Mr. Roy said that so far, he had planned to have a separate HOA but was open to joining these townhomes in the current HOA. Some agreed it would be best for them to join the existing HOA.

One attendee asked about the watershed and drainage stating that losing that area seems like it would affect the drainage for the area. It was stated that drainage would be compensated for with plans for the new townhomes.

Another attendee asked Mr. Roy if the alley ways are damaged during construction would he repair them. Mr. Roy said Meeting Street would repair damages to the alleys, and that photos would be taken prior to the start of site construction.

Would the townhomes be sold or rented. Mr. Roy stated that the townhomes would be for sale

As the meeting concluded Mr. Crater reminded everyone that his contact information was included in the meeting invitation and he would be available if there should the neighbors have questions at a later time.

The meeting was concluded at 6:45 p.m.

EXHIBIT A

No	Parcel ID	Postal Address	Owner Name
1	01715652	NA	MCALPINE-ROSEDALE HOMEOWNERS ASSOCIATION
2	01715660	9901 ROSEWOOD MEADOW LN HUNTERSVILLE NC 28078	MEETING STREET HOMES AT ROSEDALE
3	01715229	9911 ROSE COMMONS DR A HUNTERSVILLE NC 28078 9931	MEPT ROSEDALE SHOPPING CENTER LP C/O NEWTOWER TRUST COMPANY
4	01715697	14420 REESE BV HUNTERSVILLE NC 28078	HUNTERSVILLE REALTY ASSOCIATES LLC
5	01715651	14430 REESE BV HUNTERSVILLE NC 28078	KELLAM PROPERTIES INC
6	01715650	14434 REESE BV HUNTERSVILLE NC 28078	LI NA LUN HAI
7	01715649	14438 REESE BV HUNTERSVILLE NC 28078	RAMABADRAN RACHANA
8	01715648	14442 REESE BV HUNTERSVILLE NC 28078	REINARTSEN CHRIS
9	01715647	14446 REESE BV HUNTERSVILLE NC 28078	MEDINA CARLOS A
10	01715646	14504 REESE BV HUNTERSVILLE NC 28078	GREENBERG PROPERTIES LLC
11	01715645	14508 REESE BV HUNTERSVILLE NC 28078	BREAULT ERIC R
12	01715644	NA	MCALPINE-ROSEDALE HOMEOWNERS ASSOCIATION
13	01715643	14520 REESE BV HUNTERSVILLE NC 28078	PATTERSON FRANCES M. PATTERSON LIVING TRUST
14	01715642	14524 REESE BV HUNTERSVILLE NC 28078	MIRANDA RAFAEL ANGEL
15	01715641	14528 REESE BV HUNTERSVILLE NC 28078	HERTERICH MICHAEL RALPH HERTERICH MONICA ALEXANDRA
16	01715601	13111 ROSEDALE HILL AV HUNTERSVILLE NC 28078	THOMPSON DAVE F
17	01715602	13115 ROSEDALE HILL AV HUNTERSVILLE NC 28078	KIS ROSEDALE LLC
18	01715603	13119 ROSEDALE HILL AV HUNTERSVILLE NC 28078	CALCUTT JOSEPH LEE CALCUTT MARY
19	01715604	13123 ROSEDALE HILL AV HUNTERSVILLE NC 28078	BOCHACKI ZOFIA BOCHACKI JACEK
20	01715605	13127 ROSEDALE HILL AV HUNTERSVILLE NC 28078 13127 R	VANSULA REAL ESTATE LLC
21	01715606	13131 ROSEDALE HILL AV HUNTERSVILLE NC 28078	FISHER CARL M
22	01715607	13135 ROSEDALE HILL AV HUNTERSVILLE NC 28078	ODOM JESSE R
23	01715608	9905 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	LENZE KATHLEEN M
24	01715609	9909 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	WARREN BRIAN D WARREN JAMIE L
25	01715610	9913 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	MONTGOMERY ANTOINETTE
26	01715611	9917 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	WATSON JUDY ANN
27	01715612	9921 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	BHIMIREDDY VENKATA REDDY KOLLI SWETHA
28	01715613	9931 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	GREENBERG JOANNE

29	01715614	9935 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	CLUFF KAREN
30	01715615	9939 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	ROBINSON LISA
31	01715616	9943 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	MILLER COLE W
32	01715617	9947 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	GREENBERG PROPERTIES LLC
33	01715618	9951 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	AU BECKY
34	01715619	9955 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	HILL ELISABETH A
35	01715620	9959 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	MCGORTY MATT
36	01715621	9963 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	MILLER WALTER PEYTON MILLER ELLA LYNN MILLER SHAW PEYTON
37	01715622	10007 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	INFANTE JOSE A DIAZ INFANTE CARINE DIAZ
38	01715623	10011 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	GUZAUSKAS MARY JANE
39	01715624	10015 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	GREENBERG PROPERTIES LLC
40	01715625	10019 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	HUDSON HAROLD L JR
41	01715626	10023 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	SMITH MACADAM A SMITH ALISON C
42	01715627	10027 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	CARRICK JEFFREY L
43	01715628	10031 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	KAPILA NIDHIKA
44	01715629	10035 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	JORDAN JAMAL D
45	01715630	10041 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	JARVIS SR ROLAND GARY JARVIS NORMA JEAN
46	01715631	10045 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	VANZANDT JILL
47	01715632	10049 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	ALLEN RODNEY NEAL
48	01715633	10053 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	LEE TIMOTHY M
49	01715654	NA	MEETING STREET HOMES AT ROSEDALE
50	01715655	NA	MEETING STREET HOMES AT ROSEDALE
51	01715656	NA	MEETING STREET HOMES AT ROSEDALE
52	01715657	9923 ANSONBOROUGH SQUARE HUNTERSVILLE NC 28078	ANTIQUITY WOODS LLC
53	01715658	NA	MEETING STREET HOMES AT ROSEDALE
54	01715659	NA	MEETING STREET COMPANIES LLC
55	01715288	14316 REESE BV HUNTERSVILLE NC 28078 9810 ROSEWOOD	THE BURKHARD GROUP LLC

This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

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Sent To **THE BURKHARD GROUP LLC**
21343 NORMAN SHORES DR
CORNELIUS, NC 28031

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Sent To **FRANCES M. PATTERSON**
TRUST PATTERSON LIVING
700 DEERWOOD DR
STOCKBRIDGE, GA 30281

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Sent To **ROLAND GARY JARVIS SR**
NORMA JEAN JARVIS
582 LAURELWOOD DR
WILKESBORO, NC 28697

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Sent To **BRIAN D WARREN**
JAMIE L WARREN
9909 ANSONBOROUGH SQUARE
HUNTERSVILLE, NC 28078

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Sent To **VANSULA REAL ESTATE LLC**
104 ROUNDVIEW CT
HOLLY SPRINGS, NC 27540

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Sent To **LISA ROBINSON**
2553 SELWYN AV
CHARLOTTE, NC 28209

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Sent To **JAMAL D JORDAN**
10035 ANSONBOROUGH SQUARE
HUNTERSVILLE, NC 28078

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Sent To **WALTER PEYTON MILLER**
ELLA LYNN MILLER
9963 ANSONBOROUGH SQ
HUNTERSVILLE, NC 28078

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Sent To **ROSEDALE COMMONS PROPERTY OWNERS**
ASSOC INC
3800 ARCO CORPORATE DR, SUITE 200
CHARLOTTE, NC 28273

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Sent To **CHRIS REINARTSEN**
PO BOX 545
HUNTERSVILLE, NC 28070

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Sent To **JESSE R ODOM**
13135 ROSEDALE HILL AV
HUNTERSVILLE, NC 28078

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Sent To **MATT MCGORTY**
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Sent To **NIDHIKA KAPILA**
Street and **10031 ANSONBOROUGH SQ**
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Sent To **JUDY ANN WATSON**
Street and **9917 ANSONBOROUGH SQUARE UNIT 23**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **JILL VANZANDT**
Street and **10045 ANSONBOROUGH SQUARE**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **CARLOS A MEDINA**
Street and **9446 FOREST CROWN DR**
City, State, **FORTSON, GA 31808**

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Sent To **KJS ROSEDALE LLC**
Street and **14508 WESTGREEN DR**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **RAFAEL ANGEL MIRANDA**
Street and **14524 REESE BV**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **RACHANA RAMABADRAN**
Street and **11 HACKETT DR**
City, State, **EDISON, NJ 08820**

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Sent To **KAREN CLUFF**
Street and **9935 ANSONBOROUGH SQ**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **TIMOTHY M LEE**
Street and **10053 ANSONBOROUGH SQ**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **ANTOINETTE MONTGOMERY**
Street and **9913 ANSONBOROUGH SQ**
City, State, **HUNTERSVILLE, NC 28078**

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Sent To **MACADAM A SMITH**
Street and **ALISON C SMITH**
City, State, **19701 BUSTLE RD**
CORNELIUS, NC 28031

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Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: JOSE A DIAZ INFANTE
Street and: CARINE DIAZ INFANTE
City, State: 10007 ANSOBOROUGH SQUARE UNIT 12
HUNTERSVILLE, NC 28078

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Postage	\$0.73	
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Sent To: HUNTERSVILLE REALTY ASSOCIATES LLC
Street and: 601 E MCBEE AVE SUITE 201
City, State: GREENVILLE, SC 29601

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Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: ZOFIA BOCHACKI
Street and: JACEK BOCHACKI
City, State: 13123 ROSEDALE HILL AV
HUNTERSVILLE, NC 28078

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Postage	\$0.73	
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Sent To: JEFFREY L CARRICK
Street and: 10027 ANSONBOROUGH SQUARE
City, State: HUNTERSVILLE, NC 28078

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Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: CARL M FISHER
Street and: 2553 SELWYN AVE
City, State: CHARLOTTE, NC 28209

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☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: COLE W MILLER
Street and: 9943 ANSONBOROUGH SQUARE
City, State: HUNTERSVILLE, NC 28078

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: RODNEY NEAL ALLEN
Street and: 10049 ANSONBOROUGH SQUARE
City, State: HUNTERSVILLE, NC 28278

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: JOSEPH LEE CALLICUTT
Street and: MARY CALLICUTT
City, State: 1518 GULFSTEAM CT
MYRTLE BEACH, SC 29575

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☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: MARY JANE GUZASKAS
Street and: 10011 ANSONBOROUGH SQ
City, State: HUNTERSVILLE, NC 28078

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Postage	\$0.73	
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Sent To: HAROLD L JR HUDSON
Street and: 10019 ANSONBOROUGH SQUARE
City, State: HUNTERSVILLE, NC 28078

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Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: MICHAEL RALPH HERTERICH
Street and: MONICA ALEXANDRA HERTERICH
City, State: 14528 REESE BLVD W
HUNTERSVILLE, NC 28078

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Postage	\$0.73	
Total Postage and Fees	\$5.58	

Sent To: ERIC R BREault
Street and: 14508 REESE BV
City, State: HUNTERSVILLE, NC 28078

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C/O NEWTOWER TRUST COMPANY
PO Box 92129
City, State SOUTHLAKE, TX 76092-0102

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☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.58

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Sent To KATHLEEN M LENZE
Street and 9905 ANSONBOROUGH SQUARE
City, State HUNTERSVILLE, NC 28078

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☐ Adult Signature Restricted Delivery \$0.00
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Sent To NA LI
Street and HAI LUN
City, State 14434 REESE BLVD
HUNTERSVILLE, NC 28078

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☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
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Sent To ELISABETH A HILL
Street and 9955 ANSONBOROUGH SQUARE
City, State HUNTERSVILLE, NC 28078

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☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.58

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Sent To BECKY AU
Street and 9951 ANSONBOROUGH SQUARE
City, State HUNTERSVILLE, NC 28078

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☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.73
Total Postage and Fees \$5.58

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Sent To VENKATA REDDY BHIMIREDDY
Street and SWETHA KOLLI
City, State 15400 GROVELAND ST
HUNTERSVILLE, NC 28078

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT B

NOTICE TO INTERESTED PARTIES

OF OFFICIAL COMMUNITY MEETING

Subject: Application for Conditional Rezoning from CB to CB (CD) filed by Meeting Street Homes & Communities to construct four townhomes on +/- 0.19 acres of land located on Lot 35 of the Ansonborough Square Development, Huntersville, Mecklenburg County, NC bearing Parcel ID No. 017-156-57 (the "Site").

Date and Time
of Meeting: **September 20, 2024**
5:30-6:30 p.m.

Place of
Meeting: Huntersville Arts and Cultural Center
14614 Old Statesville Road
Huntersville, NC 28078

Applicant: Meeting Street Homes & Communities

Property Owner: Antiquity Woods, LLC

Application No.: R-24-06

Dear Neighbor:

We are assisting Meeting Street Homes & Communities ("Meeting Street") in the Conditional Rezoning of the Site for proposed development as four 2-story townhomes. The Site will be developed in accordance with the town of Huntersville zoning ordinance. Meeting Street will hold a Community Meeting for this Conditional Rezoning on September 20th, 2024.

The Community Meeting is intended to assist with the exchange of information and dialogue related to the Conditional Rezoning. A Community Meeting is required as part of the Conditional Rezoning process, but applicants may hold additional Community Meetings to solicit feedback from the community. Accordingly, on Meeting Street's behalf, we invite you to attend this Community Meeting on the date, time, and place set forth above.

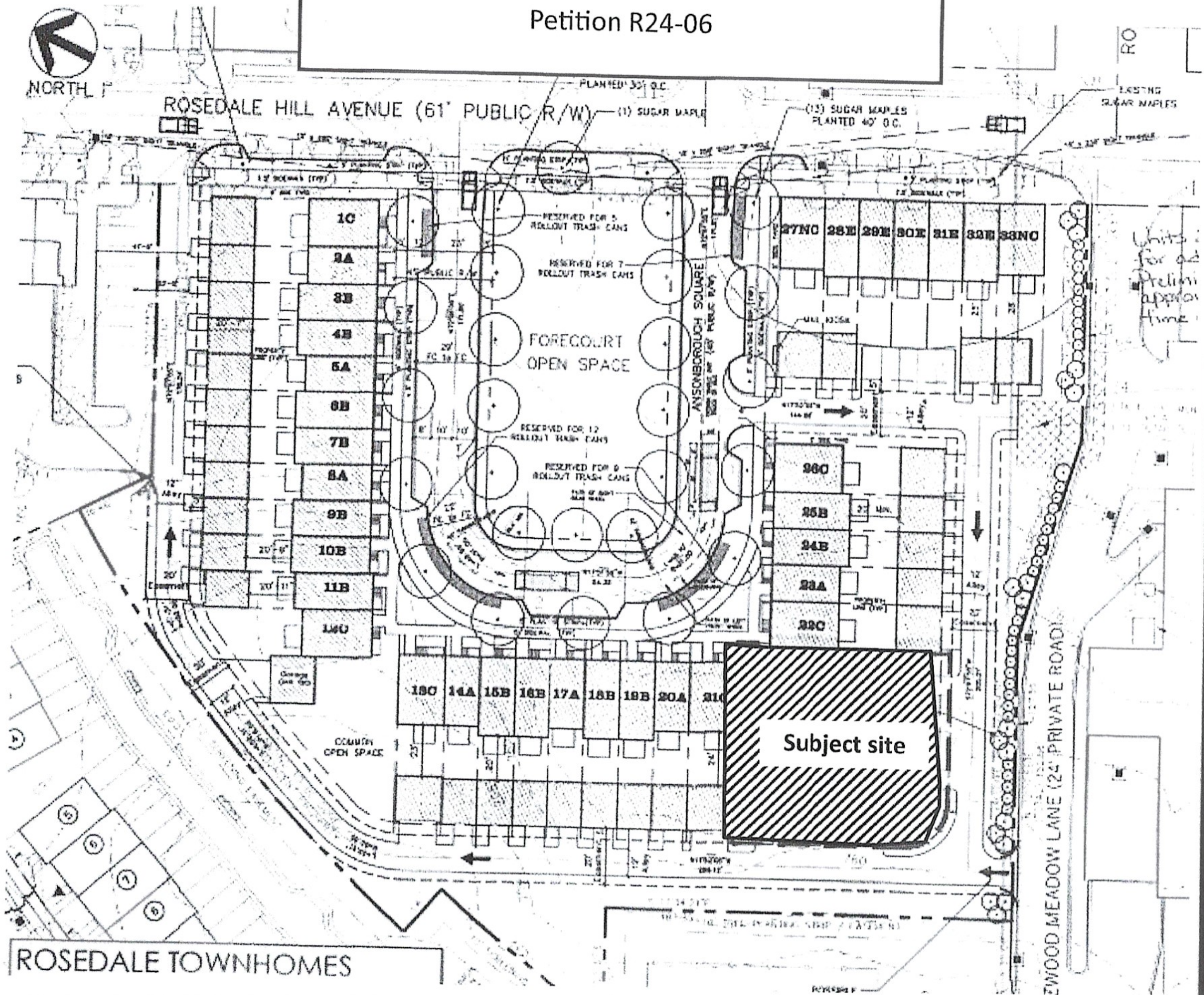
Meeting Street's representatives look forward to sharing this Conditional Rezoning proposal with you and answering questions you may have. For more information about the Conditional Rezoning process, and to learn more about this Conditional Rezoning, please visit the Town of Huntersville Planning Department's website [link](https://www.huntersville.org/1189/Projects-List) and look for Petition R24-06. To contact a member of the Huntersville planning staff contact Nathan Farber at 704-766-2237 or nfarber@huntersville.org.

<https://www.huntersville.org/1189/Projects-List>

If you are unable to attend the Community Meeting as scheduled, or otherwise have any questions or comments about this matter, please feel free to call Kristen James at 704-875-1615 ext. 303 or email at kjames@waengineering.com, or Sonny Crater at 980-233-1239 or email at sonny.crater@gmail.com

Date Mailed: August 23, 2024

ROSEDALE INFILL CONDITIONAL ZONING
Lot 35 Ansonborough Square, Huntersville NC 28078
Petition R24-06



15' PUBLIC DRAINAGE EASEMENT

URBAN OPEN SPACE TO SERVE ROSEDALE COMMUNITY
INCLUDES SEATING/GATHERING AREA, DECORATIVE LANDSCAPING,
A FOCAL ART PIECE AND CONNECTION TO ANSONBOROUGH SQ.

10' PRIVATE DRAINAGE EASEMENT

①

②

③

④

20'

12'

8'

9'

16'

PRIVATE ALLEY
UTILITY/ACCESS EASEMENT

Community Meeting Report Sign-In Sheet
 Petitioner: Antiquity Woods, LLC
 Rezoning Petition No. R24-06, 2024
 Friday, September 20, 2024 at 5:30 P.M.
 14614 S. Old Statesville Road, Huntersville NC 28078

EXHIBIT C

	NAME	ADDRESS	PHONE	EMAIL
1	Jane Gyzankas	10011 Ansonborough Sq	520 270-1718	
2	Nathan Farber	Town Staff		
3	Jill VanLandt	10045 Ansonborough Sq.	704 502-7715	
4	Harold Hudson	10019 Ansonborough Sq	980-721- 6257	hhudson70@gmail.com
5	Brian Warren	9909 AS	704-701- 9631	jamicwarren@roadrunner.com
6	Jamal Jordan	10035 Ansonborough Sq.	704-280-1611	jamal.jordan45@gmail.com
7	Rodney Allen	10049 Ansonborough Sq	704-287- 7986	rodneyna@hotmail.com
8	Mary Culhant	11319 Rosedale Ave	843 902 7974	MaryCulhant@yahoo.com
9				



PO Box 664
Huntersville NC 28070

PUBLIC HEARING

Date: November 4, 2024
Time: 6:00 pm
Location: **In Person:** Huntersville Town Hall 101 Huntersville-Concord Rd.
Live Stream: YouTube User ID: @townofhuntersvillenc28078
Applicant: Antiquity Woods LLC - Joe Roy
Case #: R24-06

YouTube Livestream:



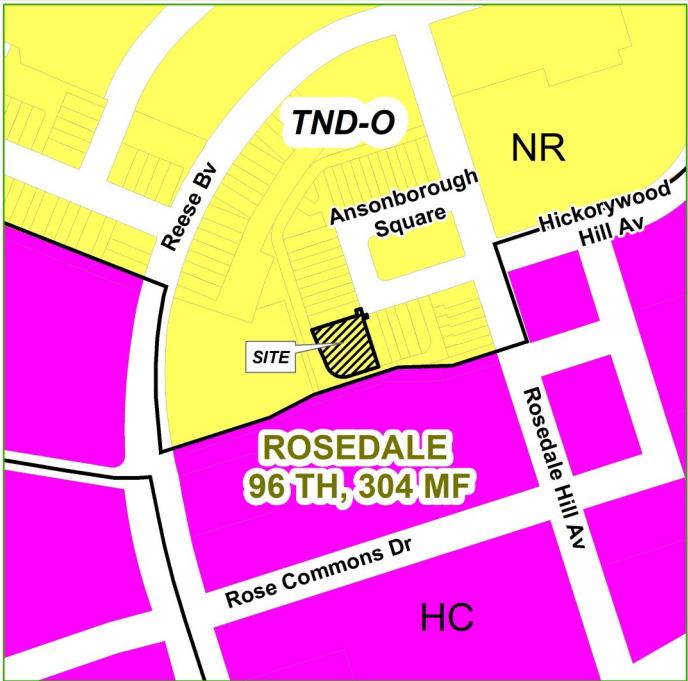
Public Meeting Dates

Meeting Type	Purpose	Date & Time
Community Meeting	Informational	September 20, 2024
Public Hearing	Public Meeting	November 4, 2024 @ 6 pm
Planning Board *	Recommendation	November 20, 2024 @ 6:30 pm
Town Board *	Approval/Denial	December 17, 2023 @ 6 pm

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

PUBLIC HEARING NOTICE DATE: November 4, 2024 | **R24-06** Rosedale Infill Conditional Rezoning

NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



A Rezoning Petition has been submitted to rezone 0.186 acres from Neighborhood Residential (NR) and Traditional Neighborhood Development (TND-O) to Neighborhood Residential (NR) and Traditional Neighborhood Development (TND-O) with Conditions (CD) to allow the construction of four townhomes. The “Site” (see inset map) is located South West of Ansonborough Square and North of Rose Commons Drive (Parcels # : 01715657).

A public hearing will be held in person at Town Hall located at 101 Huntersville-Concord Drive, Huntersville, NC 28078. The public is invited to attend and comment during the public hearing for this request. The meeting will be livestreamed for those who would like to listen only on YouTube at UserID: @townofhuntersvillenc28078

YouTube Livestream:



Project Page:



FOR ADDITIONAL INFORMATION:

CONTACT Nathan Farber AICP, Senior Planner

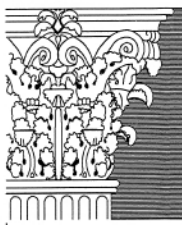
Phone: 704-766-2237

Email: nfarber@huntersville.org

Online: www.huntersville.org - search: **R24-06**

Zoning Legend:
HC = Highway Commercial
NR = Neighborhood Residential
TND-O = Traditional Neighborhood Development

Site = Parcels requesting rezoning



Little & Associates
Architects

5815 Westpark Dr.
Charlotte, NC 28211
704-552-6369
704-552-7889 Fax

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A A C
American Asset Corporation

ROSEDALE
HUNTERVILLE, NC

ZONING PLAN
DETAILS

Project
Sheet Title

Division President
VRETTOS
Job Captain

Drawn By
GLEESON
Date Drawn
9/4/98

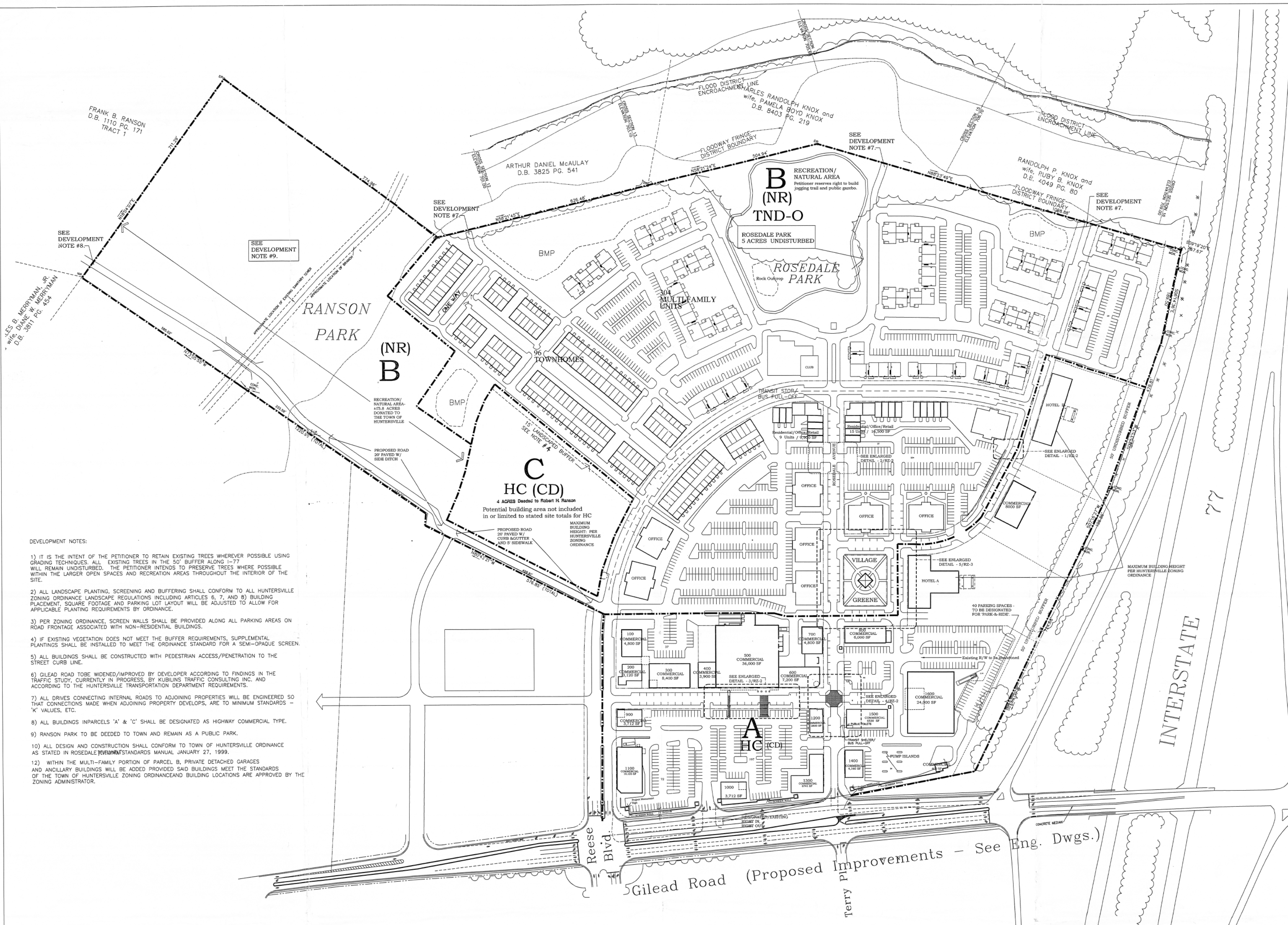
Drawing File Name
03 969100/zoning/rzt

Revisions	No.	Date	Description
1	9/25/98		
2	10/2/98		
3	10/9/98		
4	10/12/98		
5	11/13/98		
6	11/17/98		
7	11/30/98		
8	12/18/98		
9	1/14/99		
10	1/19/99		
11	2/4/99		

Issue Date:

Project Number
03 9691 01

Sheet
Of
RZ-1

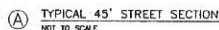


ZONING PLAN

1"=100'

PETITION #98-12
Approved *Hunterville Planning Dept.*
J. Stuart Walker

- DEVELOPMENT NOTES:
- 1) IT IS THE INTENT OF THE PETITIONER TO RETAIN EXISTING TREES WHEREVER POSSIBLE USING GRADING TECHNIQUES. ALL EXISTING TREES IN THE 50' BUFFER ALONG I-77 WILL REMAIN UNDISTURBED. THE PETITIONER INTENDS TO PRESERVE TREES WHERE POSSIBLE WITHIN THE LARGER OPEN SPACES AND RECREATION AREAS THROUGHOUT THE INTERIOR OF THE SITE.
 - 2) ALL LANDSCAPE PLANTING, SCREENING AND BUFFERING SHALL CONFORM TO ALL HUNTERVILLE ZONING ORDINANCE LANDSCAPE REGULATIONS INCLUDING ARTICLES 6, 7, AND 8) BUILDING PLACEMENT, SQUARE FOOTAGE AND PARKING LOT LAYOUT WILL BE ADJUSTED TO ALLOW FOR APPLICABLE PLANTING REQUIREMENTS BY ORDINANCE.
 - 3) PER ZONING ORDINANCE, SCREEN WALLS SHALL BE PROVIDED ALONG ALL PARKING AREAS ON ROAD FRONTAGE ASSOCIATED WITH NON-RESIDENTIAL BUILDINGS.
 - 4) IF EXISTING VEGETATION DOES NOT MEET THE BUFFER REQUIREMENTS, SUPPLEMENTAL PLANTINGS SHALL BE INSTALLED TO MEET THE ORDINANCE STANDARD FOR A SEMI-OPAQUE SCREEN.
 - 5) ALL BUILDINGS SHALL BE CONSTRUCTED WITH PEDESTRIAN ACCESS/PENETRATION TO THE STREET CURB LINE.
 - 6) GILEAD ROAD TO BE WIDENED/IMPROVED BY DEVELOPER ACCORDING TO FINDINGS IN THE TRAFFIC STUDY, CURRENTLY IN PROGRESS, BY KUBILINS TRAFFIC CONSULTING INC. AND ACCORDING TO THE HUNTERVILLE TRANSPORTATION DEPARTMENT REQUIREMENTS.
 - 7) ALL DRIVES CONNECTING INTERNAL ROADS TO ADJOINING PROPERTIES WILL BE ENGINEERED SO THAT CONNECTIONS MADE WHEN ADJOINING PROPERTY DEVELOPS, ARE TO MINIMUM STANDARDS - "K" VALUES, ETC.
 - 8) ALL BUILDINGS IN PARCELS 'A' & 'C' SHALL BE DESIGNATED AS HIGHWAY COMMERCIAL TYPE.
 - 9) RANSON PARK TO BE DEEDED TO TOWN AND REMAIN AS A PUBLIC PARK.
 - 10) ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO TOWN OF HUNTERVILLE ORDINANCE AS STATED IN ROSEDALE ZONING STANDARDS MANUAL JANUARY 27, 1999.
 - 12) WITHIN THE MULTI-FAMILY PORTION OF PARCEL B, PRIVATE DETACHED GARAGES AND ANCLARY BUILDINGS WILL BE ADDED PROVIDED SAID BUILDINGS MEET THE STANDARDS OF THE TOWN OF HUNTERVILLE ZONING ORDINANCE AND BUILDING LOCATIONS ARE APPROVED BY THE ZONING ADMINISTRATOR.



Scale: 1" = 40'

Date: MAY 10 2001

Project No.: 078-004

Revisions:

JUNE 19 2001 Per Hntbville. Review

AUGUST 13 2001 Per Hntbville. Review



Town Engineering Rezoning Comment Summary
R24-06 Rosedale Infill (CSP-500027)
9923 Ansonborough Square (PID 01715657)
Huntersville, NC 28078

General Project Information

This proposed rezoning is located within the Rosedale development on Ansonborough Square and consist of four (4) multi-family units. No driveways are proposed from an existing Town or NCDOT road. This development is proposed to be accessed from an existing private alley.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

- 1) A TIA was not required as part of this proposed rezoning due to not meeting trip generation thresholds.

Transportation and Stormwater:

- 1) Applicant is requesting that a 6" sanitary sewer service, four (4) ¾" water services, one (1) 2" water service and a water meter vault be allowed to be installed in an existing public drainage easement due to accessibility to the existing utility mains.
 - a. Engineering staff are in support of the proposed utilities encroaching the public drainage easement given the following:
 - i. The proposed water meter vault is traffic rated, so as not to be damaged if the Town were to access the drainage easement with equipment.
 - ii. Any proposed utilities crossing the existing storm water pipe cross with adequate vertical clearance and at a 90° angle.
 - iii. The property owner and future homeowners understand that the Town is not liable for any damage or disruption in utility service that occurs within the public drainage easement.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Brian Richards, Planning Director

Subject: Petition #R24-09 Town Center General Rezoning

EXPLAIN REQUEST:

Consider decision on Petition #R24-09 Town Center General Rezoning, a request by Derong Huang and Franklin Lowry to rezone +/- 1.089 acres located at 115 and 117 Gilead Road from Neighborhood Residential District to Town Center District.

ACTION RECOMMENDED:

Consider as decision on Petition #R24-09 Town Center General Rezoning, a request by Derong Huang, Franklin Lowry and HFH Investments LLC to rezone +/- 3.213 acres located at 115, 117, 121 Gilead Road from Neighborhood Residential District to Town Center District.

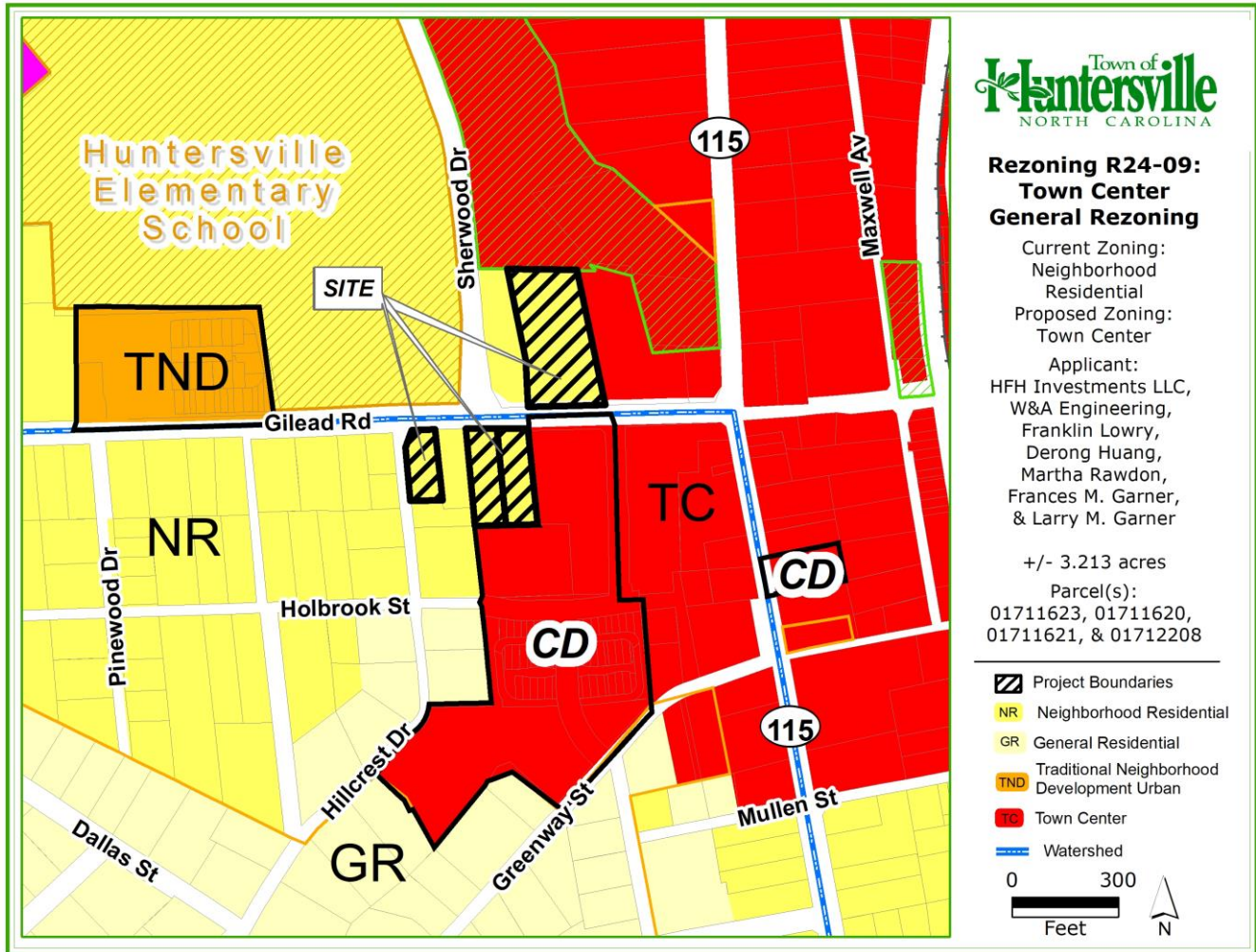
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R24-09 TB Staff Report
2. A - Applications
3. B - Rezoning Map

Petition R24-09: Town Center General Rezoning

PART 1: PROJECT SUMMARY



Application Summary:

- Petition #R24-09 is a request by HFH Investments, Franklin Lowery, Derong Huang, Martha Rawdon, Frances & Larry Garner owners of Parcels 01711623, 01711620, 01711621, & 01712208 to rezone the properties from Neighborhood Residential to Town Center.
- Adjoining Zoning and Land Uses
 - North: Town Center (TC) & Neighborhood Residential (NR) - Park, School, & Residential.
 - South: Town Center (TC) Neighborhood Residential (NR), General Residential (GR) – Mixed Use, Commercial, & Residential.
 - East: Town Center (TC) – Mixed Use & Commercial.

West: Neighborhood Residential (NR) – Residential, Commercial, & School.

3. The Planning Staff certifies the required notifications were made for the public hearing. Notice was advertised in the Charlotte Observer, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

PART 2: REZONING/SITE PLAN ISSUES

- Since this is a general rezoning, there are no site specific issues with this rezoning application as there is no site plan attached to the request. Any proposed future development would have to comply with the Town Center zoning district and all applicable requirements of the Zoning and Subdivision Ordinances.
- The Huntersville 2040 Plan shows this property is located within the Town Core & Mixed Use designation.



Town Core

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.



Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape and development intensity, including a maximum first floor footprint.



- The 2040 Plan also shows this property is located within the Tier 1 & 2 designations. These areas call for a mixture of uses.



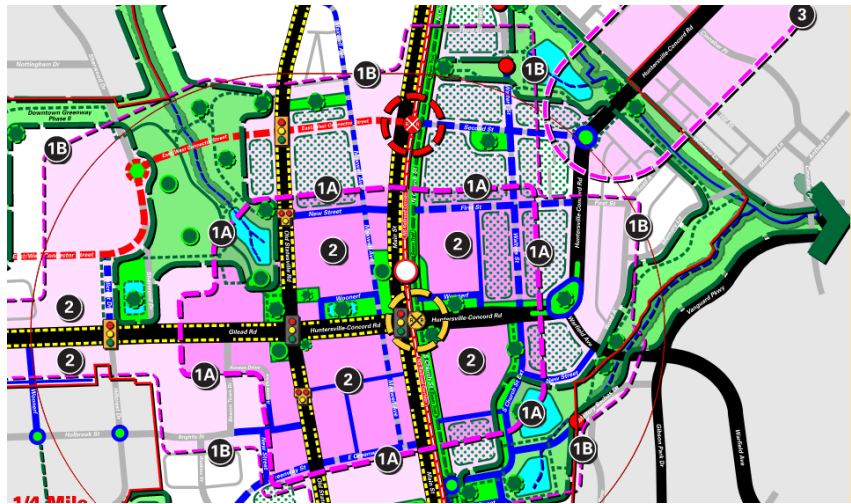
Downtown - Tier 1

Encourage commercial, office and/or residential. Shopfronts, urban workplaces and apartment buildings are allowed. Generally 2-4 stories.

Downtown - Tier 2

Generally 2-3 stories. Predominately residential with some small-scale commercial and/or office. Reuse of structures on main roads. Residential can include townhomes, duplexes, triplexes, quadplexes, and urban single-family home types, including alley-loaded bungalows, pocket neighborhoods and cottage courts.

- The 2022 Downtown Master Plan calls for Gathering areas to be developed in the Primary & Secondary areas.



Area B. The Primary Gathering Area is expanded as the approximate 1/4-Mile walkable district to encompass several blocks on both sides of NS Railroad Corridor, and extend along Gilead Rd between the West Gateway and Downtown Core.

- ② New Commercial Development is limited to feasible locations within the Primary Gathering Area.

Note: This does mean that the entire Primary Gathering Area (A or B) would or should contain Commercial Development.

- ③ Secondary Gathering Areas are focused around the North, South, East and West Downtown Gateways.

- ④ New Commercial Development is limited to locations within the Secondary Gathering Areas defined in each Downtown Gateway.

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

PART 3: TRANSPORTATION ISSUES

- No Transportation issues. Any new development may be subject to TIA requirements.

PART 4: REZONING CRITERIA

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

STAFF COMMENT – Staff finds the proposed rezoning consistent with the following policies of the **2040 Huntersville Community Plan**:

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

Policy LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.

LU 6.3: Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.

EV 1.2: Focus economic development in areas that support growth.

- Preserve areas suitable for business and industrial development, along with a mixture of support uses, to ensure an adequate inventory of land for future growth and development, with increases to this inventory as required. These areas should have proximity to existing or future activity centers, have access to transportation options and utility service, and offer amenities for employees.

EV 2.2: Leverage Downtown as a unique destination.

- By focusing on events, future business mix, and easy parking, the Town should promote Downtown and its Historic District as the heart of the community that offers a unique amenity to residents, employees, and visitors.

EV 2.3: Attract businesses to Downtown.

- Encourage new businesses that help Downtown meet the 10|10|10 goal of having 10 places that serve food, 10 retail establishments (non-chain and not thrift stores) and 10 businesses open after 6 pm.
- Coordinate advocacy and align resources to support and attract economic development opportunities to Downtown Huntersville.
- New resources could include a downtown business guide covering zoning, parking, signage, building codes and resources for prospective businesses and landowners.
- Identify and consider offering community resources that could be leveraged to support growth, including grants and other incentives.

STAFF COMMENT – Staff finds the proposed rezoning consistent with the Organizing Principle – Gathering from the **2022 Downtown Plan**:

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

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

STAFF COMMENT:

The overall character of the existing development in the immediate vicinity of the subject properties is commercial, residential, & mixed use in nature. The Town Center (TC) district uses would be consistent with the surrounding development.

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

STAFF COMMENT:

There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during the subsequent site plan review for any proposed development.

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

STAFF COMMENT:

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

PART 5: PUBLIC HEARING

The Public Hearing was held on November 4th, 2024.

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the rezoning application as the Town Center (TC) district is consistent with envisioned development patterns in the 2040 Community Plan & 2022 Downtown Plan. The General Rezoning is consistent with policies LU 6.1, 6.2, EV 1.2, 2.2, 2.3 and the Gathering Principle of the 2022 Downtown Master Plan.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board meeting was held on 11/20/24

Motion: S. Hensley made a motion to recommend approval of R24-09, Town Center General Rezoning, the Planning Board finds that it is consistent with 2040 Huntersville Community Plan, policies LU6.1, 6.2, EV1.2, 2.2, 2.3, and the Gathering Principal of the 2022 Downtown Master Plan. The Town Center district will be consistent with character and uses adjacent to the subject properties. It is reasonable and in the public interest to amend the Zoning Ordinance to help facilitate future development of the subject parcels to help the Town and the citizens to realize the 2022 Downtown Master Plan. M. Pollard seconded the motion.

Vote: The motion **failed** (1-7) with C. Boyd, T. Loomis, G. Baber, J. Sny, J. Wright, M. Pollard, and L. Hallman opposed.

Motion: L. Hallman made a motion to recommend denial of R24-09, Town Center General Rezoning, the Planning Board finds that it is inconsistent with 2040 Huntersville Community Plan and the 2023 Downtown Master Plan. We find the use of general rezoning to be inconsistent with policies LU6.3, LU7, LU8.1, LU8.2, LU11, EV1.3, EV2.2, DT1, DT2, DT3.1, DT8.1, DT8.2, DT10.3, and DT11.2. It is not reasonable and in the public interest to approve the rezoning due to the type of zoning requested. Our community plans call for a more careful and structured process than a general rezoning would provide. We encourage the applicant and property owners to come back with individual plans that stand on their own merit. J. Wright seconded the motion.

Vote: The motion **passed** (6-2) with J. Sny and S. Hensley opposed.

PART 8: ATTACHMENTS

ATTACHMENTS:

1. Applications
2. Rezoning Map

PART 9: CONSISTENCY STATEMENT – R24-09 Town Center GENERAL REZONING

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning of Petition R24-09, Town Center General Rezoning Planning Staff finds that the rezoning is consistent with Policy LU 6.1, 6.2, EV 1.2, 2.2, 2.3, and the Gathering Principle of the 2022 Downtown Master Plan. The Town Center district will be consistent with the character and uses adjacent to the subject properties.	DENIAL: A motion to recommend denial of R24-09, Town Center General Rezoning, the Planning Board finds that it is inconsistent with 2040 Huntersville Community Plan and the 2023 Downtown Master Plan. We find the use of general rezoning to be inconsistent with policies LU6.3, LU7, LU8.1, LU8.2, LU11, EV1.3, EV2.2, DT1, DT2, DT3.1, DT8.1, DT8.2, DT10.3, and DT11.2. It is not reasonable and in the public interest to approve the rezoning due to the type of zoning requested. Our community plans call for a more careful and structured process than a general rezoning would provide. We encourage the applicant and property owners to come back with individual plans that stand on their own merit.	APPROVAL: <u>(insert applicable plan reference) (Explain)</u>
		DENIAL: <u>(consistent OR inconsistent with (insert applicable plan reference)).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because ... (Explain)</u>



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application June 26, 2024

Name of Project 106 Gilead Rezone Phase # (if subdivision) _____

Project Address 106 Gilead Rd, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01712208

Current Zoning District NR Proposed District (for rezoning only) TC

Property Size (acres) 1.727 AC Street Frontage (feet) 217.64 FT

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?
Yes x No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Rezone request from Neighborhood Residential (NR) to Town Center (TC)

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Martha M. Rawdon

Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Martha M. Rawdon

Title Owner

Email mrrmmr@windstream.net

Address of Applicant 189 Scalybark Trail, Concord, NC 28027

7. Property Owner (if different than applicant)

*Printed Name _____

Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title _____

Email _____

Address of Property Owner _____

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

Development Firm

Name of Contact

Phone

Email

Design Firm

Name of Contact

Phone

Email

Contact Information

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

Phone:

704-875-7000

Fax:

704-992-5528

Physical Address:

105 Gilead Road, Third Floor

Website:

<https://www.huntersville.org/228/Planning-Department>

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Larry W. Garner (Trustee of Garner Living Trust) Phone _____

☐ Corporation ☐ Limited Liability Company ☒ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Larry W. Garner, Trustee

Title Owner Email garnerlwg0@aol.com

Address of Applicant 189 Scalybark Trail, Concord, NC 28027 & 7417 Fox Chase Dr, Trinity, NC 27370

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title _____ Email _____

Address of Property Owner _____

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8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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Contact Information

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

5. Outside Agency Information

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6. Applicant

Printed Name Frances M. Garner (Trustee of Garner Living Trust) Phone _____
☐ Corporation ☐ Limited Liability Company ☒ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Frances M. Garner, Trustee
Title Owner Email garnerlwg0@aol.com

Address of Applicant 189 Scalybark Trail, Concord, NC 28027 & 7417 Fox Chase Dr, Trinity, NC 27370

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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Signature _____
Title _____ Email _____

Address of Property Owner _____

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Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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Contact Information

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



General Application

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

1. Application Type

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

SUBDIVISION CATEGORIES: Per the
Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 5/30/24

Name of Project 115 Gilead Rd Rezone Phase # (if subdivision) _____

Project Address 115 Gilead Rd Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01711620

Current Zoning District NR Proposed District (for rezoning only) TC

Property Size (acres) 0.554 AC Street Frontage (feet) 87.58 FT

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?
Yes x No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Rezone request from Neighborhood Residential (NR) to Town Center (TC)

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name W&A Engineering Phone 704-875-1615
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

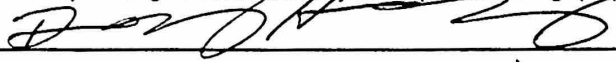
Title Director of Operations Email jhenson@waengineering.com

Address of Applicant 121 Gilead Rd Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name Derong Huang Phone 704-421-4409
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature 

Title Owner Email hronq79@gmail.com

Address of Property Owner 223 Cessna Rd Concord, NC 28027

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

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8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
W&A Engineering	Kristen James	704-875-1615	kjames@waengineering.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 5/30/24

Name of Project 117 Gilead Rd Rezone Phase # (if subdivision) _____

Project Address 117 Gilead Rd, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01711621

Current Zoning District NR Proposed District (for rezoning only) TC

Property Size (acres) 0.535 AC Street Frontage (feet) 86.4 FT

Current Land Use Commercial - Day Care

Proposed Land Use(s) Permitted Town Center Uses

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Request to rezone to Town Center (TC) from Neighborhood Residential (NR)

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Franklin Lowry

Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Franklin M. Lowry

Title Owner Email frank@findbgc.com

Address of Applicant 9140 Cantrell Way Huntersville, NC 28078

7. Property Owner (if different than applicant) same as applicant

*Printed Name _____ Phone _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title _____ Email _____

Address of Property Owner _____

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8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
W&A Engineering	Kristen James	704-875-1615	kjames@waengineering.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



General Application

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

1. Application Type

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

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

2. Project Data

Date of Application 5/30/24

Name of Project 121 Gilead Rd Rezone Phase # (if subdivision) _____

Project Address 121 Gilead Rd

Parcel Identification Number(s) (PIN) 01711623

Current Zoning District NR Proposed District (for rezoning only) TC

Property Size (acres) 0.397 AC Street Frontage (feet) 268.74 FT

Current Land Use Commercial Office

Proposed Land Use(s) Commercial Office

Is the project within Huntersville's corporate limits?
Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Rezone request from Neighborhood Residential (NR) to Town Center (TC)

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name HFH Investments LLC Phone 704-577-4561
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature 

Title Member/Manager Email jhenson@waengineering.com

Address of Applicant 121 Gilead Rd Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name HFH Investments LLC Phone 704-577-4561
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature 

Title Managing Member Email jhenson@waengineering.com

Address of Property Owner 121 Gilead Rd Huntersville, NC 28078

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application **MUST** be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an **INVALID APPLICATION**. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
<u>W&A Engineering</u>	<u>Kristen James</u>	<u>704-875-1615</u>	<u>kjames@waengineering.com</u>
Design Firm	Name of Contact	Phone	Email

Contact Information

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



Rezoning R24-09: Town Center General Rezoning

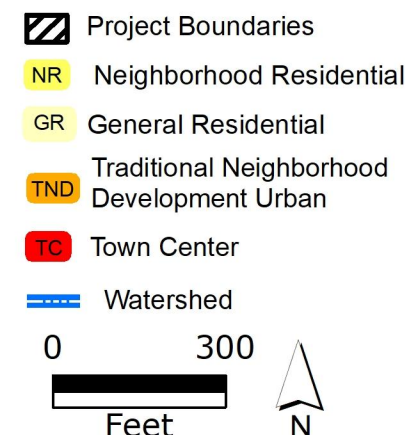
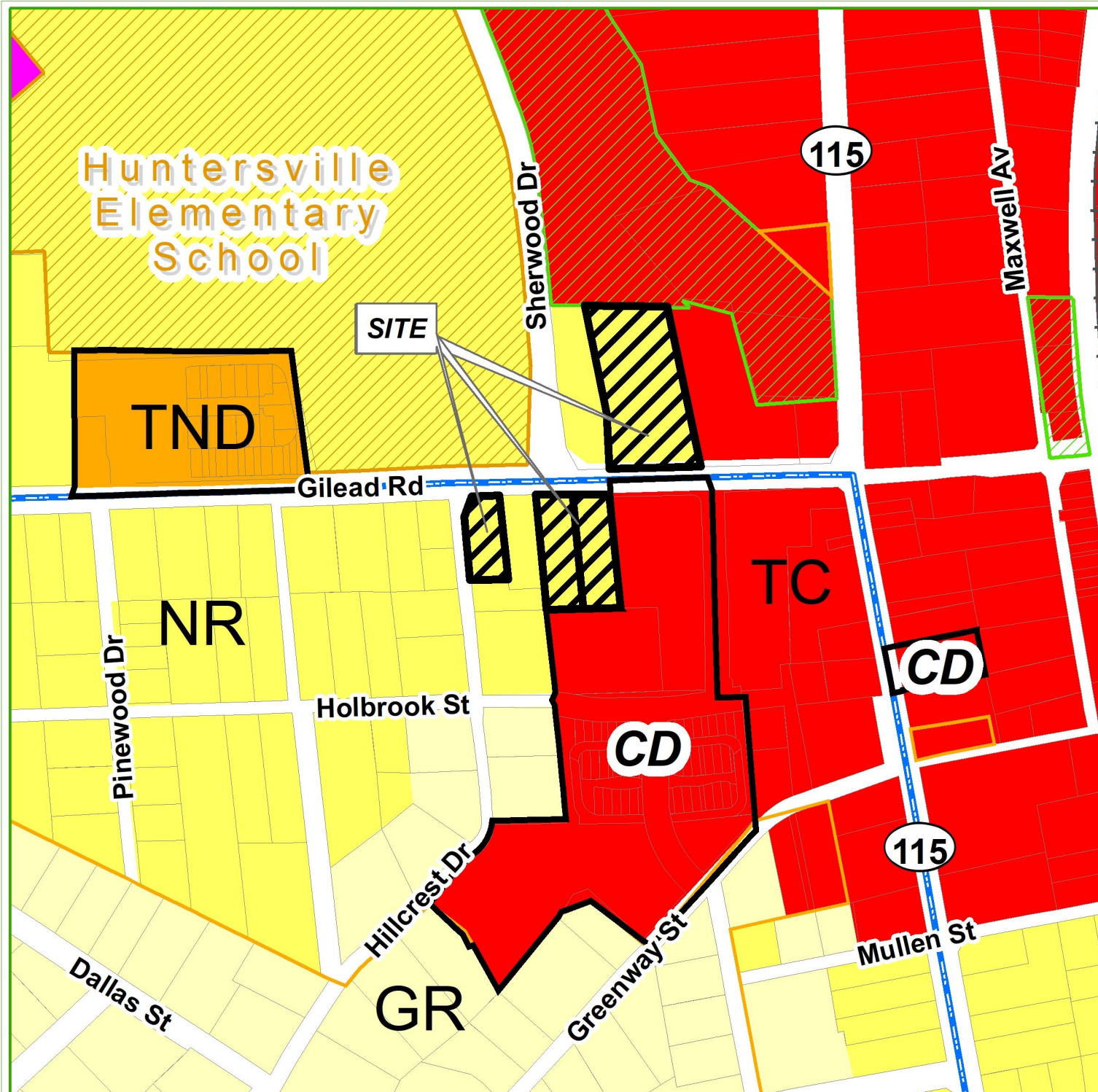
Current Zoning:
Neighborhood
Residential

Proposed Zoning:
Town Center

Applicant:
HFH Investments LLC,
W&A Engineering,
Franklin Lowry,
Derong Huang,
Martha Rawdon,
Frances M. Garner,
& Larry M. Garner

+/- 3.213 acres

Parcel(s):
01711623, 01711620,
01711621, & 01712208





Request for Board Action

December 17, 2024

To: Board Members

From: Brad Priest, Assistant Planning Director

Date: December 17, 2024

Subject: Petition #R24-05 Hillco Skilled Nursing Facility

EXPLAIN REQUEST:

Petition #R24-05 is a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD). The property is located at 13600 Reese Boulevard East in the Huntersville Business Park (PIN 01719110)

ACTION RECOMMENDED:

Make a recommendation to the Town Board on Tuesday November 20th, 2024.

FINANCIAL IMPLICATIONS:

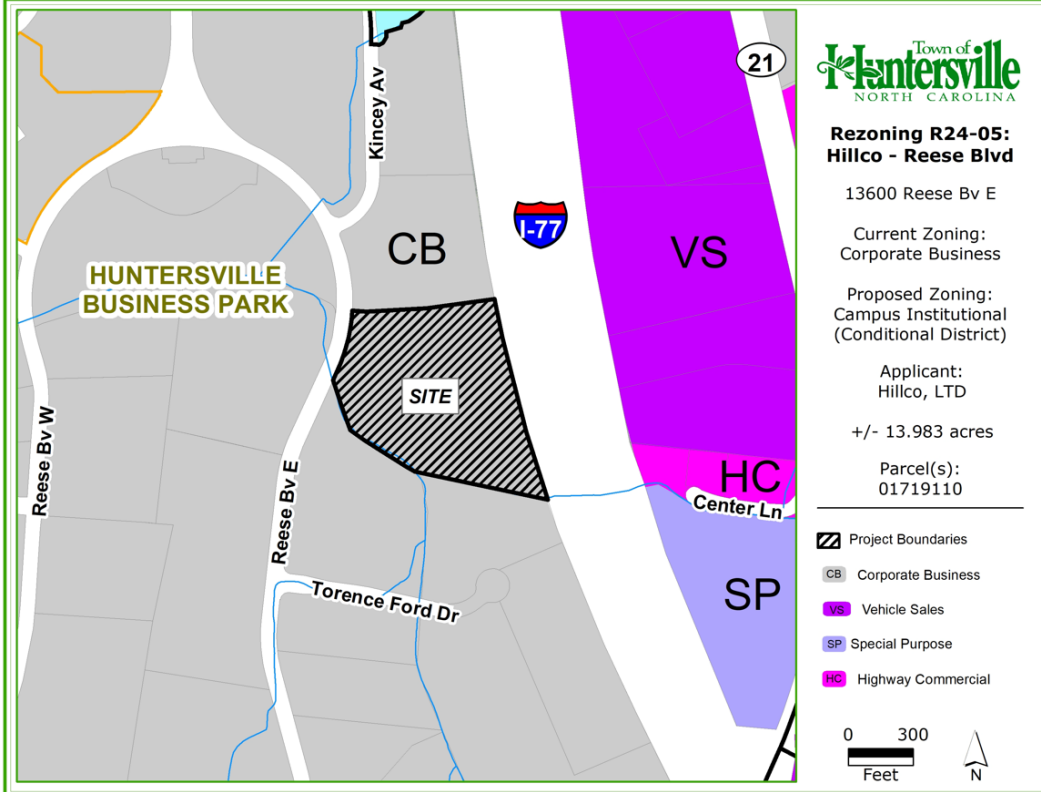
N/A

ATTACHMENTS:

1. R24-03 Hillco Staff Report - TB - 12 17 24
2. RZ24-05_Hillco Reese Blvd_Rezoning Site Plan Package_12.04.24
3. Hillco_Staff Report Eng_10.14.24
4. Hillco Employment Data
5. Community Meeting Package 10.15.24
6. TIA Determination - Hilco Nursing and Rehab 7-10-24
7. Hillco Rezoning_General Application EXECUTED

Petition R24-05 Hillco Skilled Nursing Facility

PART 1: PROJECT SUMMARY



Applicant: Hillco, LTD – Jonathan Rodgers

Property Owner: Novant Health, Inc.

Property Address: 13600 Reese Boulevard East

Project Size: (+/-) 13.98 acres

Parcel Numbers: 01719110

Current Zoning: Corporate Business (CB)

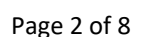
Current Land Use: Vacant

Proposed Zoning: Campus Institutional Conditional District (CI-CD)

Proposed Land Use: Skilled Nursing Facility

1. Purpose: Petition #R24-05 Hillco Skilled Nursing Facility, a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business to Campus Institutional Conditional District to develop a Skilled Nursing Facility. The property is located at 13600 Reese Boulevard East in the Huntersville Business Park.
2. Adjoining Zoning and Land Uses.
 - North: Corporate Business (CB) zoning, general office uses in the Huntersville Business Park.
 - South: Corporate Business (CB) zoning, general office uses in the Huntersville Business Park.
 - East: Interstate 77. East of I-77 is Vehicular Sales (VS), Highway Commercial (HC) zoning with the Hall Honda car dealership and general warehouse commercial along Center Lane.
 - West: Corporate Business (CB) zoning, general office uses in the Huntersville Business Park.
3. A neighborhood meeting was held on September 25, 2024. The invitation list, invitation, attendance list, and summary of the meeting are included in the agenda packet for review.
4. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of a rezoning sign along Reese Boulevard in front of the property.

- The applicant is proposing to develop a Nursing and Rehabilitation Center, also known as a Skilled Nursing Facility. The facility is proposed to have 110 beds and be approximately 72,000 sqft in size. This use is not permitted in the Corporate Business current zoning, therefore the rezoning application submitted to Campus Institutional.
- In the Campus Institutional zoning district, the use is categorized as a Congregate Care Facility. Congregate Care is exempted from parking requirements per 6.1 of the Zoning Ordinance.
- The property is located in the Huntersville Business Park which was developed under the 1991 Huntersville Zoning Ordinance. Normally, when a development meets the use allowance of the 1991 ordinance, the use is vested or grandfathered from current code requirements such as tree save, street frontage, buffers, sidewalks, water quality controls etc. However, because the applicant is proposing to rezone the property to permit a different use than was originally allowed, the vesting is lost, and the current ordinance becomes applicable.
- The subject property is encumbered by a significant amount of floodplain due to a branch of Torrance Creek running along the southern property line of the site. Therefore approximately 40% of the development is unbuildable.
 - Due to the floodplain's extent and location near the street, it is not possible to have the building front the street as the zoning ordinance would normally require for this use. However, Article 8.1.4 allows buildings to front on urban open space that meets ordinance requirements. Staff has worked with the applicant to design an alternative frontage using the existing shared driveway roundabout on the northern side of the lot. Therefore, the building is turned and oriented to the north of the site rather than the street. Please see the modification requests and rezoning issues below for more information.
- The development would be required to save 30% of its specimen trees on site. Due to the stream and floodplain on the site the applicants are proposing to save 84% (16 of 19 trees).



Rezoning Issues:

- **Modifications.** The applicants are seeking several modifications from the zoning ordinance for the proposed development. They are as follows:
 - Article 4.1.1: Requires the building to be located at a maximum 15 feet build to line, or a maximum 15 feet from the fronting condition (usually the street). As mentioned above, due to the location of the floodplain, a close building frontage along Reese Boulevard is not possible. Staff has worked with the applicants to design the roundabout to the north of the property into an urban open space, an allowed frontage condition in the ordinance. However, the building proposed is set back further than the required 15-foot build to line from the urban open space as well. Therefore, a modification is needed.
 - Article 4.1.3: Prohibits parking in the front of the building. The proposed plan places much of the building's parking in between the building and the fronting urban open space. A modification is needed for this site design.
 - Article 5.5: Requires sidewalks to be installed along the street frontage of the property. The applicants are asking for a modification to not install the sidewalk along Reese Boulevard.
 - Article 6.1 A: This section also prohibits parking in the front of a building.
 - Article 7.5: Requires a 50-foot-wide opaque buffer along the Interstate 77 right of way. The applicants are asking approval for a 20-foot-wide buffer instead (60% reduction in the buffer width).
 - Article 8.17: Several subsections of our water quality ordinance are being requested for modification. Please see the engineering report attached. The specific sections are:
 - 8.17.12 B -Performance Criteria for High Density Projects
 - #3 – Water Quality Treatment
 - #6 – Storm Water Volume Control
 - #7 – Storm Water Volume Peak Control
 - Due to the challenging topography, the applicants are proposing to only treat about 40% of the site with water quality controls. The other 60% of the site would discharge directly to the stream, as most of the Huntersville Business Park currently does due to their vested condition.
 - Staff Comment: Although the proposed site plan modifications create a design different than other Skilled Nursing facilities in Huntersville, staff is open to the modifications and recommends flexibility considering the complications that arise with the floodplain on the property. Additionally, per Chapter 3.1.2 of the Zoning Ordinance and Policy 8.2 of the Huntersville 2040 Plan, the applicant is proposing a higher design standard by converting the existing roundabout driveway into an attractive, functional, and recreational urban open space as an alternative frontage condition.
- **Alternative Frontage Plaza:** Half of the proposed urban open space that would serve as the alternative frontage condition (alternative to the street) is located on a shared driveway on an adjacent property. Although staff has worked with the applicant on an approvable design, it has not been confirmed that the adjacent property owner has agreed to the modifications to the property. Staff recommends that adjacent property owner permission be secured prior to rezoning approval to ensure the feasibility of the plaza design. In addition, to formalize this needed improvement, staff recommends a specific condition note be added to the plan committing to the improvements of the open space.
 - Update 11/8/24: A more detailed label has been added to the graphic of the site plan concerning the design of the open space. However, staff recommends a specific rezoning note be added on sheet RZ 4.00 outlining these commitments of construction. In addition, staff still recommends a simple written permission from the adjacent property owner be submitted on the design and maintenance of the open space.

- **Update 12/6/24:** Note 15 g has been added to the list of rezoning notes on sheet RZ 4.00 that states the roundabout shall be constructed per the shown rezoning plan (RZ-2.00). Staff finds this note acceptable. However, at the time of staff report deadline, no correspondence has been obtained from the adjacent property owner regarding their acknowledgement about the proposed improvements. **Staff still recommends approval, however if for some reason the existing easement does not give full authority to upgrade the open space and/or an ownership issue subsequently arises where the roundabout cannot be upgraded, the applicant will need to modify the rezoning through the full rezoning process to remove this major design element from the plan.**
- **Proposed Uses:** The property is currently located in the Huntersville Business Park and zoned Corporate Business (CB). Therefore, the intent of the current zoning (and the Huntersville 2040 Plan) is to allow uses that would encourage economic development and employment generation. A conditional rezoning note on the plan proposes to allow all uses in the Campus Institutional (CI) zoning district. Allowing all uses in CI would allow uses that would not achieve those employment generating goals such as Schools, Religious Institutions, Day Care Centers and Parks. Therefore, staff recommends the use of the property be limited to the proposed use; a Skilled Nursing facility, which per the applicant's submittal will create up to 160 medical jobs at the facility.
 - **Update 11/8/24:** The note has been amended to only permit health institutions including congregate care facilities. Staff finds the note acceptable.
- **Building Elevations:** Conceptual building elevations were submitted as part of the rezoning submittal on sheet RZ-4.00. However, these concepts do not give staff clear direction on what the building is committing to construct and will be difficult to later enforce architectural standards by. Additionally, sample elevations were submitted on sheet RZ-4.01 which differ significantly from the conceptual elevation in form, materials, and style. Therefore, to clarify the expectation of the final building design, staff recommends the example elevations on sheet RZ-4.01 be removed, and a new rezoning note be added committing the applicant to build the facility based on the concept drawings. The note would include baseline commitments to materials, variation of materials, use of stone, and modern styling.
 - Committing to unique and modern architectural standards would be another opportunity to achieve excellent design above the minimum ordinance standards per Article 3.1.2 of the Huntersville Zoning Ordinance and Policy 8.2 of the Huntersville 2040 Plan.
 - **Update 11/8/24:** The "sample" elevations have been removed from the submittal. A table list of "example" materials has also been included on sheet RZ-4.00. However, staff recommends the list be modified into a commitment note clearly stating what is committed to, not what an example could be.
 - **Update 12/6/24:** Note 15 h has been added to the rezoning notes on sheet RZ-4.00 which states that the building materials shall be in keeping with the exterior building materials listed on the rezoning plan. Also, the table list has been modified to a definitive list of building materials with notes that the materials used would match the conceptual renderings. Staff finds these updates acceptable.
- **Greenway Accommodation** – The Torrance Creek Greenway (Town Greenway) is proposed to traverse this property along the frontage on Reese Boulevard. The applicant has agreed to connect their building to the future greenway with a sidewalk. However, considering a sidewalk is required along the street by ordinance and a greenway is very likely to be constructed near where the sidewalk would normally go near the street, constructing the greenway along their frontage (at a later time when the rest of the greenway is built in coordination with Town Staff) would be an excellent opportunity for the applicant to provide public benefit to their application. However, at minimum staff recommends the applicants dedicate an easement back of right of way to allow the construction of the greenway along their frontage.
 - **Update 12/6/24:** Note 15 d has been added to sheet RZ-4.00 stating the applicant will dedicate land along the frontage for the greenway and commit to build a 12-foot-wide multi-use path for the greenway along the frontage once the greenway is designed and under construction. Legal has reviewed the note and staff finds this note acceptable.

PART 3: TRANSPORTATION ISSUES

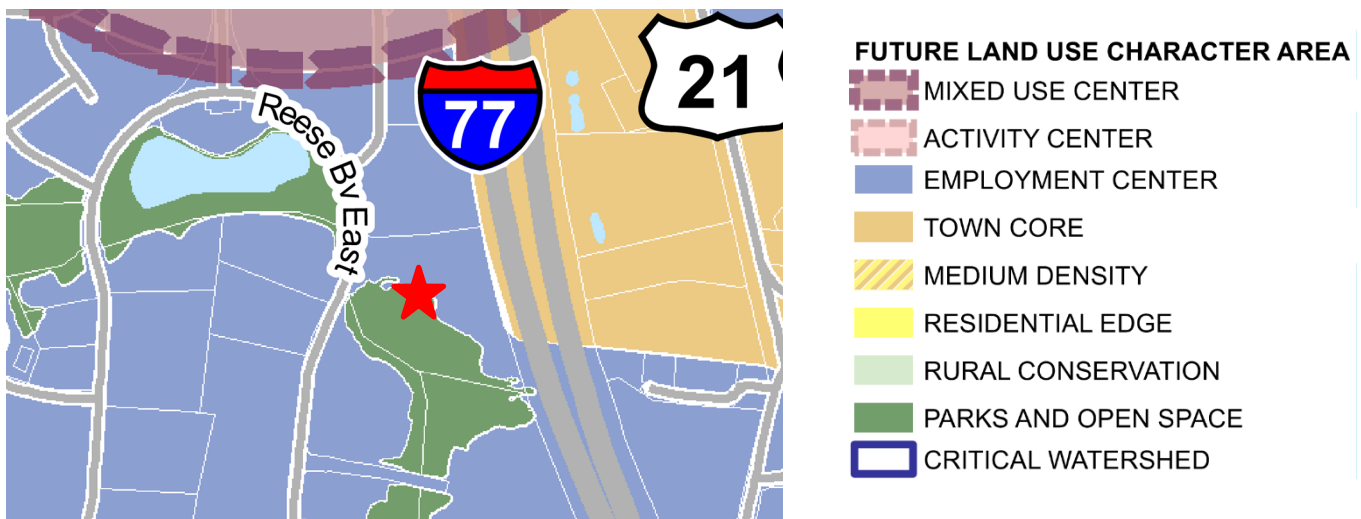
Traffic Impact Analysis (TIA)

- A Town TIA for the proposed project was not required due to the use not producing the threshold number of trips necessary to require the study.
- Please find the TIA Determination from Engineering attached in the agenda packet.

PART 4: REZONING CRITERIA

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

2040 Huntersville Community Plan – “Employment Center”



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting -edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.

STAFF COMMENT – The 2040 Huntersville Community Plan **DOES SUPPORT** this project through the following sections:

- **Policy LU 1.1:** Utilize the Future Land Use Map during development approval process to ensure compatibility with long range plans.
 - STAFF COMMENT: The property is located in the Employment Center character area of the Huntersville 2040 Plan. This area is meant to encourage uses and development that support employment generation. According to the applicant's submittal, the use would generate 160 various nursing jobs at the facility. In addition, this institutional use achieves the recommendation to mix uses in the employment center, rather than having homogenous office/industrial areas. Please see their proposed employment generation information submitted by the applicant attached.
- **Policy LU 5:** Focus more intense development in locations that can support growth.
 - STAFF COMMENT: The location of the development is immediately adjacent to Interstate 77 in an established business park, between two thoroughfares. The existing infrastructure supports intensification and growth in the area.
- **Policy LU 6.1:** A mix of land uses is encouraged in Mixed-Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
 - STAFF COMMENT: Adding institutional uses achieves a further mixture of uses in the Huntersville Business Park and is a complimentary use to the Novant Hospital also in the Park.
- **Policy EOS 3.1:** Make mature, native forest an open space priority, especially near streams.
 - STAFF COMMENT: Due to the stream and the floodplain, the development would be able to save a significant amount of tree save area over the minimum requirement (84% versus 30%).
- **Policy LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards.
 - STAFF COMMENT: Although the applicants cannot front Reese Boulevard due to the floodplain challenges, the proposal is to go above and beyond the standard business park buffer along the street and provide an alternative frontage condition to the north of the property. The open space proposed would include decorative brick pavers, recreational seating, sculptural shade elements, and enhanced landscaping. Providing this alternative frontage would go above and beyond the standard business park design.

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

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

STAFF COMMENT:

The property is surrounded by office and industrial development in the Huntersville Business Park. However other institutional uses currently exist in the Park as well. The Novant Huntersville Hospital on Gilead Road, the Levine and Dickson Hospice House on Van Story Drive, the Huntersville Health and Rehabilitation Center on Boren Street, and the Huntersville Police Department on Julian Clark Avenue are all existing nearby institutional uses in the Huntersville Business Park. Therefore, the proposed institutional use is consistent with the mixed-use nature of the Huntersville Business Park.

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

STAFF COMMENT:

- A Transportation Impact Analysis was not required.
- Staff has no other indication that the proposed use will adversely affect the adequacy of public facilities.

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

STAFF COMMENT:

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

PART 5: STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. Minor site plan comments from staff are addressed prior to final approval.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on November 4th, 2024. No one from the public spoke for or against the application. Please find the meeting recording at the following link: <https://www.youtube.com/watch?v=HmJlxvhvSWQ&t=3895s>

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board met to discuss the application at their regularly scheduled meeting on November 20, 2024. No one from the public spoke for or against the application.

After Board discussion, the Planning Board unanimously recommended approval of the application with the following conditions: Acknowledgement is received from the adjacent property owner concerning the upgrade of the open space, a conditional note is added formalizing the design of the open space, a conditional note is added formalizing the building elevations, and minor site plan comments from staff are addressed. Please find the meeting recording at the following link: <https://www.youtube.com/watch?v=F4CP01WyHfk>.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for December 17, 2024.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- Rezoning Application
- R24-05 Rezoning Plan
- Neighborhood Meeting Report
- Engineering Report
- TIA Determination
- Hillco Submitted Employment Data

PART 10: CONSISTENCY STATEMENT – R24-05 Hillco Skilled Nursing Facility

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R24-05 Hillco Skilled Nursing Facility, staff recommends approval with conditions. With the conditions met, the plan will be consistent with Policies LU-1.1, LU-5, LU-6.1, EOS 3.1, and LU-8.2. It is reasonable and in the public interest to approve the Rezoning Plan because it would further diversify the uses of the Huntersville Business Park, provide for an employment generating use to the Town’s inventory, and contribute to the public good of the Town by participating in the construction of a Town greenway.	APPROVAL: In considering the proposed rezoning application R24-05, Hillco Skilled Nursing Facility, the Planning Board recommends approval with conditions. With the conditions the plan will be consistent with policies LU-1, LU-5, LU-6.1, EOS 3.1, and LU-8.2 of the Huntersville 2040 Plan. It is reasonable and in the public interest to approve the application because it further diversifies the uses in the Huntersville Business Park, adds approximately 160 high paying medical jobs to the community, provides another option for Huntersville residents to remain in Huntersville as they age, preserves 84% of the specimen trees on site, adds significantly to the tax base with adding little demand for public services, and adds to the public good of the Town by participating in the construction of a Town greenway.	APPROVAL: In considering the proposed rezoning application R24-05, Hillco Skilled Nursing Facility, the Town Board approves the application based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed rezoning application R24-05 Hillco Skilled Nursing Facility, the Town Board denies the application based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>

HILLCO - REESE BLVD

COMMERCIAL REZONING SITE PLAN PACKAGE

13600 Reese Blvd E, Huntersville, NC 28078

Mecklenburg County Tax Parcel: 01719110

EPM#: CSP-500028

DRAWING INDEX

Sheet Number	Sheet Title
RZ-0.00	COVER SHEET
RZ-1.00	EXISTING CONDITIONS PLAN
RZ-1.01	TREE SAVE EXHIBIT
RZ-2.00	SITE PLAN
RZ-3.00	PRELIMINARY GRADING PLAN
RZ-3.10	PRELIMINARY STORMWATER MANAGEMENT PLAN
RZ-3.20	PRELIMINARY STORM DRAINAGE PLAN
RZ-3.30	PRE DEV. DRAINAGE AREA
RZ-3.40	PST DEV. DRAINAGE AREA
RZ-3.50	PRELIMINARY UTILITY PLAN
RZ-4.00	DEVELOPMENT NOTES & CONDITIONS

VICINITY MAP



NOT TO SCALE

PROJECT DEVELOPER:
HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054
PH: (919) 779-5095
CONTACT: JON RODGERS, MHA

PROPERTY OWNER:
NOVANT HEALTH, INC.
2085 FRONTIS PLAZA BLVD.
WINSTON-SALEM, NC 27103



SEALS:



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

COMMENT REVISIONS 09/20/2024

COMMENT REVISIONS 10/14/2024

COMMENT REVISIONS 11/09/2024

DRAWN: SSH,MBA,ESB

JOB. NO.: 23-190

SHEET TITLE:

COVER SHEET

SCALE: NTS

SHEET NO.:

RZ-0.00

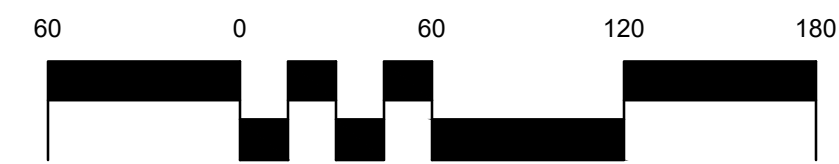
© STIMMEL ASSOCIATES, P.A.

RETAINING WALL NOTES

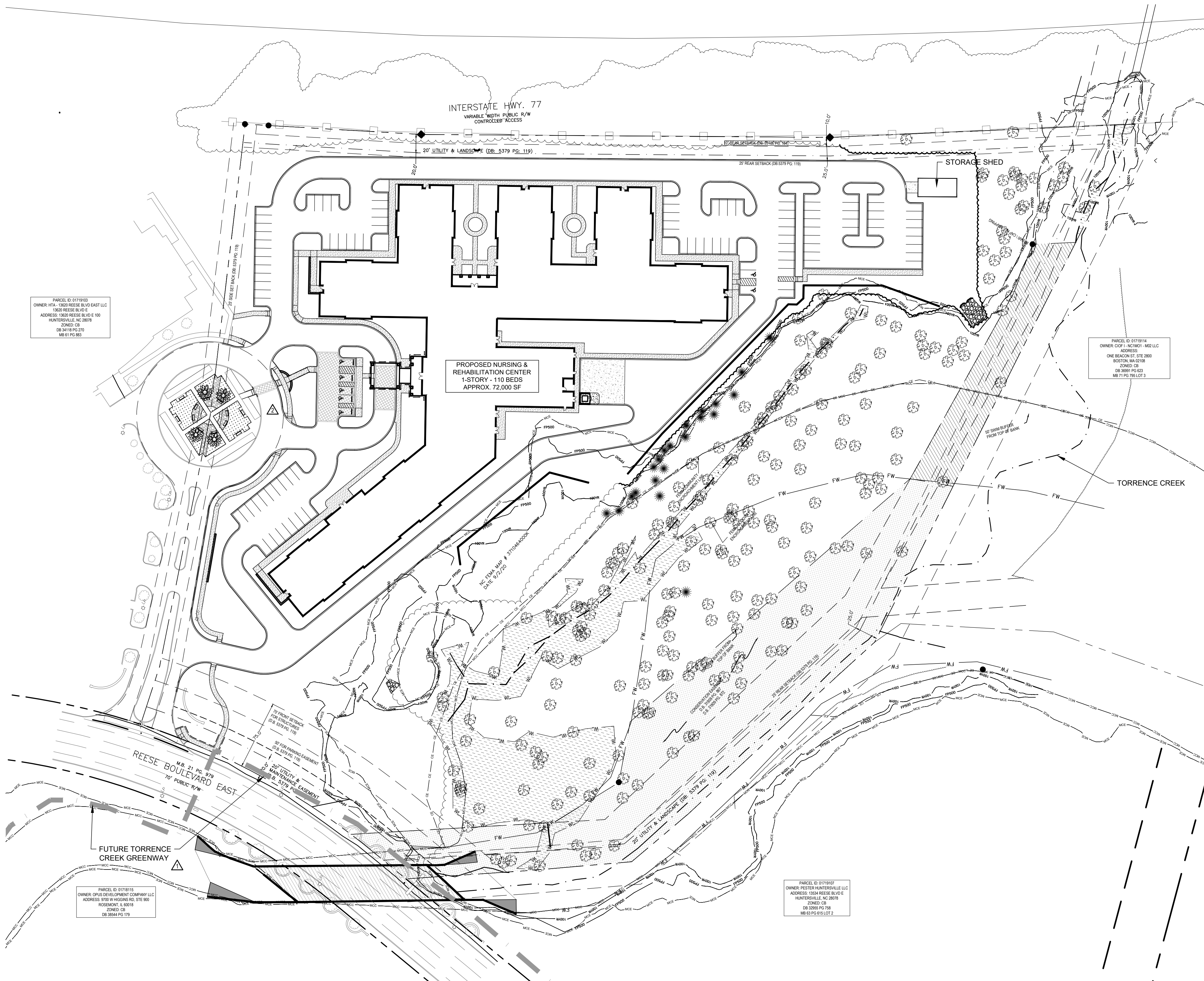
- ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (>5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCSBC CHAPTER 17 - SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED TO THE HUNTERSVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERSVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (DPRIC) LETTERS.



North



SCALE: 1" = 60'



SCALE: 1" = 50'

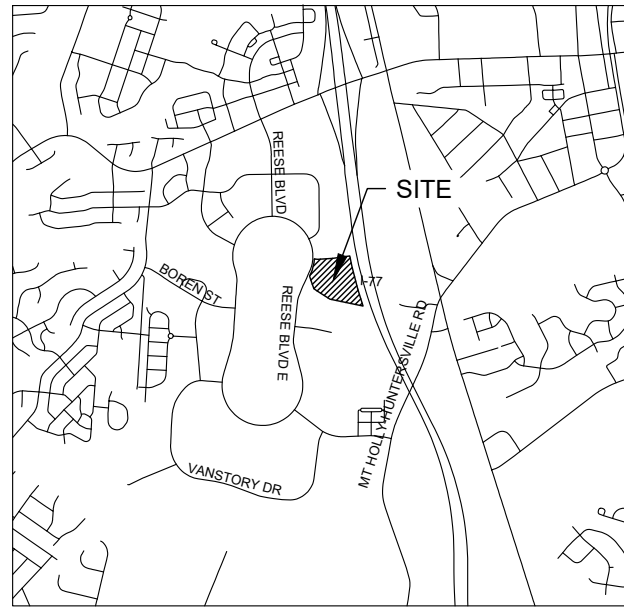
PARCEL ID: 01718115
OWNER: OPUS DEVELOPMENT COMPANY LLC
ADDRESS: 9700 W HIGGINS RD, STE 900
ROSEMONT, IL 60018
ZONED: C8
DB 38544 PG 179

THE BOUNDARY AND TREE SURVEY INFORMATION HEREIN IS FROM SURVEY INFORMATION SUPPLIED BY REGIONAL LAND SURVEYORS, INC
8642 WEST MARKET ST. SUITE 100
GREENSBORO, NC 27409
(336) 665-8155

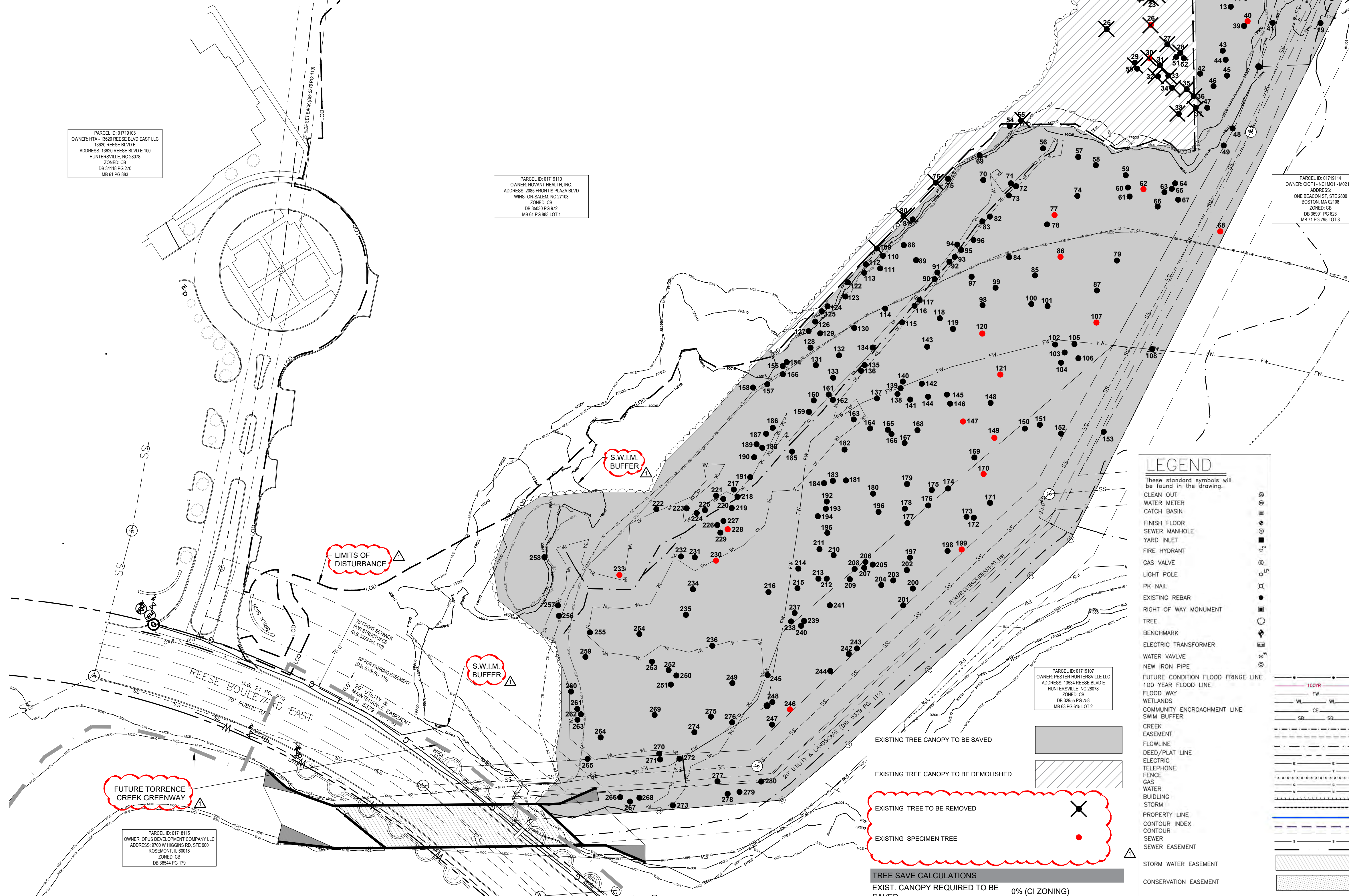
THE TOPOGRAPHIC INFORMATION HEREIN IS FROM SURVEY INFORMATION SUPPLIED BY:
SCRO LAND SURVEYING, PLLC
145 W PARRIS AVE. SUITE 101
HIGH POINT, NC 27262

\\stimmelfile.stimmelpa.com\projects\23-190\Drawings\SD\23-190 - RZ-1.00 EXISTING CONDITIONS.dwg : RZ-1.00 SITE SURVEY 09/19/24 2:57pm

VICINITY MAP



NOT TO SCALE



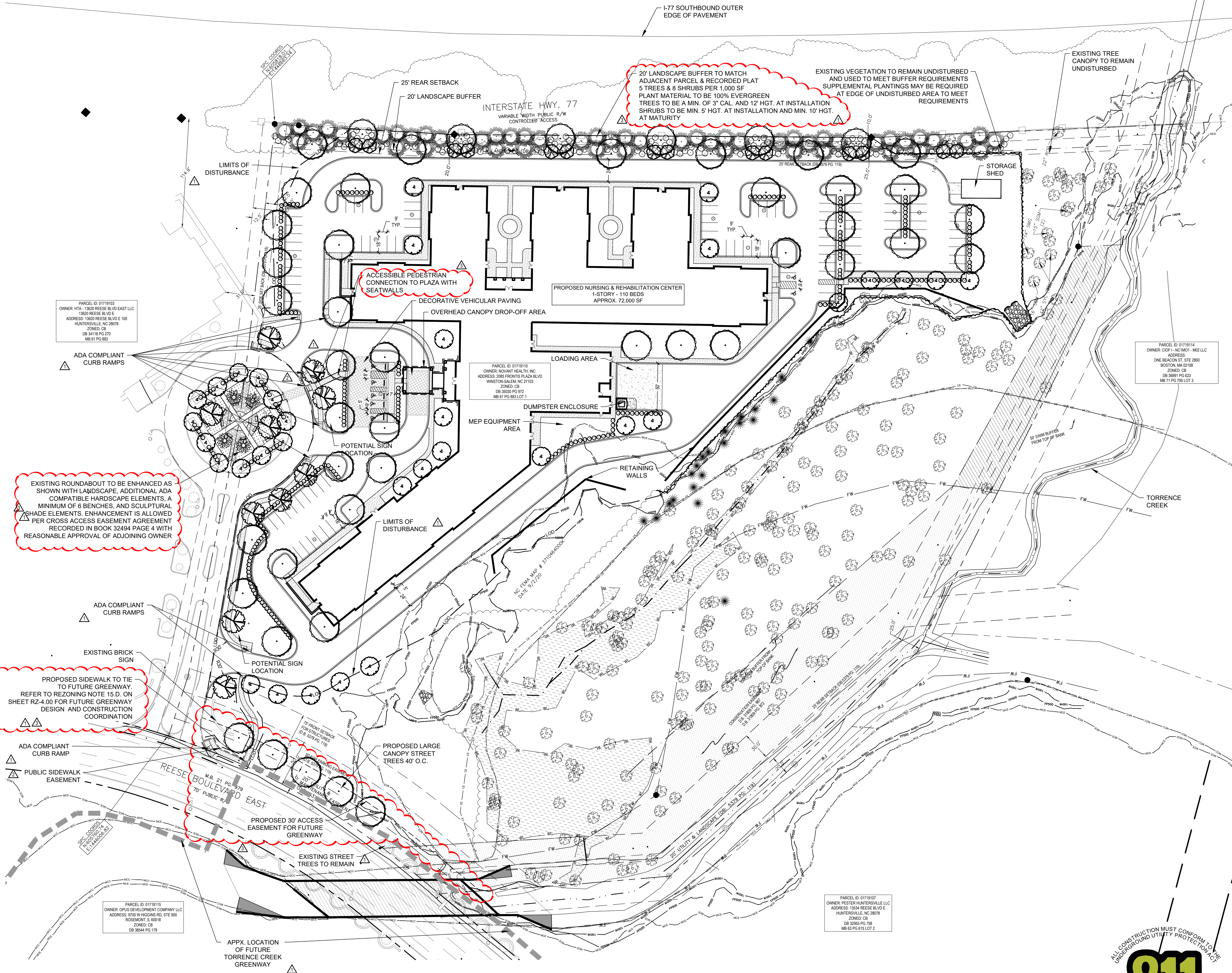
SURVEY DISCLAIMER

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SGROI LAND SURVEYING, PLLC
145 W PARRIS AVE, SUITE 101
HIGH POINT, NC 27262

TREE SAVE CALCULATIONS	
EXIST. CANOPY REQUIRED TO BE SAVED	0% (CI ZONING)
EXIST. CANOPY PROPOSED TO BE SAVED	90.61% (5.60 AC SAVED OF 6.18 AC TOTAL)
EXIST. SPECIMEN TREES ON SITE	19 TREES
EXIST. SPECIMEN TREES REQUIRED TO BE SAVED	30% X 19 = 6 TREES
EXIST. SPECIMEN TREES PROPOSED TO BE SAVED	16 SPECIMEN TREES

#	TREE TYPE	SIZE	SPECIMEN	KEEP/SAVE/REMOVE	#	TREE TYPE	SIZE	SPECIMEN	KEEP/SAVE/REMOVE
1	SWEETGUM	16"	NO	REMOVE	141	SWEETGUM	14"	NO	SAVE
2	SWEETGUM	16"	NO	REMOVE	142	SWEETGUM	14"	NO	SAVE
3	SWEETGUM	16"	NO	KEEP	143	SWEETGUM	18"	NO	SAVE
4	POPLAR	14"	NO	KEEP	144	SWEETGUM	18"	NO	SAVE
5	CHERRY	16"	YES	REMOVE	145	SWEETGUM	12"	NO	SAVE
6	SWEETGUM	20"	NO	KEEP	146	SWEETGUM	12"	NO	SAVE
7	SWEETGUM	20"	NO	KEEP	147	SYCAMORE	24"	YES	SAVE
8	POPLAR	22"	NO	SAVE	148	SWEETGUM	15"	NO	SAVE
9	SWEETGUM	8"	NO	SAVE (same as 53)	149	SYCAMORE	30"	YES	SAVE
10	SWEETGUM	12"	NO	SAVE	150	SWEETGUM	12"	NO	SAVE
11	SWEETGUM	18"	NO	SAVE	151	SYCAMORE	20"	NO	SAVE
12	SWEETGUM	12"	NO	SAVE	152	ASH	14"	NO	SAVE
13	MAPLE	15"	NO	SAVE	153	WALNUT	15"	NO	SAVE
14	SWEETGUM	16"	NO	SAVE	154	PINE	18"	NO	KEEP
15	SWEETGUM	14"	NO	SAVE	155	PINE	12"	NO	SAVE
16	SWEETGUM	12"	NO	SAVE	156	POPLAR	12"	NO	SAVE
17	SWEETGUM	15"	NO	SAVE	157	PINE	15"	NO	SAVE
18	SWEETGUM	12"	NO	SAVE	158	PINE	14"	NO	SAVE
19	MAPLE	16"	NO	SAVE	159	SWEETGUM	12"	NO	SAVE
20	SWEETGUM	18"	NO	REMOVE	160	SWEETGUM	12"	NO	SAVE
21	SWEETGUM	15"	NO	REMOVE	161	SWEETGUM	14"	NO	SAVE
22	MAPLE	18"	NO	REMOVE	162	MAPLE	14"	NO	SAVE
23	SWEETGUM	23"	NO	REMOVE	163	SYCAMORE	12"	NO	SAVE
24	SWEETGUM	15"	NO	REMOVE	164	SWEETGUM	14"	NO	SAVE
25	ASH	20"	NO	REMOVE	165	SWEETGUM	12"	NO	SAVE
26	POPLAR	30"	YES	REMOVE	166	SWEETGUM	12"	NO	SAVE
27	SWEETGUM	22"	NO	REMOVE	167	SWEETGUM	15"	NO	SAVE
28	MAPLE	7"	NO	REMOVE	168	SWEETGUM	12"	NO	SAVE
29	SWEETGUM	15"	NO	REMOVE	169	SWEETGUM	12"	NO	SAVE
30	POPLAR	24"	YES	REMOVE	170	PERSIMMON	12"	YES	SAVE
31	SWEETGUM	15"	NO	REMOVE	171	SYCAMORE	16"	NO	SAVE
32	SWEETGUM	15"	NO	REMOVE	172	SWEETGUM	14"	NO	SAVE
33	SWEETGUM	15"	NO	REMOVE	173	WILLOW OAK	15"	NO	SAVE
34	SWEETGUM	20"	NO	REMOVE	174	SWEETGUM	16"	NO	SAVE
35	SWEETGUM	15"	NO	REMOVE	175	SWEETGUM	12"	NO	SAVE
36	SWEETGUM	14"	NO	REMOVE	176	HICKORY	14"	NO	SAVE
37	SWEETGUM	12"	NO	REMOVE	177	SWEETGUM	16"	NO	SAVE
38	SWEETGUM	15"	NO	REMOVE	178	SWEETGUM	12"	NO	SAVE
39	SWEETGUM	15"	NO	SAVE	179	MAPLE	12"	NO	SAVE
40	SWEETGUM	24"	YES	SAVE	180	SYCAMORE	22"	NO	SAVE
41	POPLAR	12"	NO	SAVE	181	PINE	18"	NO	SAVE
42	SOUTHERN MAGNOLIA	14"	NO	KEEP	182	SWEETGUM	12"	NO	SAVE
43	SWEETGUM	15"	NO	SAVE	183	SWEETGUM	12"	NO	SAVE
44	ELM	14"	NO	SAVE	184	SWEETGUM	14"	NO	SAVE
45	SYCAMORE	12"	NO	SAVE	185	SWEETGUM	15"	NO	SAVE
46	SYCAMORE	12"	NO	SAVE	186	MAPLE	18"	NO	SAVE
47	SWEETGUM	16"	NO	KEEP	187	SYCAMORE	18"	NO	SAVE
48	UNDETERMINED	14"	NO	SAVE	188	SYCAMORE	15"	NO	SAVE
49	ELM	15"	NO	SAVE	189	SWEETGUM	22"	NO	SAVE
50	SWEETGUM	22"	NO	SAVE	190	MAPLE	22"	NO	SAVE
51	MAPLE	14"	NO	REMOVE	191	MAPLE	16"	NO	SAVE
52	MAPLE	16"	NO	REMOVE	192	SWEETGUM	20"	NO	SAVE
53	SWEETGUM	8"	NO	SAVE (same as 9)	193	MAPLE	12"	NO	SAVE
54	POPLAR	14"	NO	KEEP	194	SWEETGUM	12"	NO	SAVE
55	POPLAR	12"	NO	REMOVE	195	SWEETGUM	15"	NO	SAVE
56	SWEETGUM	14"	NO	SAVE	196	SWEETGUM	15"	NO	SAVE
57	SWEETGUM	14"	NO	SAVE	197	MAPLE	14"	NO	SAVE
58	SWEETGUM	14"	NO	SAVE	198	BIRCH	12"	NO	SAVE
59	SWEETGUM	14"	NO	SAVE	199	PERSIMMON	14"	YES	SAVE
60	SWEETGUM	12"	NO	SAVE	200	POPLAR	14"	NO	SAVE
61	MAPLE	14"	NO	SAVE	201	SWEETGUM	15"	NO	SAVE
62	MAPLE	20"	YES	SAVE	202	SWEETGUM	12"	NO	SAVE
63	MAPLE	18"	NO	SAVE	203	SWEETGUM	12"	NO	SAVE
64	SWEETGUM	12"	NO	SAVE	204	ELM	12"	NO	SAVE
65	SWEETGUM	15"	NO	SAVE	205	SWEETGUM	15"	NO	SAVE
66	ELM	9"	NO	SAVE	206	ELM	9"	NO	SAVE
67	SWEETGUM	12"	NO	SAVE	207	ELM	10"	NO	SAVE
68	SYCAMORE	36"	YES	SAVE	208	ELM	12"	NO	SAVE
69	POPLAR	15"	NO	KEEP	209	SWEETGUM	15"	NO	SAVE
70	POPLAR	14"	NO	REMOVE	210	SWEETGUM	16"	NO	SAVE
71	SYCAMORE	14"	NO	SAVE	211	SWEETGUM	15"	NO	SAVE
72	SWEETGUM	12"	NO	SAVE	212	SWEETGUM	14"	NO	SAVE
73	SYCAMORE	18"	NO	SAVE	213	SWEETGUM	14"	NO	SAVE
74	ELM	14"	NO	SAVE	214	ELM	14"	NO	SAVE
75	PINE	12"	NO	KEEP	215	SWEETGUM	18"	NO	SAVE
76	PINE	16"	NO	REMOVE	216	SWEETGUM	16"	NO	SAVE
77	SYCAMORE	26"	YES	SAVE	217	MAPLE	10"	NO	SAVE
78	SWEETGUM	12"	NO	SAVE	218	MAPLE	10"	NO	SAVE
79	SWEETGUM	12"	NO	SAVE	219	SWEETGUM	22"	NO	SAVE
80	PINE	18"	NO	REMOVE	220	SWEETGUM	12"	NO	SAVE
81	PINE	12"	NO	KEEP	221	MAPLE	16"	NO	SAVE
82	MAPLE	12"	NO	SAVE	222	WILLOW OAK	12"	NO	SAVE
83	SYCAMORE	15"	NO	SAVE	223	MAPLE	22"	NO	SAVE
84	SWEETGUM	12"	NO	SAVE	224	SWEETGUM	18"	NO	SAVE
85	SWEETGUM	18"	NO	SAVE	225	SWEETGUM	12"	NO	SAVE
86	SYCAMORE	24"	YES	SAVE	226	MAPLE	18"	NO	SAVE
87	SWEETGUM	20"	NO	SAVE	227	SYCAMORE	14"	NO	SAVE
88	PINE	15"	NO	SAVE	228	SWEETGUM	24"	YES	SAVE
89	POPLAR	15"	NO	SAVE	229	SYCAMORE	12"	NO	SAVE
90	SYCAMORE	20"	NO	SAVE	230	SWEETGUM	24"	YES	SAVE
91	SYCAMORE	12"	NO	SAVE	231	SWEETGUM	18"	NO	SAVE
92	SWEETGUM	14"	NO	SAVE	232	SWEETGUM	16"	NO	SAVE
93	SWEETGUM	16"	NO	SAVE	233	HORNBEAM	12"	YES	SAVE
94	MAPLE	11"	NO	SAVE	234	SYCAMORE	14"	NO	SAVE
95	MAPLE	15"	NO	SAVE	235	SWEETGUM	15"	NO	SAVE
96	MAPLE	16"	NO	SAVE	236	SWEETGUM	18"	NO	SAVE
97	SWEETGUM	14"	NO	SAVE	237	SWEETGUM	16"	NO	SAVE
98	SWEETGUM	15"	NO	SAVE	238	SWEETGUM	14"	NO	SAVE
99	SWEETGUM	15"	NO	SAVE	239	SWEETGUM	12"	NO	SAVE
100	SWEETGUM	15"	NO	SAVE	240	SWEETGUM	16"	NO	SAVE
101	MAPLE	16"	NO	SAVE	241	SWEETGUM	16"	NO	SAVE
102	MAPLE	15"	NO	SAVE	242	POPLAR	14"	NO	SAVE
103	SWEETGUM	12"	NO	SAVE	243	POPLAR	12"	NO	SAVE
104	SWEETGUM	16"	NO	SAVE	244	LOCUST	16"	NO	SAVE
105	MAPLE	12"	NO	SAVE	245	MAPLE	12"	NO	SAVE
106	MAPLE	16"	NO	SAVE	246	MAPLE	24"	YES	SAVE
107	PERSIMMON	14"	YES	SAVE	247	MAPLE	15"	NO	SAVE
108	UNDETERMINED	18"	NO	SAVE	248	UNKNOWN	UNKNOWN	N/A	SAVE
109	PINE	12"	NO	REMOVE	249	MAPLE	16"	NO	SAVE
110	PINE	12"	NO	KEEP	250	ELM	16"	NO	SAVE
111	PINE	12"	NO	SAVE	251	MAPLE	16"	NO	SAVE
112	PINE	15"	NO	KEEP	252	MAPLE	12"	NO	SAVE
113	PINE	12"	NO	KEEP	253	SWEETGUM	22"	NO	SAVE
114	POPLAR	16"	NO	SAVE	254	OAK	16"	NO	SAVE
115	SYCAMORE	15"	NO	SAVE	255	SWEETGUM	18"	NO	SAVE
116	SWEETGUM	14"	NO	SAVE	256	SWEETGUM	18"	NO	SAVE
117	SYCAMORE	16"	NO	SAVE	257	SWEETGUM	12"	NO	SAVE
118	SYCAMORE	15"	NO	SAVE	258	BLACK GUM	18"	NO	SAVE
119	SYCAMORE	14"	NO	SAVE	259	SWEETGUM	18"	NO	SAVE
120	SYCAMORE	24"	YES	SAVE	260	WILLOW OAK	12"	NO	SAVE
121	SYCAMORE	30"	YES	SAVE	261	WILLOW OAK	12"	NO	SAVE
122	PINE	12"	NO	KEEP	262	WILLOW OAK	15"	NO	SAVE
123	PINE	12"	NO	KEEP	263	WILLOW OAK	12"	NO	SAVE
124	PINE	14"	NO	KEEP	264	SWEETGUM	16"	NO	SAVE
125	PINE	14"	NO	KEEP	265	SWEETGUM	16"	NO	SAVE
126	PINE	16"	NO	KEEP	266	POPLAR	12"	NO	SAVE
127	PINE	16"	NO	KEEP	267	POPLAR	15"	NO	SAVE
128	PINE	14"	NO	SAVE	268	POPLAR	12"	NO	SAVE
129	PINE	12"	NO	SAVE	269	SWEETGUM	16"	NO	SAVE
130	PINE	12"	NO	SAVE	270	SWEETGUM	14"	NO	SAVE
131	PINE	12"	NO	SAVE	271	SWEETGUM	16"	NO	SAVE
132	POPLAR	15"	NO	SAVE	272	SWEETGUM	12"	NO	SAVE
133	SWEETGUM	14"	NO	SAVE	273	POPLAR	18"	NO	SAVE
134	UNKNOWN	UNKNOWN	N/A	SAVE	274	SWEETGUM	12"	NO	SAVE
135	UNKNOWN	UNKNOWN	N/A	SAVE	275	SWEETGUM	15"	NO	SAVE
136	UNKNOWN	UNKNOWN	N/A	SAVE	276	SWEETGUM	18"	NO	SAVE
137	SWEETGUM	12"	NO	SAVE	277	POPLAR	18"	NO	SAVE
138	SWEETGUM	12"	NO	SAVE	278	SYCAMORE	12"	NO	SAVE
139	SWEETGUM	12"	NO	SAVE	279	POPLAR	12"	NO	SAVE
140	SWEETGUM	12"	NO	SAVE	280	POPLAR	18"	NO	SAVE

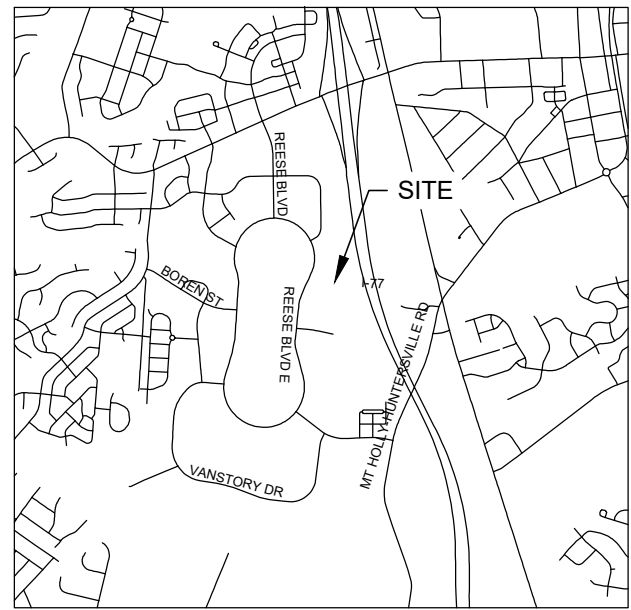
F:\23-190\Drawings\SD\23-190 - RZ-2.00 Site Plan.dwg - RZ-2.00 SITE PLAN 11/06/24 2:22pm



SURVEY DISCLAIMER

THE BOUNDARY AND TREE SURVEY INFORMATION HEREIN IS FROM SURVEY INFORMATION SUPPLIED BY:
REGIONAL LAND SURVEYORS, INC.
8642 WEST MARKET ST., SUITE 100
GREENSBORO, NC 27409
(336) 665-8155
THE TOPOGRAPHIC INFORMATION HEREIN IS FROM SURVEY INFORMATION SUPPLIED BY:
SGROI LAND SURVEYING, PLLC
145 W PARRIS AVE, SUITE 101
HIGH POINT, NC 27622

VICINITY MAP



SITE LEGEND

	WETLANDS
	FEMA FUTURE CONDITION FLOOD FRINGE LINE
	FEMA FLOOD FRINGE LINE
	FEMA COMMUNITY ENCROACHMENT LINE
	FEMA FLOODWAY ENCROACHMENT LINE
	MECK COUNTY ENCROACHMENT LINE (PROVIDED BY MECKING OPEN MAPPING)
	MECK COUNTY COMMUNITY FLOODWAY LINE (PROVIDED BY MECKING OPEN MAPPING)
	SWIM BUFFER
	FUTURE GREENWAY
	SANITARY SEWER LINE
	FLOW LINE

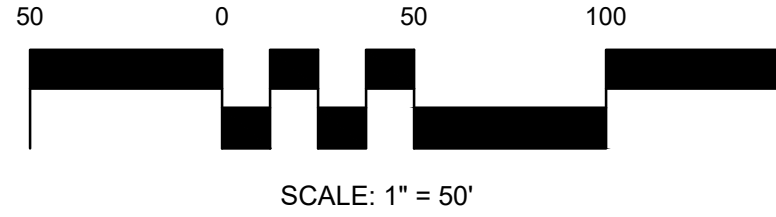
SITE DATA

REFERENCE PARCEL ID: 01719110	ADDRESS 13600 REESE BLVD EAST HUNTERSVILLE, NC MECKLENBURG COUNTY
ZONING INFO EXISTING ZONING: CB PROPOSED ZONING: CI (CD) OVERLAY DISTRICT: PA-2 (MTN ISLAND LAKE WATERSHED)	INFRASTRUCTURE WATER: PRIVATE SEWER: PRIVATE
USES EXISTING USE: VACANT PROPOSED USE: CONGREGATE CARE (HEALTH INSTITUTION IN CI ZONING)	FLOOD MAP MAP: 3710464000K PANEL: 4640 EFFECTIVE DATE: 9/2/2015

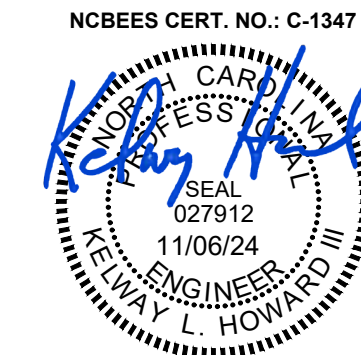
REQUIRED	PROVIDED
TOTAL PARCEL AREA	13.983 AC (609,099.48 SF)
PROP. DISTURBED AREA	6.73 AC (293,259 SF)
BUILDING TYPE	URBAN WORKPLACE
MAX BUILDING HEIGHT	40'
SETBACKS	
FRONT SETBACK	75' (THE PARK COVENANTS)
REAR SETBACK	25' (THE PARK COVENANTS)
RIGHT SIDE SETBACK	25' (THE PARK COVENANTS)
LEFT SIDE SETBACK	25' (THE PARK COVENANTS)
WATERSHED INFORMATION	
WATERSHED	MCDOWELL
LOW DENSITY / HIGH DENSITY	HIGH DENSITY
PERCENTAGE OF BUA ALLOWED	HIGH DENSITY - 70%
EXISTING BUA	0.30 AC BUA (2.14%)
PROPOSED BUA	4.4 AC BUA (31.50%) 2.3 AC BUA TREATED (52% TREATED)
PARKING CALCULATIONS	
MIN REQUIRED PARKING SPACES	NO MIN FOR DEPENDENT LIVING / CONGREGATE HOUSING USE
TOTAL PROPOSED PARKING	108 TOTAL SPACES (INC. 7 ADA SPACES)

SEE SHEET RZ-3.00 FOR PRELIMINARY GRADING, DRAINAGE, AND STORMWATER MANAGEMENT PLAN

SEE SHEET RZ-4.00 FOR GENERAL REZONING AND DEVELOPMENT NOTES, ARCHITECTURAL IMAGERY, AND I-77 BUFFER SECTIONS



SEALS:



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE:	07/31/24
REVISIONS:	
	COMMENT REVISIONS 09/20/2024
	COMMENT REVISIONS 10/14/2024
	COMMENT REVISIONS 11/06/2024

DRAWN:	SSH.MBA.ESB
JOB. NO.:	23-190
SHEET TITLE:	

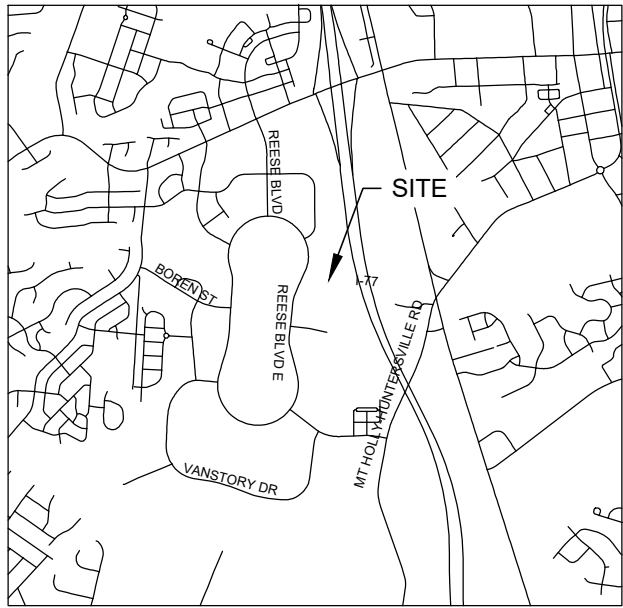
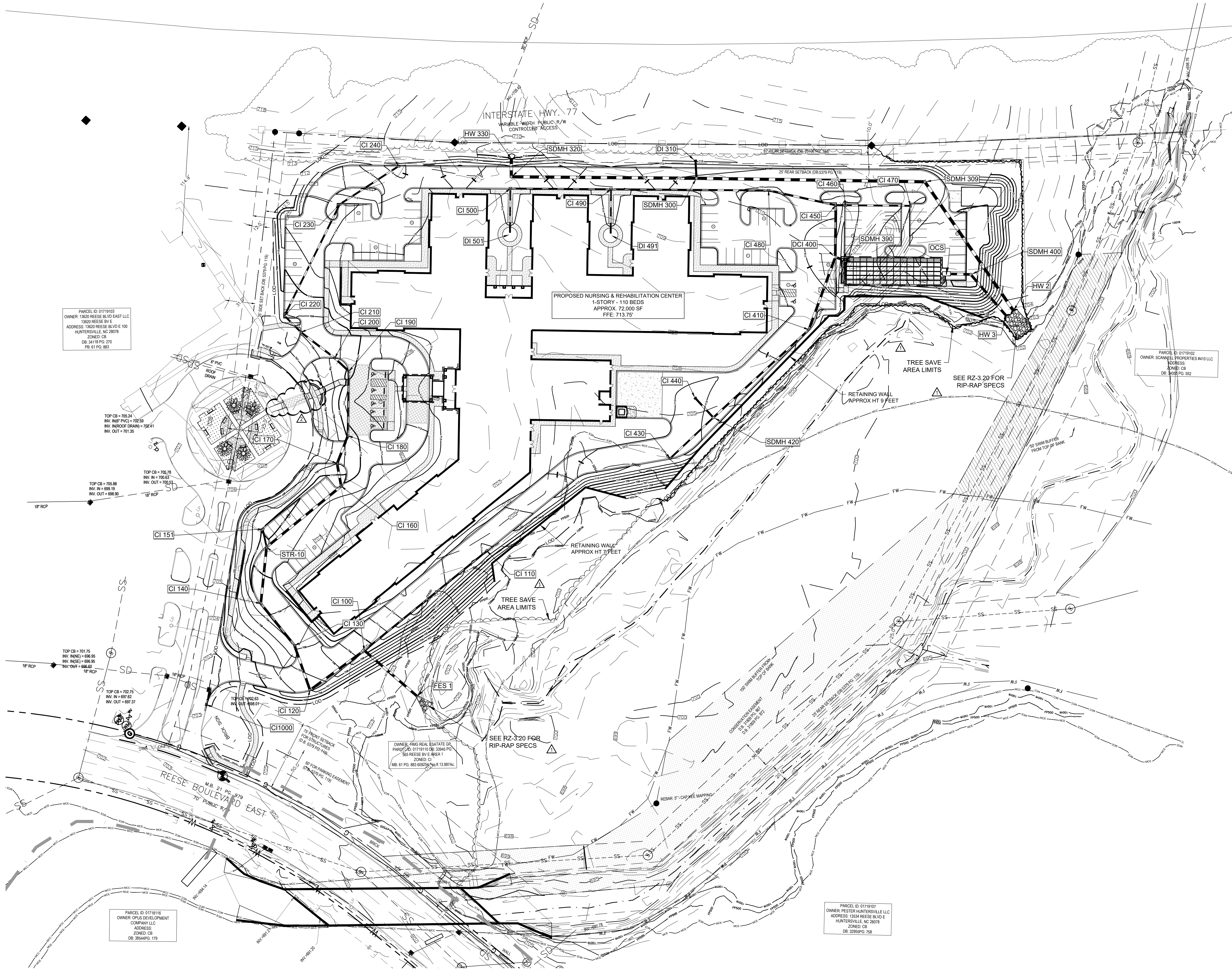
SITE PLAN

SCALE:	
SHEET NO.:	

RZ-2.00

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F:\23-190\Drawings\SD\23-190 - SD Grading and Drainage Plan.dwg : RZ-3.00 GRADING PLAN 10/14/24 8:18am



VICINITY MAP

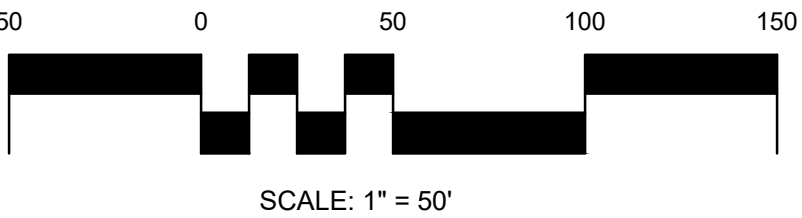
NOT TO SCALE

RETAINING WALL NOTES

1. RETAINING WALLS THAT ARE IN AND/OR AFFECT THE PUBLIC RIGHT-OF-WAY MUST BE REVIEWED AND APPROVED BY THE TOWN.

GRADING LEGEND

	WETLANDS
	FEMA FUTURE CONDITION FLOOD FRINGE LINE
	FEMA FLOOD FRINGE LINE
	FEMA COMMUNITY ENCROACHMENT LINE
	FEMA FLOODWAY ENCROACHMENT LINE
	MECK COUNTY ENCROACHMENT LINE (PROVIDED BY MECKING OPEN MAPPING)
	MECK COUNTY COMMUNITY FLOODWAY LINE (PROVIDED BY MECKING OPEN MAPPING)
	SWIM BUFFER
	FUTURE GREENWAY
	SANITARY SEWER LINE
	FLOW LINE
	MAJOR CONTOUR
	MINOR CONTOUR
	LIMITS OF DISTURBANCE



SEALS:

NCBES CERT. NO.: C-1347



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

COMMENT REVISIONS 09/20/2024

COMMENT REVISIONS 10/14/2024

DRAWN: SSH, MBA, ES

JOB NO.: 23-190

SHEET TITLE:

**PRELIMINARY
GRADING
PLAN**

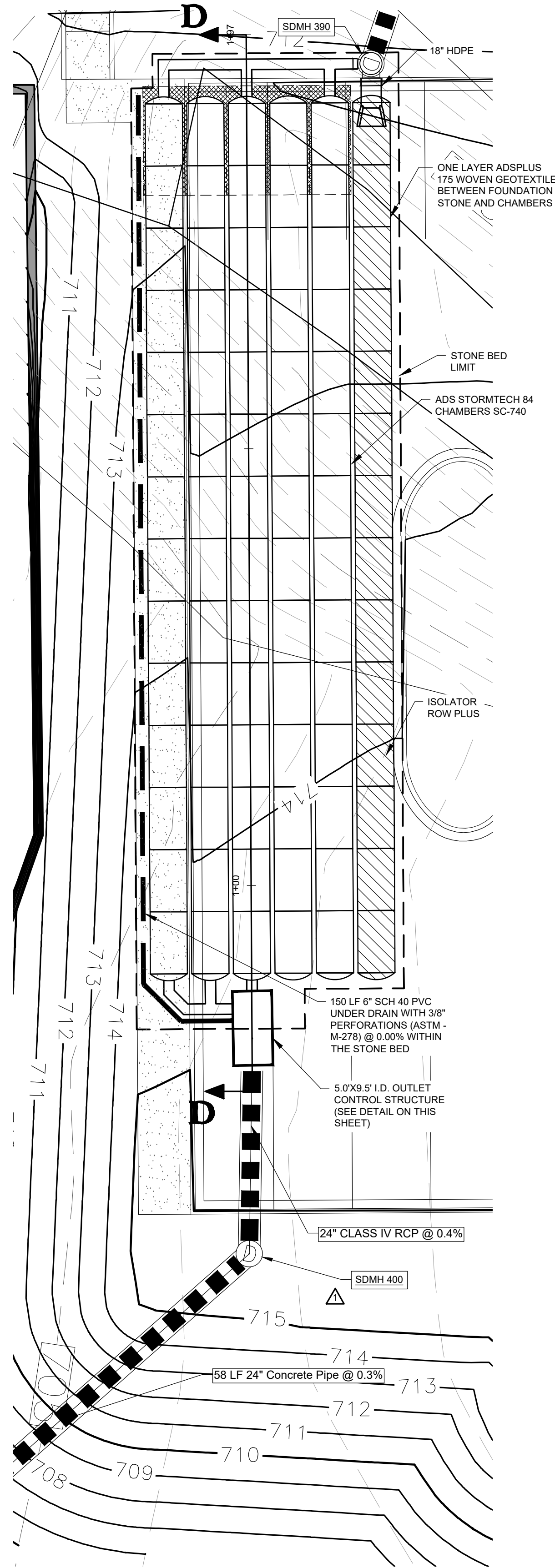
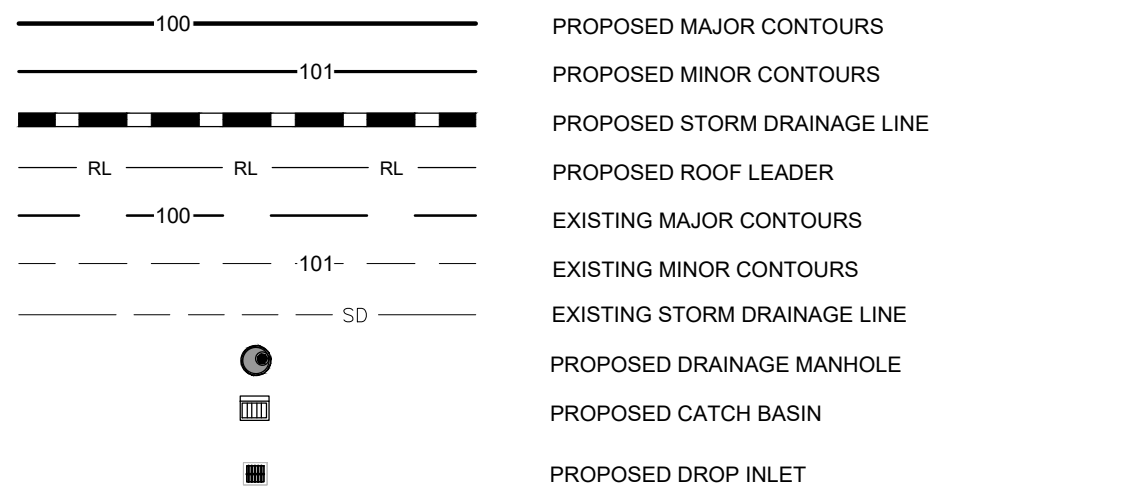
SCALE:

SHEET NO.:

RZ-3.00

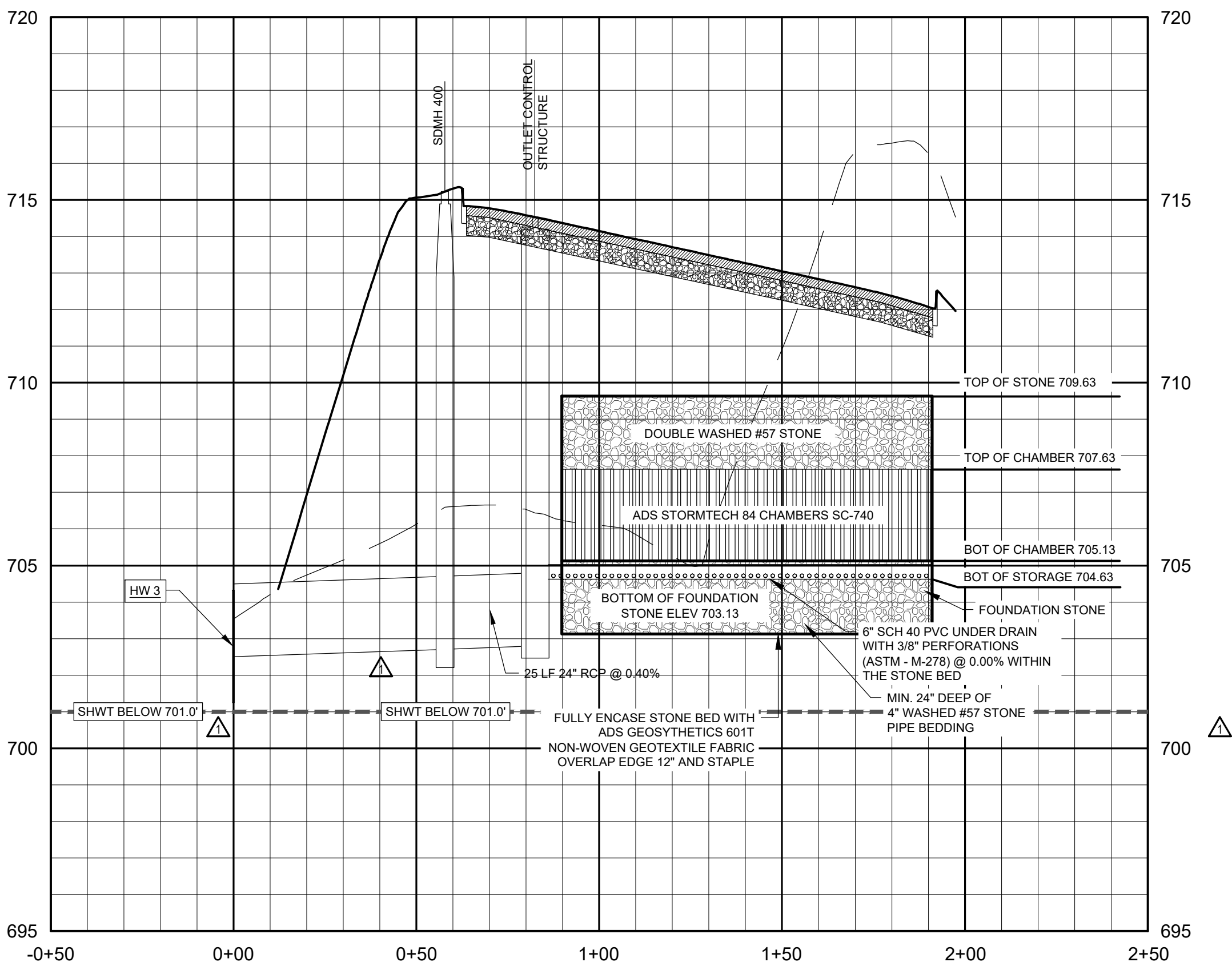
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LEGEND



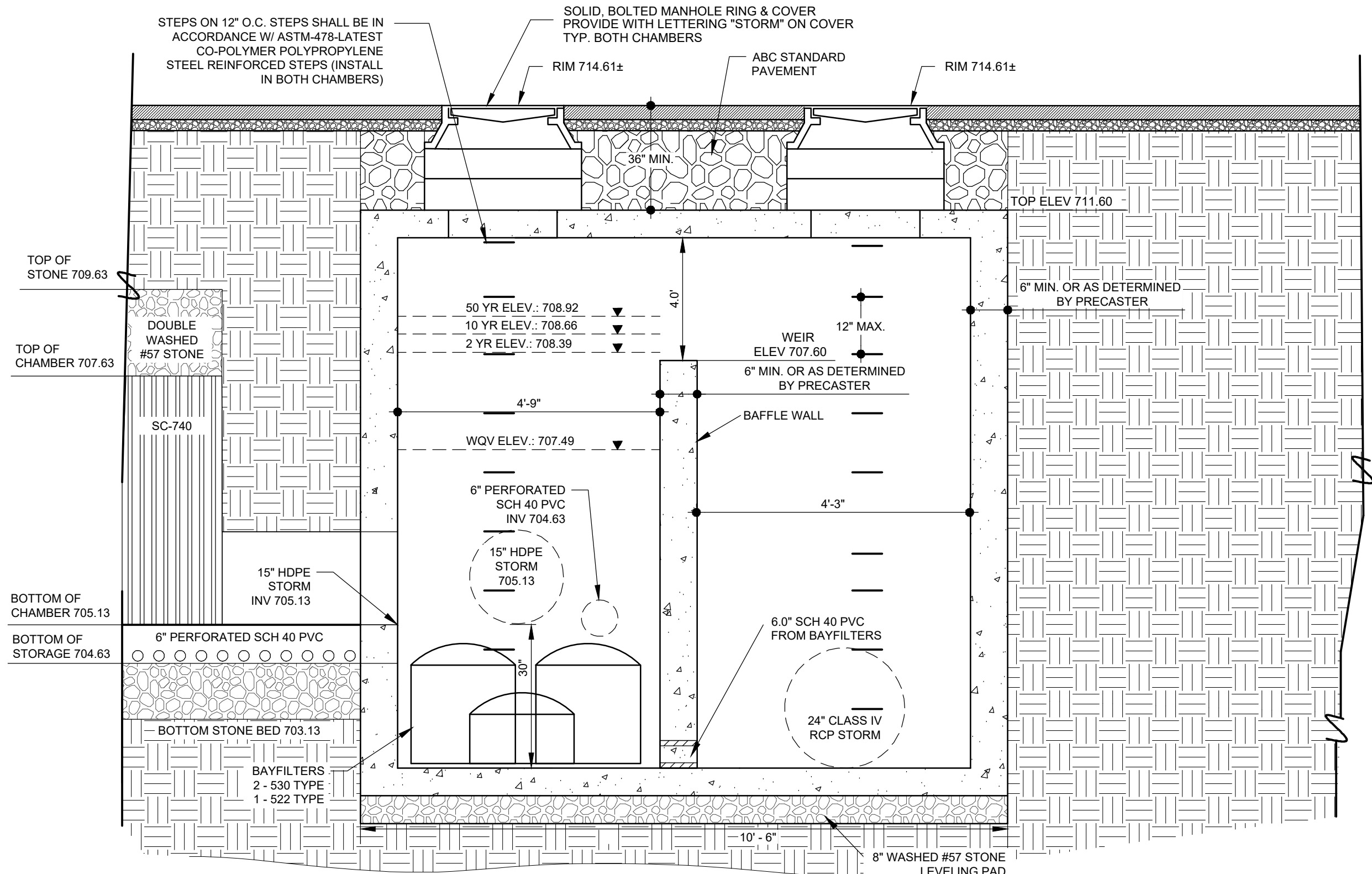
PLAN VIEW

SCALE: 1" = 10'



D-D CROSS SECTION

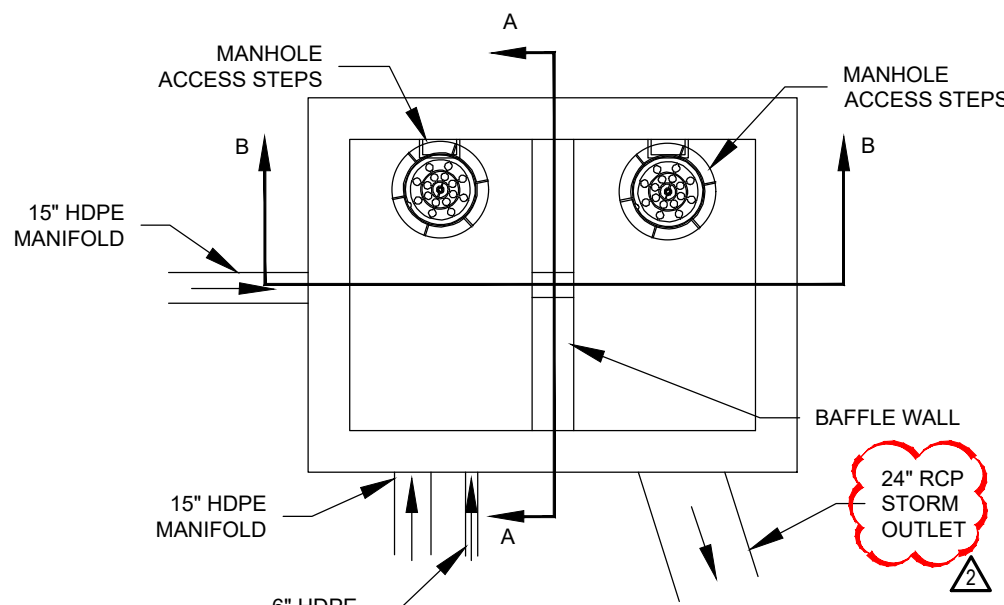
SCALE: 1"=3'(V); 1"=30'(H)



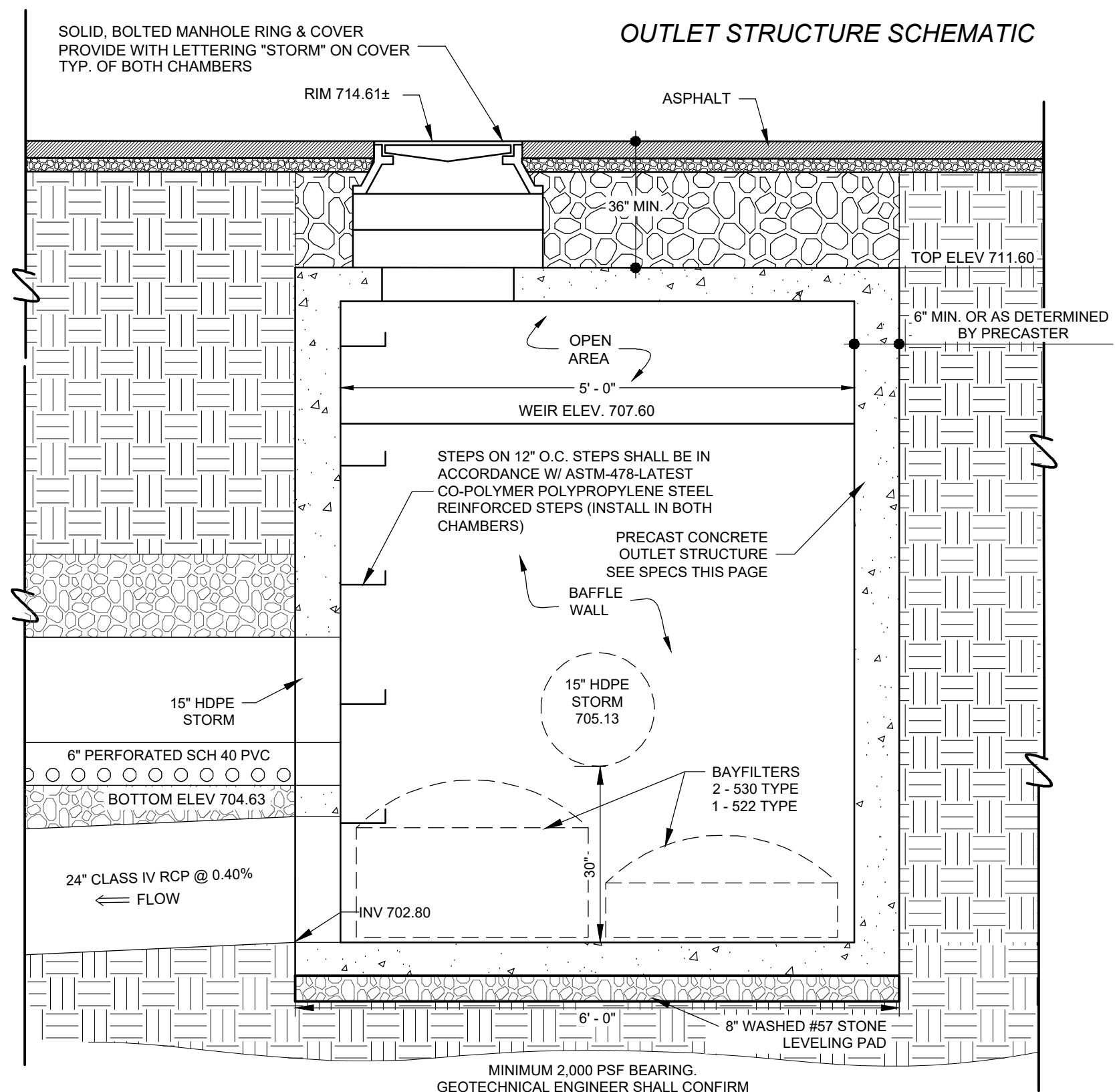
SECTION B-B

DESIGN DATA

DRAINAGE AREA:	2.88 AC
PROPOSED BUA:	2.30 ACRES
DESIGN BUA:	2.35 AC.
WQV (ADJ):	6,180 CF
Q2 PEAK INFLOW:	11.37 CFS
Q10 PEAK INFLOW:	17.69 CFS
Q50 PEAK INFLOW:	24.45 CFS



OUTLET STRUCTURE SCHEMATIC



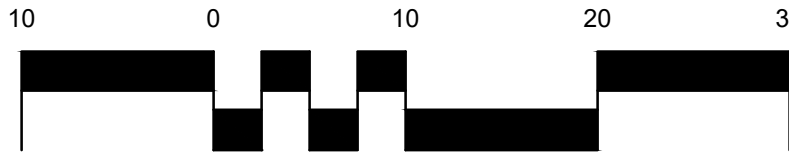
SECTION A-A

OUTLET CONTROL STRUCTURE

SCALE: NTS



North



SCALE: 1" = 10'

SEALS:

NCBES CERT. NO.: C-1347



PROJECT:

HILLCO - REESE BLVD

13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

COMMENT REVISIONS	09/20/2024
COMMENT REVISIONS	10/14/2024

DRAWN: SSH,MBA,ESB

JOB. NO: 23-190

SHEET TITLE:

PRELIMINARY
STORMWATER
MANAGEMENT
PLAN

SCALE: 1"=10'

SHEET NO.:

RZ-3.10

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BEES CERT. NO.: C-1347



HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

LLCO, LTD.
35 HWY 258 N
INSTON, NC 28054

REVISIONS:

COMMENT REVISIONS 09/20/2024

COMMENT REVISIONS 10/14/2024

B. NO: 23-190

MEET TITLE:

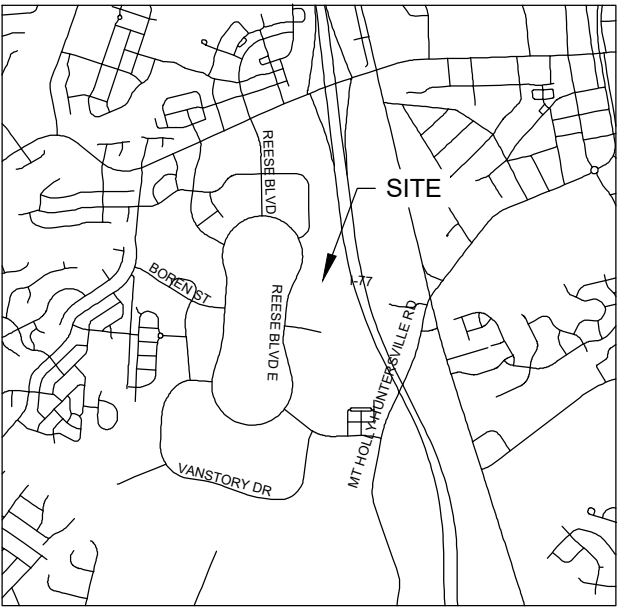
PRELIMINARY
STORM
DRAINAGE
PLAN

SALE:

SHEET NO. _____

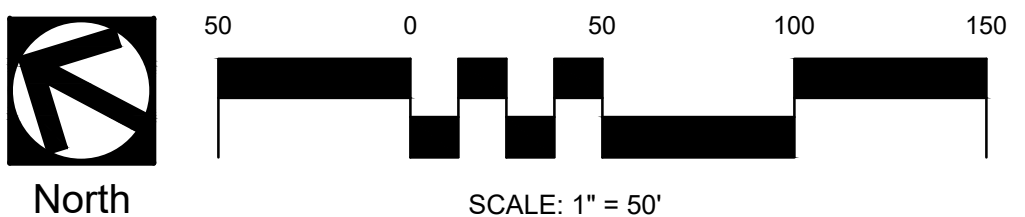
RZ-3.20

STIMMEL ASSOCIATES, P.A.

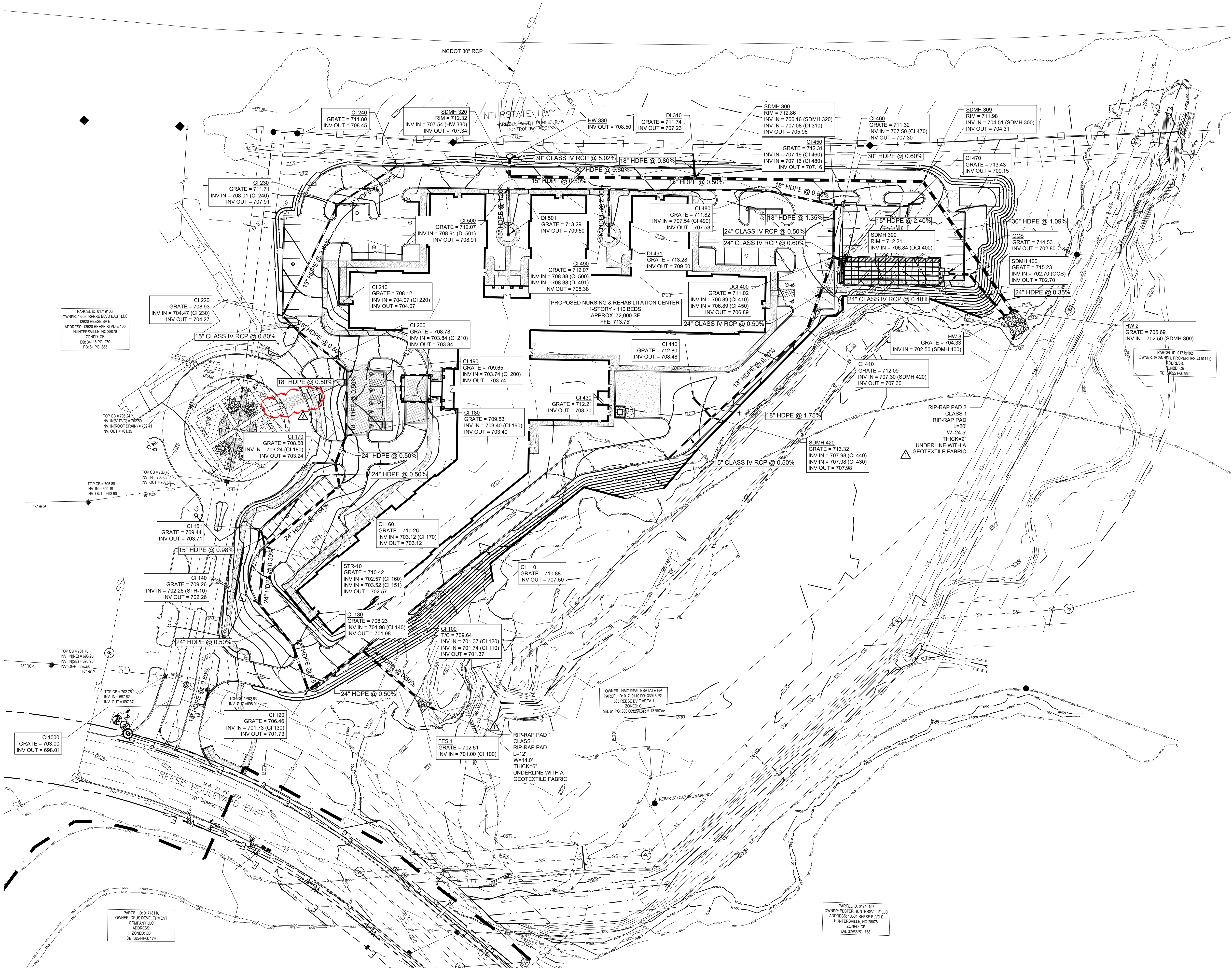


VICINITY MAP

NOT TO SCALE

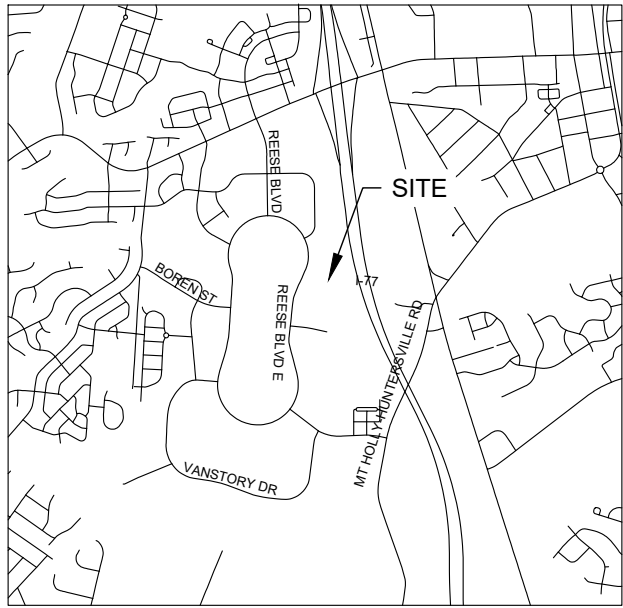
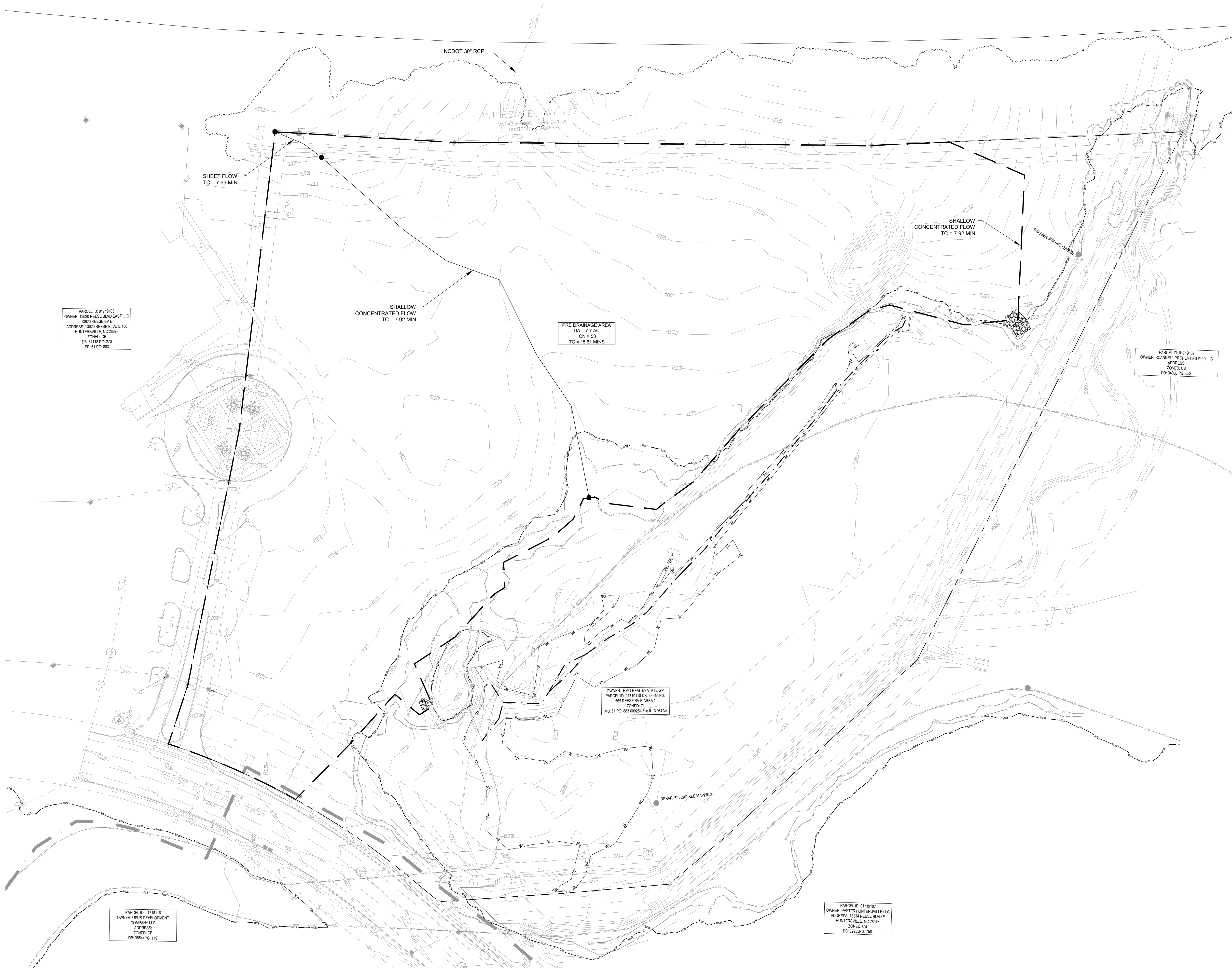


SCALE: 1" = 50'



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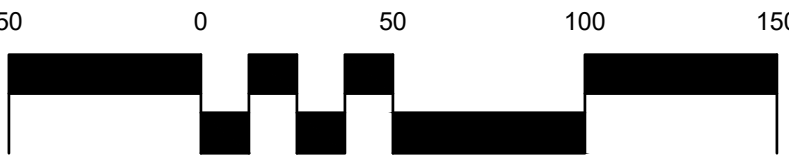


VICINITY MAP

NOT TO SCALE



North



SCALE: 1" = 50'

SEALS:

NCBES CERT. NO.: C-1347



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

DRAWN: SSH,MBA,ESB

JOB NO: 23-190

SHEET TITLE:

**PRE DEV.
DRAINAGE
AREA**

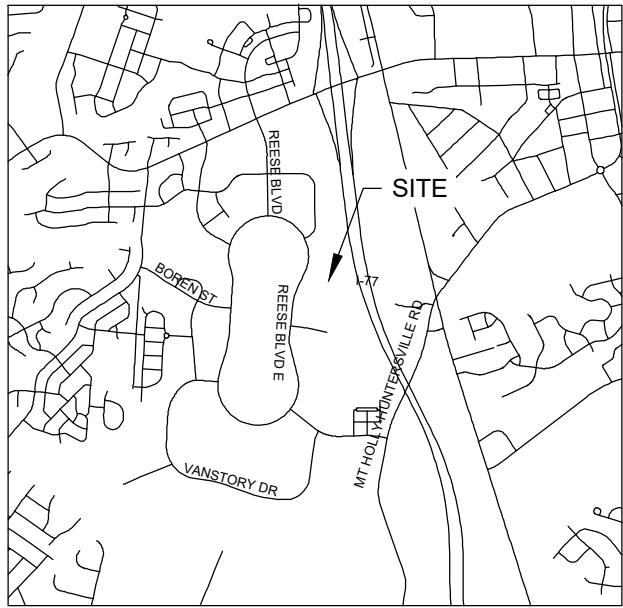
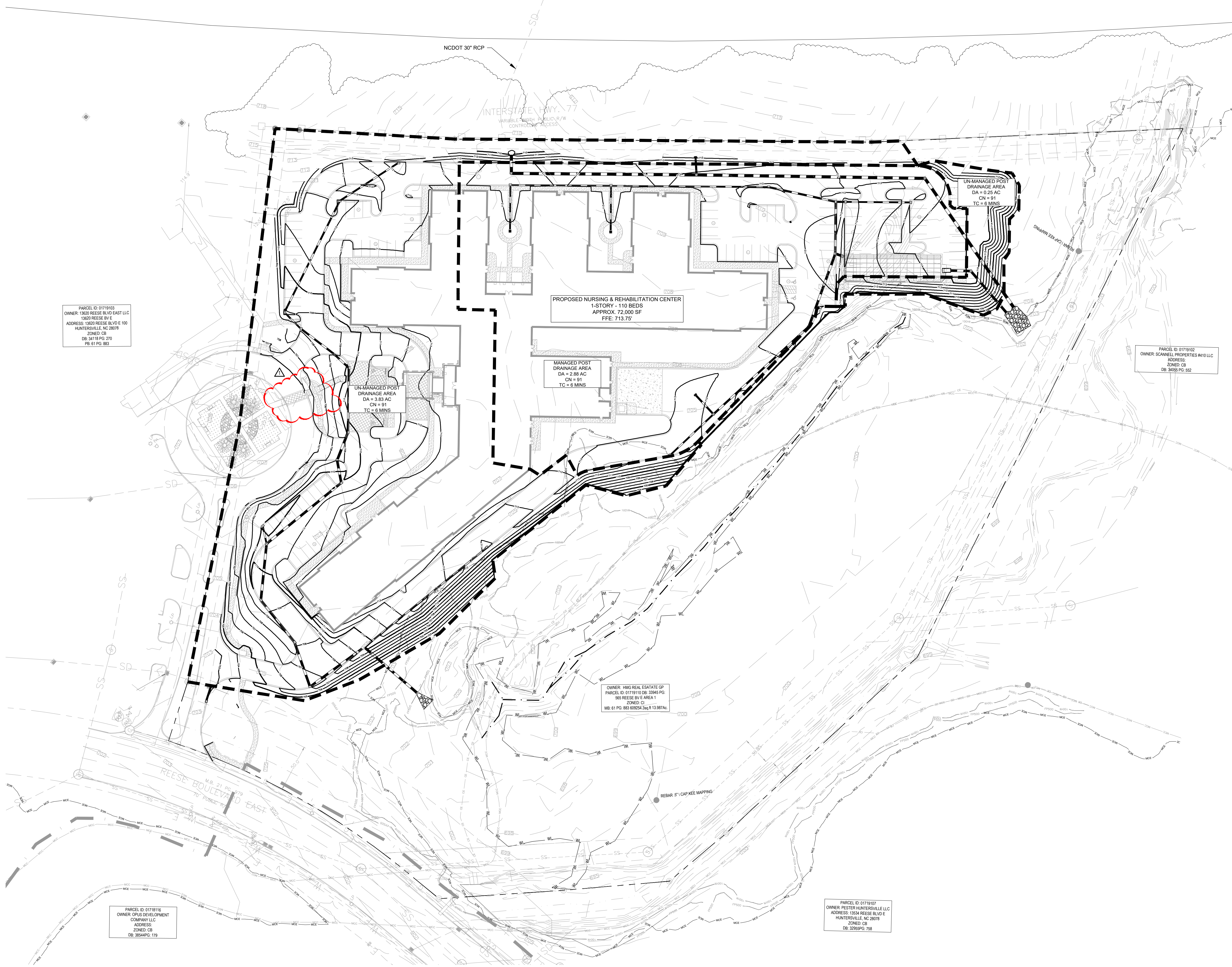
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SHEET NO:

RZ-3.30

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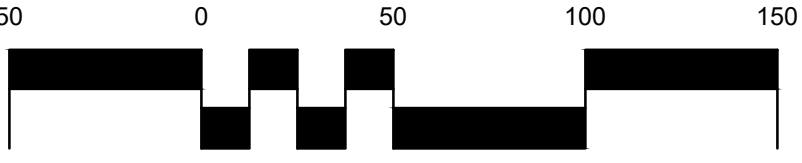


VICINITY MAP

NOT TO SCALE



North



SCALE: 1" = 50'

SEALS:

NCBES CERT. NO.: C-1347



PROJECT:

HILLCO - REESE BLVD

13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

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HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

COMMENT REVISIONS 10/14/2024

DRAWN: SSH,MBA,ESB

JOB NO: 23-190

SHEET TITLE:

POST DEV.
DRAINAGE
AREA

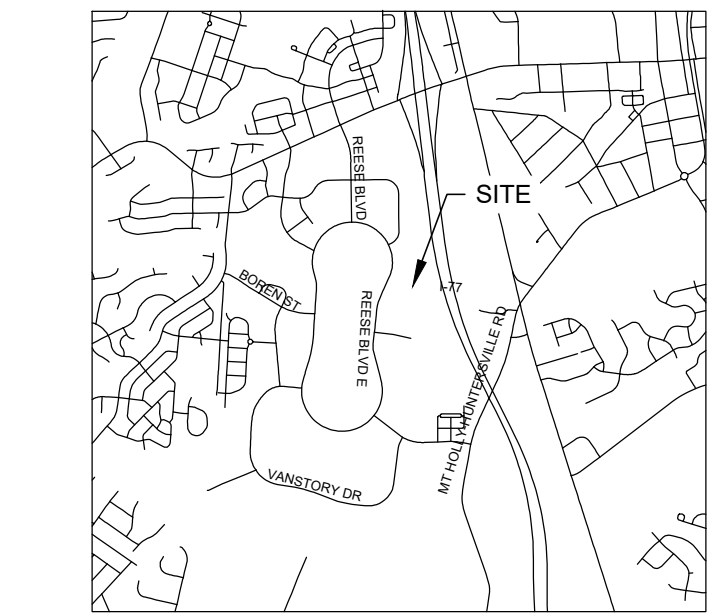
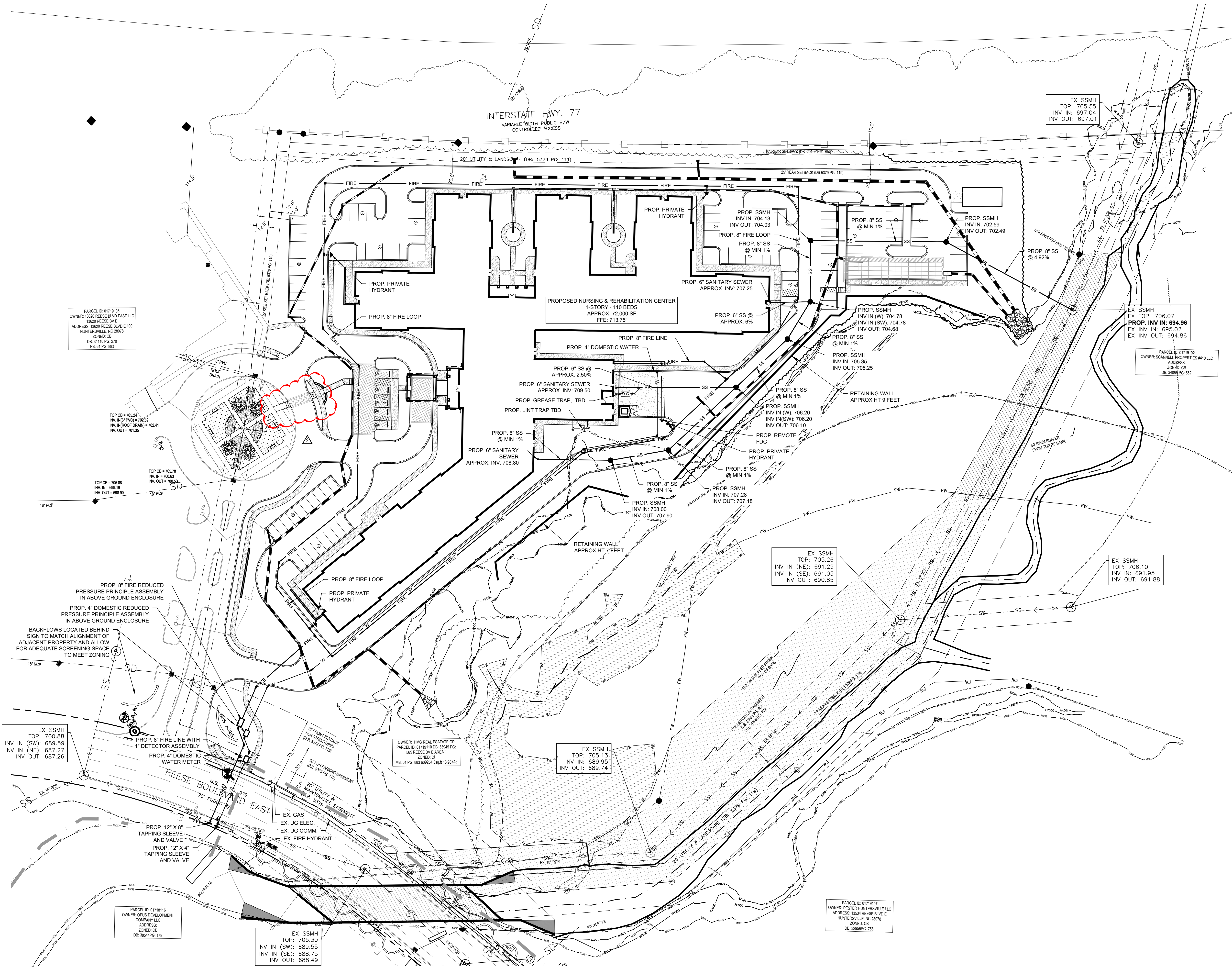
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SHEET NO.:

RZ-3.40

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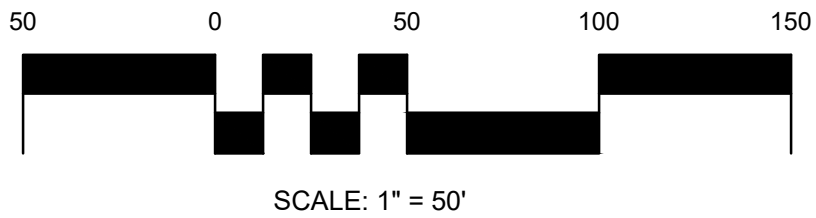


VICINITY MAP

NOT TO SCALE

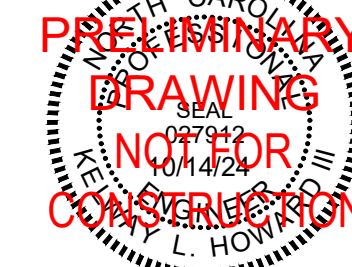
UTILITIES LEGEND

— T —	EXISTING PHONE
— T —	PROPOSED PHONE
— E —	EXISTING POWER
— E —	PROPOSED POWER
— G —	EXISTING NATURAL GAS
— G —	PROPOSED NATURAL GAS
— SS —	EXISTING SANITARY
— SS —	PROPOSED SANITARY
— SD —	EXISTING STORM DRAINAGE
— SD —	PROPOSED STORM DRAINAGE
— W —	EXISTING WATER
— W —	PROPOSED WATER
— X —	MISCELLANEOUS EXISTING UTILITIES
W.L.	WETLANDS
FP500	FEMA FUTURE CONDITION FLOOD FRINGE LINE
FP500	FEMA FLOOD FRINGE LINE
CE	FEMA COMMUNITY ENCROACHMENT LINE
FW	FEMA FLOODWAY ENCROACHMENT LINE
MCC	MECK COUNTY ENCROACHMENT LINE (PROVIDED BY MECKING OPEN MAPPING)
MCC	MECK COUNTY COMMUNITY FLOODWAY LINE (PROVIDED BY MECKING OPEN MAPPING)
SWIM	SWIM BUFFER
—	FUTURE GREENWAY
—	FLOW LINE
705	MAJOR CONTOUR
704	MINOR CONTOUR



SEALS:

NCBES CERT. NO.: C-1347



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE: 07/31/24

REVISIONS:

COMMENT REVISIONS 09/20/2024

COMMENT REVISIONS 10/14/2024

DRAWN: SSH,MBA,ESB

JOB NO: 23-190

SHEET TITLE:

**PRELIMINARY
UTILITY
PLAN**

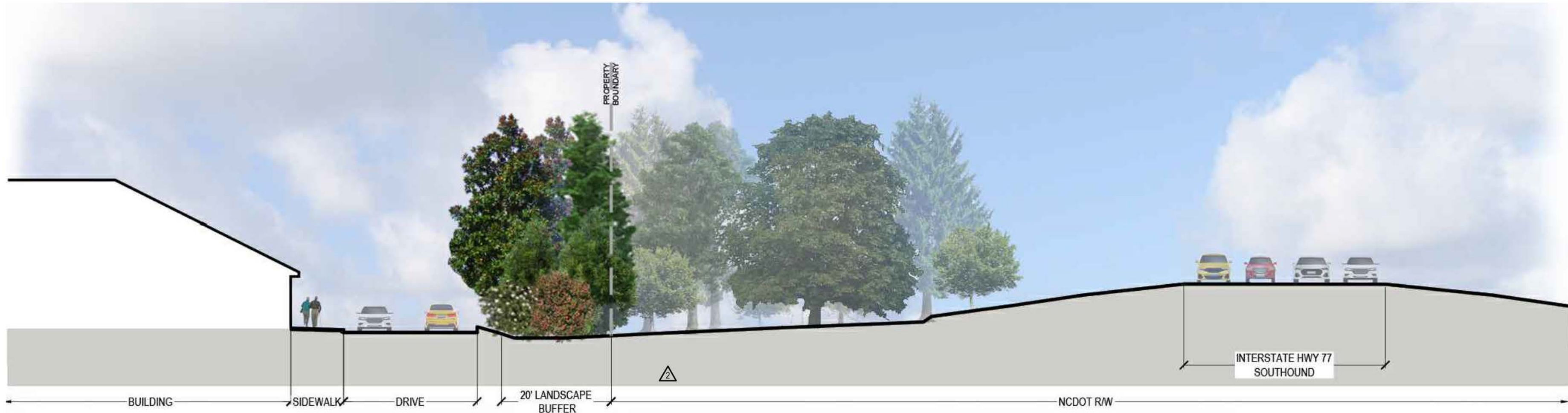
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SHEET NO.:

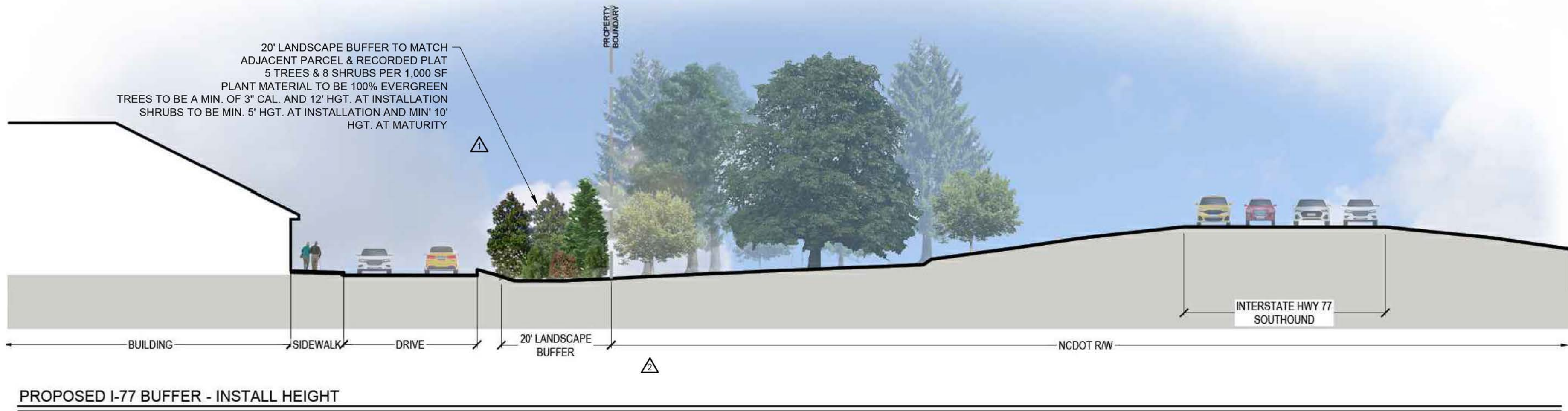
RZ-3.50

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CONCEPTUAL I-77 BUFFER SECTIONS



PROPOSED I-77 BUFFER - FULL MATURE HEIGHT



PROPOSED I-77 BUFFER - INSTALL HEIGHT

CONCEPTUAL ARCHITECTURAL IMAGERY



EXTERIOR BUILDING MATERIALS:

- FACE BRICK
- LAP SIDING
- TRIM BOARDS
- SOFFIT / FASCIA
- MODULAR SIZE, COLOR AND TEXTURE TO MATCH RENDERINGS
- HARDIE-BOARD PLANK SIDING, PAINT SCHEME TO MATCH RENDERINGS
- HARDIE-BOARD TRIM, PAINT SCHEME TO MATCH RENDERINGS
- HARDIE-BOARD SIFFIT / FASCIA SYSTEM, PAINT SCHEME TO MATCH RENDERINGS

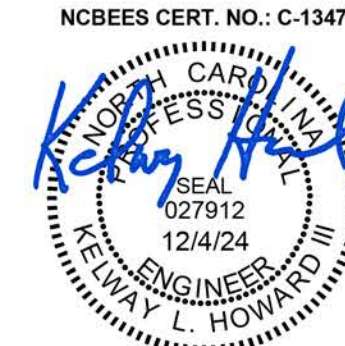
REZONING NOTES

- Rezoning Petition.** These rezoning notes comprise the development standards ("Development Standards") associated with the rezoning petition (the "Rezoning Petition") filed by Hillco Ltd. ("Petitioner") on July 31, 2024 (the "Filing Date") as Rezoning Petition R24-05 (the "Rezoning Plan") for that approximately 13.983 acre tract of land, identified on this Site Plan as Reese Boulevard Senior Housing (the "Project") in connection tax parcel number 017-191-10 (the "Property"). The purpose of the Rezoning Petition is to convert the zoning classification of the Property from the Corporate Business District (CB) to Campus Institutional Conditional District (CI-CD) in accordance with the provisions of the Town of Huntersville Zoning Ordinance (the "Ordinance").
- Development Standards.** Development of the Property will be governed by these Development Standards, which are part of the Rezoning Petition, and the applicable provisions of the Ordinance in place on the date of the filing of the Rezoning Plan. Unless the Rezoning Plan establishes a more stringent standard(s), or unless otherwise noted on the Rezoning Plan or in these Development Standards, the regulations established under the Ordinance in place on the date of the filing of the Rezoning Plan govern development of the Property as shown on the Rezoning Plan.
- Schematic Nature of Rezoning Plan.** The configuration, placement, and size of the buildings and proposed improvements, including parking areas, driveways, common areas and storm ponds, shown on the Rezoning Plan are schematic in nature and exact locations, size, number or quantity and configurations of buildings and improvements may be modified during design, engineering and construction phases of the development so long as such modification is compatible with the approximate layout and location of lots and improvements shown on the Rezoning Plan. The exact alignments of the internal drives and internal public streets have not been determined and are subject to final design and engineering plans, and minor modifications or alterations of these alignments may take place during design development and construction phases. Major amendments are determined by staff for all CD Rezoning and Sketch plans.
- Phasing.** The development of the Property as generally depicted on the Rezoning Plan is intended to be built in one phase, but if determined during the course of construction to be necessary, the Project may be phased in accordance with such determination as long as all required improvements outlined in the rezoning notes would be constructed in the first phase. Any proposed phasing must align with required infrastructure and stormwater improvements; provided, however, each phase or sequence of improvements in the Project will meet all Ordinance requirements. Utilities, infrastructure, and grading shall be delivered to each individual Phase as each is developed.
- Vested Rights.** This Rezoning Plan is a site-specific development plan and approval thereof constitutes vested rights in the Rezoning Plan pursuant to the provisions of the Ordinance. Notwithstanding any other provisions of these Development Standards, if, at some point, modifications are made to the Ordinance by the Town Board, Petitioner may voluntarily agree to apply such modifications to the Rezoning Plan in a manner consistent with the Ordinance as it changes from time to time, and without pursuing a rezoning. Such modifications to the Ordinance shall in no way impact the Petitioner's vested rights. Due to the size of the project, phasing, and level of investment, approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years as permitted by N.C. Gen. Stat. § 160D-108.1.
- Permitted Uses.** The Property may be developed for the use of a health institution or institutions, including a congregate care facility, and related permitted and accessory uses as shown on the Rezoning Plan and permitted by the Ordinance, subject to the development standards associated with such uses. Any labelling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Notes.
- Access.** The connection to Reese Blvd. is an existing driveway. To the extent permitted by applicable driveway permit requirements, any changes to the driveway, access points and road connection may cross the setback and shall not require a rezoning of the Property but shall otherwise comply with applicable driveway permit requirements.
- Frontage Improvements.** Petitioner shall be required to install streets trees and other improvements along the street frontage as specifically shown on the Rezoning Plan and as required by any applicable driveway permit and, subject to the modification set forth in 15.4 below, as required by the Zoning Ordinance, Subdivision Ordinance and applicable Huntersville/NCDOT TIA.
- Landscaping/ Buffers.** Except as modified herein, landscaping and buffers shall be in accordance with the Ordinance.
- Amendment.** Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner of owners of the Property in accordance with the provisions of the Ordinance; provided, however, in the event any portion of the Property is conveyed to a third party, Petitioner may request an amendment to the Rezoning Plan without the written consent of any other owner of all or any portion of the Property unless such amendment constitutes a change in the building or use of the portion of the Property owned by such owner, provided Petitioner provides for such amendment right in the recorded private restrictive covenants that govern the Project. All requirements in connection with the amendment will be calculated on the Property as a whole in the same manner such requirements were calculated at the time of the initial approval. This note shall be shown on the final plat when recorded.
- Stormwater Design.** The stormwater designs shown on the Rezoning Plan shall be finalized during the construction phase and shall be completed as a part of the infrastructure improvements.
- Binding Effect of the Rezoning Documents and Definitions.** If this Rezoning Application is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- Elevations.** The elevations are submitted as examples only and are not the actual elevations for this Project. Staff may approve elevations submitted during construction that are generally consistent with the design shown on the conceptual renderings included with the Rezoning Plan and in keeping with the exterior building materials provided below.
- Employment Center.** Institutional uses such as skilled nursing facilities are contemplated in the Huntersville 2040 plan. This facility is anticipated to create up to 160 jobs in Huntersville and the addition of jobs is in keeping with the goals of the Employment Center.
- Requested Modifications to Standards**

Pursuant to Section 11.4.7(k) of the Ordinance, the standards of the Ordinance to permit the utilization of the Property for use as a congregate care health institution. Because the Property is topographically challenged, the congregate care building footprint can accommodate the topography and configuration of the Property, which presents a challenge to a larger industrial or office use. Security and ADA requirements and limited traffic needs of the congregate care facility utilize the unusual configuration of the Property and the limited frontage. The proposed congregate care facility will be oriented toward the plaza roundabout that is part of the shared driveway with the adjacent northern property. Although the building facade faces the shared plaza roundabout and visitor parking and handicapped parking is located in the front of the building, the parking, which is required to be located near the front entrance for security and ADA reasons, is screened from the street and the orientation of the building is not incompatible with the improvements of the medical office building to the north of the Property. To achieve the design needed for security and ADA purposes and to accommodate the unusual size and configuration of the Property, Petitioner requests the following modifications:

 - a. Article 4.1.1: Building setbacks, including build to line, controlled by "The Park - Huntersville Covenants and Restrictions";
 - b. Article 4.1.2: Building facade not parallel to frontage property line; Project will front on alternative frontage of urban open space;
 - c. Article 4.1.3, Article 6.1.A: Parking located to the front, side and rear of the building;
 - d. Article 5.5: Sidewalks required along street frontage. Sidewalks are not located along the frontage of developments on properties adjacent to or across Reese Boulevard from the Property. Petitioner proposes to dedicate the area of the Property required for construction of the Town of Huntersville greenway along Torrence Creek in order to better accommodate meaningful walkability. After such time as the Town of Huntersville has designed and constructed the portions of the greenway connecting to the frontage boundary of the Property along Reese Blvd. and has provided Petitioner with plans for a multi-purpose path up to twelve (12) feet in width along such frontage boundary (the "Multi-Purpose Path"), Petitioner will construct the Multi-Purpose Path along the frontage of Reese Boulevard in accordance with such greenway plans on or before the expiration of one (1) year after Petitioner's receipt of such plans for the Multi-Purpose Path from the Town of Huntersville.
 - e. Article 7.5: Buffer Yards: Providing a 20' buffer width along I-77 that is consistent with the I-77 buffers of the adjacent property to the north of the Property. The height of the building constructed on the adjacent property is significantly greater (approximately four stories) and the adjacent property does not include an enhanced buffer. Petitioner's proposed improvements are one story in height and therefore are less visible from I-77. Petitioner proposes an enhanced buffer which will contain larger size material than required by the Ordinance and all plantings shall be evergreen.
 - f. Article 8.17: Water Quality:
 - a. 12.b.3: Storm Water Quality Treatment Volume: Development will capture and treat runoff generated from the portion of the development as shown on the Preliminary Storm Water Report.
 - b. Portions of the development will drain offsite unmanaged as shown in the Preliminary Storm Water Report;
 - c. Article 8.17.12.b.4: Storm Water Treatment Standard: Proposed storm water control measures designed to achieve an average annual of 85% total suspended solid removal of the captured area as shown in the Preliminary Storm Water Report. There will be no low impact design storm water control measures;
 - d. Article 8.17.12.b.6: Storm Water Volume Control: The storm water control measure will be designed to discharge the captured water quality treatment volume at the 1 year 24-hour predeveloped runoff rate;
 - e. Article 8.17.12.b.7: Storm Water Volume Peak Control: No peak volume control provided based on the downstream hydrologic and hydrologic analysis report;
 - f. The completed roundabout shall be in keeping with the design shown on the Rezoning Plan.
 - g. Building materials shall be in keeping with the exterior building materials listed on the Rezoning Plan.

SEALS:



PROJECT:

HILLCO - REESE BLVD
13600 REESE BLVD E
HUNTERSVILLE, NC 28078
PARCEL ID: 01719110

CLIENT:

HILLCO, LTD.
1435 HWY 258 N
KINSTON, NC 28054

DATE:	07/31/24
REVISIONS:	
COMMENT REVISIONS	09/20/2024
COMMENT REVISIONS	11/06/2024
COMMENT REVISIONS	12/04/2024

DRAWN: SSH,MBA,ESB
JOB NO.: 23-190
SHEET TITLE:

DEVELOPMENT
NOTES &
CONDITIONS

SCALE:

SHEET NO.:

RZ-4.00

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Town Engineering Rezoning Comment Summary
R24-05 Hillco-Reese Blvd (CSP-500028)
13600 Reese Blvd E (PID 01715657)
Huntersville, NC 28078

General Project Information

This proposed rezoning is located in the north-east portion of the Huntersville Business Park development and consists of a new nursing and rehabilitation facility. The development is not proposing a new driveway on Town or NCDOT roads, it is proposed to be accessed from an existing private shared use driveway.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

- 1) A TIA was not required as part of this proposed rezoning due to not meeting trip generation thresholds.

Transportation and Stormwater:

- 1) Applicant is requesting a modification from parts of the Post Construction Stormwater Ordinance due to existing site constraints (including topography, floodplain area, and a high water table elevation). This parcel is currently vested from all three design criteria (water quality, volume control, and peak control) as a part of the Business Park development, however it would lose that vested status with this rezoning.
 - a. Engineering staff (including Stormwater Administrator Rusty Rozelle) are in support of this modification.
 - i. The applicant has met water quality and volume control design criteria on the maximum amount of feasible with their proposed development (approximately 54% of the total built-upon area proposed with this site).
 - ii. The applicant has provided a downstream analysis, sealed by a licensed engineer, to show that the development has negligible impact on the peak flows along Torrance Creek and do not increase the risk of flooding at downstream creek crossings.

Benefits – Employment & Economic

- ❖ Facility will create **160 full-time, part-time and PRN jobs.**
- ❖ According to Huntersville Health and Rehab data the Town is operating at a 90-99% capacity for licensed nursing home beds.
- ❖ Additional capacity will be required because of the new hospital and Huntersville's continued growth.

The Huntersville 2040 Comprehensive Plan contemplates that institutional uses should be included in Employment Centers. The number of jobs offered by this skilled nursing facility is in keeping with the goals of the Employment Center.



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.

Hillco Assisted Living (R24-05)

Community Meeting Report

Date: September 25, 2024

Time: 6:00pm – 7:00pm

Location: Huntersville Arts and Cultural Center, 109 S. Old Statesville Road

Roster of Persons in Attendance: **See attached sign-in sheets (no neighbors in attendance)**

Agenda:

1. Applicant presentation & rezoning description
2. Neighborhood attendees' question & answer session

Applicant and the attendees discussed the following comments and questions:

Questions

***Answers in bold**

- The Applicant presented a PowerPoint outlining the project including an overall site plan, area map, topographical challenges, design examples, and economic/employment benefits and the remaining schedule for rezoning.
- How many people will be employed by this facility? **The facility will create 160 full-time, part-time and PRN (on call) jobs.**
- What will be the salaries of the employees? **The salaries will be competitive with the skilled nursing sector and will increase depending on qualifications of Certified Nursing Assistants (CAN), Licensed Practical Nurses (LPN), and Registered Nurses (RN).**
- Will there be any additional enhancements to the entrance of the facility? **Due to the nature of the facility as a skilled nursing facility, additional handicapped spaces and patient drop off locations are required in the front of the building. The Applicant will work with the Town to make sure the entrance is designed to invite pedestrian activity.**
- What are the topographical challenges present on the site? **There is a steep decline on the property that leads to wetlands. This limits development of the site to half of the available land. Previous projects explored this site but the topographical constraints were too significant for other development.**
- Is this type of facility needed in the area? In Huntersville? **Yes, according to Huntersville Health & Rehab data the Town is operating at a 90-99% capacity for licensed nursing home beds. Additional capacity of licensed nursing home beds will be required because of the new hospital and the continued growth of Huntersville.**

Community Meeting Notices

Project Name

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meet

The following persons and organizations were sent notices of the community meeting (first and

First and Last Name
CIOF I - NC1M01-M02 LLC
HTA-13620 REESE BLVD EAST LLC
CIOF I - NCIM01-M02 LLC
OPUS DEVELOPMENT COMPANY LLC
HUNTERSVILLE BUSINESS PROPERTY OWNERS ASSOC INC
NOVANT HEALTH INC
PESTER HUNTERSVILLE LLC
WATERFORD AT THE PARK DE LLC
RESIDENTIAL HOMEOWNERS ASSOCIATION FOR MAGNOLIAWALK MECKLENBURG INC
COLLECTION AT THE PARK LLC THE
MCCOY CROSSING HOMEOWNERS ASSOCIATION
Brad Priest

R24-05 Hillco Assisted Living

ing shall be submitted to the Planning Department and incorporated into the application for this project.

I last name or business name only):

Date Sent	Method Sent	Reason Sent
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Within 250'
9/11/2024	Certified Mail	Homeowners' Association
9/11/2024	Certified Mail	Property Owners' Association
9/11/2024	Certified Mail	Planning Staff

Community Meeting Attendance Log

Project Name:	R24-05 Hillco Assisted Living
Location of Meeting:	Huntersville Arts and Cultural Center, 109 S. Old Statesville Road
Date:	Wednesday, September 25, 2024
Time:	6:00 PM

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

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

1	Brad Priest	26	
2	Nick Walsh	27	
3	Robert Irvin	28	
4	Susan Irvin	29	
5	Max Mason	30	
6	Kelway Howard	31	
7		32	
8		33	
9		34	
10		35	
11		36	
12		37	
13		38	
14		39	
15		40	
16		41	
17		42	
18		43	
19		44	
20		45	
21		46	
22		47	
23		48	
24		49	
25		50	

September 11, 2024

SUBJECT: Notice of community meeting for information related to a Conditional Rezoning of a portion of the property located at 565 Reese Blvd East, Huntersville, NC, shown on the map below and having Parcel ID Number of 01719110. The Applicant for the subject property is Hillco, LTD.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being adjacent landowners with at least a portion of their properties located within 250 ft. of the subject property, and neighborhood organizations registered with the Town of Huntersville within 2,000 ft. of any portion of the rezoning site. The purpose of the community meeting is to provide an opportunity for the Applicant to describe the proposed project and to answer any questions you may have. The Applicant is requesting approval from the Town for a Conditional Rezoning from the current zoning of CB to the proposed zoning of CI(CD) to construct a skilled nursing facility on the property.

MEETING DETAILS:

6:00 P.M. to 7:00 P.M.

Wednesday, September 25, 2024

Huntersville Arts and Cultural Center

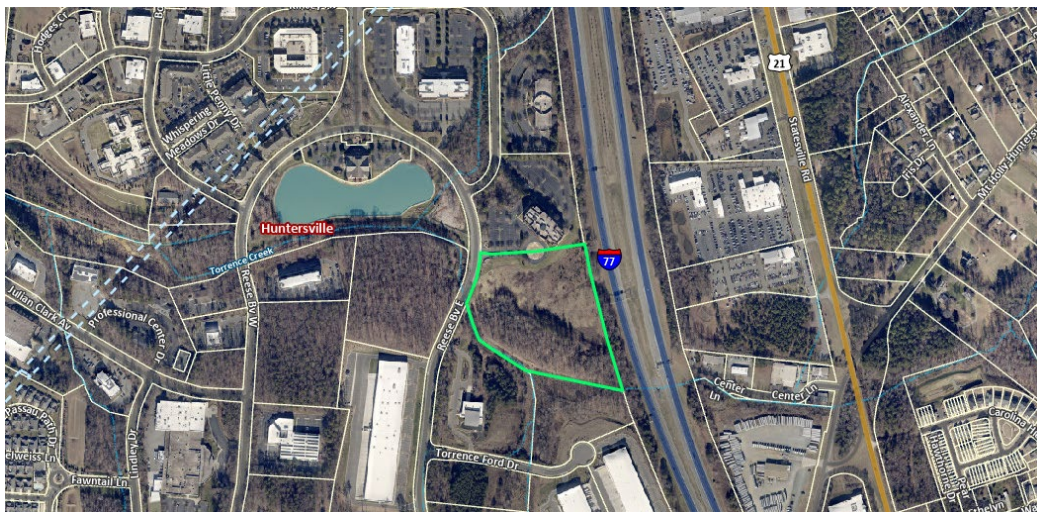
109 S. Old Statesville Road

Huntersville, NC 28078

You are welcome to attend the above-mentioned community meeting. There will be an additional opportunity to ask questions about the proposed development.

Sincerely,

Hillco, LTD



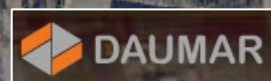
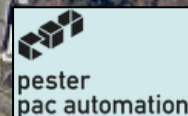
Hillco – Reese Boulevard

R24-05 – Nursing & Rehabilitation Center



N NOVANT
HEALTH





PROPOSED
CLIMATE-CONTROLLED
GREENHOUSE
COMPOSED OF 100,000 SQ. FT.
OF GLASS & POLYCARBONATE
SHEETS ON
STEEL FRAMES
100,000 SQ. FT.

PROPOSED NURSING &
REHABILITATION CENTER
1-STORY - 110 BEDS
APPROX. 75,000 SF

PROPOSED
CLIMATE-CONTROLLED
GREENHOUSE
COMPOSED OF 100,000 SQ. FT.
OF GLASS & POLYCARBONATE
SHEETS ON
STEEL FRAMES
100,000 SQ. FT.

STORAGE SHED

TORRENCE CREEK

REESE BOULEVARD EAST
1/4 SECTION 10, T4S, R1E, S44
1/4 SECTION 11, T4S, R1E, S44

FUTURE TORRENCE
CREEK GREENWAY

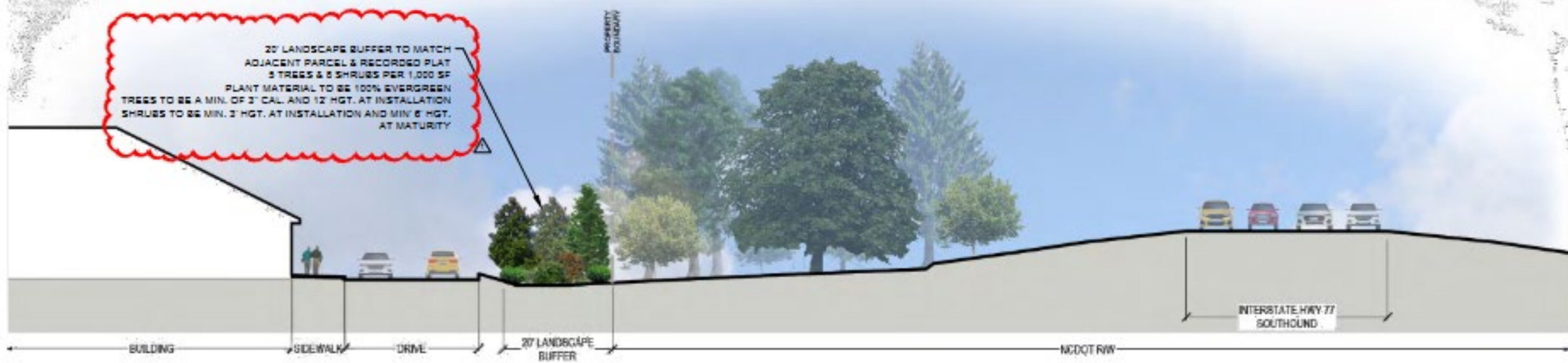








PROPOSED I-77 BUFFER - FULL MATURE HEIGHT



Benefits – Employment & Economic

- ❖ Facility will create **160 full-time, part-time and PRN jobs.**
- ❖ According to Huntersville Health and Rehab data the Town is operating at a 90-99% capacity for licensed nursing home beds.
- ❖ Additional capacity will be required because of the new hospital and Huntersville's continued growth.

The Huntersville 2040 Comprehensive Plan contemplates that institutional uses should be included in Employment Centers. The number of jobs offered by this skilled nursing facility is in keeping with the goals of the Employment Center.



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.



Public Meeting Schedule

Community Meeting – September 25

Public Hearing – November 5

Planning Board – November 19

Town Board Vote – December 17

Thank You!

Questions?





Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: Jonathan Rodgers, MHA

Project Name: HILLCO - REESE BLVD

Project Address: Reese Blvd East Huntersville, NC

Project Description (including square footage for each proposed land use):

Nursing & Rehabilitation Center

72,000 sf proposed building with 110 Beds

Applicant

Printed Name Jonathan Rodgers, MHA Phone 919-779-5095

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jon Rodgers

Title Director of Operations Email Jonathanr@PrincipleLTC.com
Support & Gov't Relations

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 7/2/24

Daily Trips Anticipated 486

Peak Hour Trips Anticipated AM 40 PM 42

TIA Required (Yes/No) No

Date of Determination: 7/10/24

Comments: Determination based on a 72,000 square foot nursing home.



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 7/31/2024

Name of Project Hillco - Reese Blvd Phase # (if subdivision) _____

Project Address 13600 Reese Blvd East

Parcel Identification Number(s) (PIN) 01719110

Current Zoning District CB Proposed District (for rezoning only) CI (CD)

Property Size (acres) 13.983 Street Frontage (feet) 334

Current Land Use Vacant

Proposed Land Use(s) Skilled Nursing Facility

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.

Request to rezone the property to allow the proposed use to be developed. Also requesting some land development conditions due to existing site constraints, as outlined on the rezoning plan sheet RZ-4.00.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Hillco, LTD Phone (919) 779-5095
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Jonathan F. Rodgers

Title Dir. Ops Support & Govt. Relations Email Jonathanr@PrincipleLTC.com

Address of Applicant 1435 Hwy 258 N, Kinston, NC 28054

7. Property Owner (if different than applicant)

*Printed Name Novant Health, Inc. Phone 336-277-8673 (Nick Eller; Real Estate)
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Matt Stiene

Title 9BCFAC883516459... Senior Vice President Email mstiene@novanthealth.org

Address of Property Owner 2085 Frontis Plaza Blvd, Winston-Salem, NC 27103

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application **MUST** be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an **INVALID APPLICATION**. If additional space is needed for signatures, attach the **Town of Huntersville Signature Addendum Form**.

8. Development/Design Firm Contact Information

Hillco, LTD	Jonathan Rodgers	(919) 779-5095	Jonathanr@PrincipleLTC.com
Development Firm	Name of Contact	Phone	Email
Stimmel Associates	Emily Buehrer	(704) 414-2992	ebuehrer@stimmelpa.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Nathan Farber, Senior Planner

Subject: #R24-08 South Church St. General Rezoning

EXPLAIN REQUEST:

Consider decision on Petition #R24-08, a request by Stephen A. McLane to rezone approximately 0.591 acres from Corporate Business to Neighborhood Residential.

ACTION RECOMMENDED:

Make a decision

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

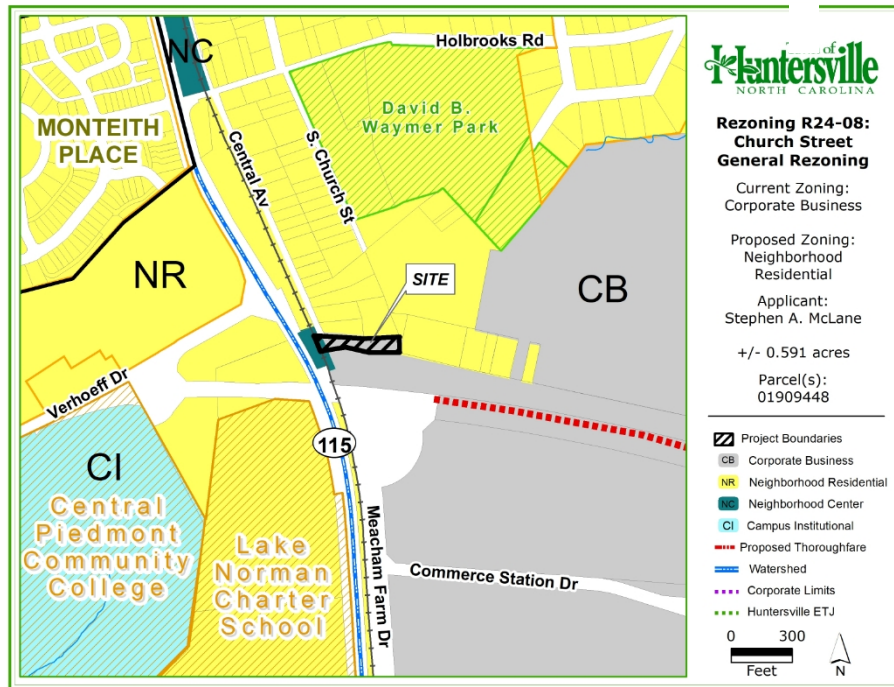
1. R24-08 TB Final staff report
2. 1. Application
3. 2. Rezoning Map
4. 3. Survey
5. 4. Deed of Property

Petition R24-08: 12936 S. Church Street General Rezoning

PART 1: PROJECT SUMMARY

Application Summary:

1. Petition #R24-08 is a request by the property owners of Parcel ID 01931109 to rezone 0.591 acres of Parcel ID 01931109 from Corporate Business to Neighborhood Residential.



Applicant: Stephen A. McLane

Property Owner: Same

Property Address: 12936 S. Church Street

Project Size: 0.591 acres

Parcel Numbers:
01909448

Existing Zoning:
Corporate Business (CB)

Proposed Zoning:
Neighborhood Residential (NR)

2. Adjoining Zoning and Land Uses

North: Neighborhood Residential (NR), Single Family Residential.

South: Corporate Business (CB), Currently vacant.

East: Neighborhood Residential (NR), Currently vacant.

West: Neighborhood Center (NC), Commercial

3. The 0.591 acres of Parcel ID 01540105 can be referenced through the attached survey (attachment 3) and the attached Deed (attachment 4).
4. The applicant, Stephen McLane, purchased 0.591 acres of Parcel ID 01540105 from the Town of Huntersville earlier this year to recombine with his existing Parcel ID 01909440. This new parcel has been assigned the Parcel ID 01909448 by Mecklenburg County. Parcel ID 01540105 is Town owned land that was once part of the right-of-way needed for the Verhoeff Drive bridge extension into Commerce Station industrial park, this project was completed in 2012 and the remaining ROW was no longer needed. The applicant submitted an official bid to purchase 0.591 acres on June 17, 2024, and the Town Board later approved this bid.
5. The applicant is proposing a general rezoning to remove Corporate Business so that the future recombined land will be entirely within the Neighborhood Residential zoning district. This will allow the applicant to subdivide the land and permit a new residential structure. Because this is a General Rezoning, the application does not have a

- The Huntersville 2040 Plan shows this property is located within the Employment Center district, though it is directly on the edge of the Moderate Density District.

2040 Plan Future Land Use Map



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting -edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.



Moderate Density

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.

PART 3: TRANSPORTATION ISSUES

- No Transportation issues.

PART 4: REZONING CRITERIA

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

STAFF COMMENT – Staff finds the proposed rezoning consistent with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU 2.1 – Higher intensity residential uses will be focused generally within two miles of the I-77/NC-115 corridor and future activity centers in the eastern and western areas of Huntersville’s zoning jurisdiction . STAFF COMMENT:** The property in question is located directly next to the Moderate Density future land use character area and is also about 1 mile east of I-77.

STAFF COMMENT – Staff finds the proposed rezoning not consistent with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU 1.1 – Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans. STAFF COMMENT:** Staff find that the proposed rezoning is not consistent with the Employment Center Land Use Character Area that it is currently located in.

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

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

STAFF COMMENT:

The overall character of the existing development in the immediate vicinity of the subject property is residential in nature. The uses along S Church Street include single family residential lots. The Neighborhood Residential (NR) district uses established on the subject property would be consistent with the surrounding development. The commercial uses are mainly located south of Verheoff Drive, which makes a good separation between residential and commercial.

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

STAFF COMMENT:

- There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during the subsequent site plan review for any proposed development.

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

STAFF COMMENT:

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

PART 5: PUBLIC HEARING

The Public Hearing took place on November 4, 2024.

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the rezoning application as the Neighborhood Residential (NR) district is consistent with adjacent development north of Verhoeff Drive. Staff would also recommend updating the Future Land Use Map from Employment Center to Moderate Density in order to be consistent with the surrounding residential properties in the vicinity.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board unanimously recommended approval on November 20, 2024.

PART 8: ATTACHMENTS

1. Application
2. Rezoning Map
3. Survey
4. Deed of Property

PART 9: CONSISTENCY STATEMENT – R24-08: 12936 S. Church Street GENERAL REZONING

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning of Petition R24-08, 12936 S. Church Street, Planning Staff finds that the rezoning is consistent with Policy LU 2.1 of the Town of Huntersville 2040 Community Plan. Staff recommends rezoning the property from Corporate Business (CB) to Neighborhood Residential (NR). It is reasonable and in the public interest to rezone this property because the NR district will be consistent with the character and uses adjacent to the subject property and the entire property would have one zoning district.	APPROVAL: In considering the proposed rezoning of Petition R24-08, 12936 S. Church Street, Planning Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Corporate Business (CB) to Neighborhood Residential (NR). It is reasonable and in the public interest to rezone this property because the NR district will be consistent with the character and use adjacent to the subject property and the entire property will have one zoning district.	APPROVAL: In considering the proposed rezoning of Petition R24-08, 12936 S. Church Street, Town Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Corporate Business (CB) to Neighborhood Residential (NR). It is reasonable and in the public interest to rezone this property because...(explain)

DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed rezoning of Petition R24-08, 12936 S. Church Street, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2040 Community Plan. We recommend denial of Rezoning Petition R24-08. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>
--------------------	--------------------	---



General Application

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

1. Application Type

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

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

SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 8/16/24

Name of Project South Church Street NR Rezoning Phase # (if subdivision) _____

Project Address 12936 S. Church Street

Parcel Identification Number(s) (PIN) [REDACTED] 01931109

Current Zoning District CB R04-05 Proposed District (for rezoning only) NR

Property Size (acres) .591 Street Frontage (feet) 67.97

Current Land Use Comercial VACANT - CB R04-05

Proposed Land Use(s) Residential NR

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Provide a detailed summary. (i.e. RTAP identify what you are revising). Additional sheets may be added.



I AM REQUESTING TO REZONE .591 ACRES OF PARCEL 01931109 THAT WAS RECENTLY SOLD TO ME BY THE TOWN.

DEED BOOK #39003 INSTRUMENT#2024075992. FROM CB TO NR

4. Site Plan Submittals

Consult the particular type of Review Process for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Stephen A. McLane Phone 704-577-7339
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: Resident

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Stephen A. McLane
Title _____ Email SMCLane@GilbertFoods.com
Address of Applicant 12936 South Church Street Huntersville NC 28078

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____
Title _____ Email _____

Address of Property Owner _____

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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Contact Information

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

Application Information

Date of Application 8/16/24 EPM Number _____
Name of Project St. Church Street Parcel Phase # (if subdivision) _____
Parcel Identification Number(s) (PIN) [REDACTED] 01931109

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

* ^ Printed Name of Signer Stephen A McLane Phone Number 704-577-7339
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Steph A McLane

Title Owner Email smclane@gilbertfoods.com

Address of Property Owner/Applicant 12936 St. Church Street, Huntersville, 28078

* ^ Printed Name of Signer _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name of Signer _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Exhibit A

Description of Request-

A portion of Parcel 01931109 was purchased from the town of Huntersville. Zoned Commercial land for the development of overpass bridge and industrial property for South Wire and Pactiv. This parcel was not used for the project.

The portion of Parcel was surveyed and sold to Stephen A Mclane adjacent to parcel 019-094-40 owned by Stephen A Mclane. With the intention of residential rezoning to match existing residential neighborhood.

The proposed combined parcel. Depicting a smaller parcel for 019-094-40 and slightly larger for the newly formed parcel 01931109.

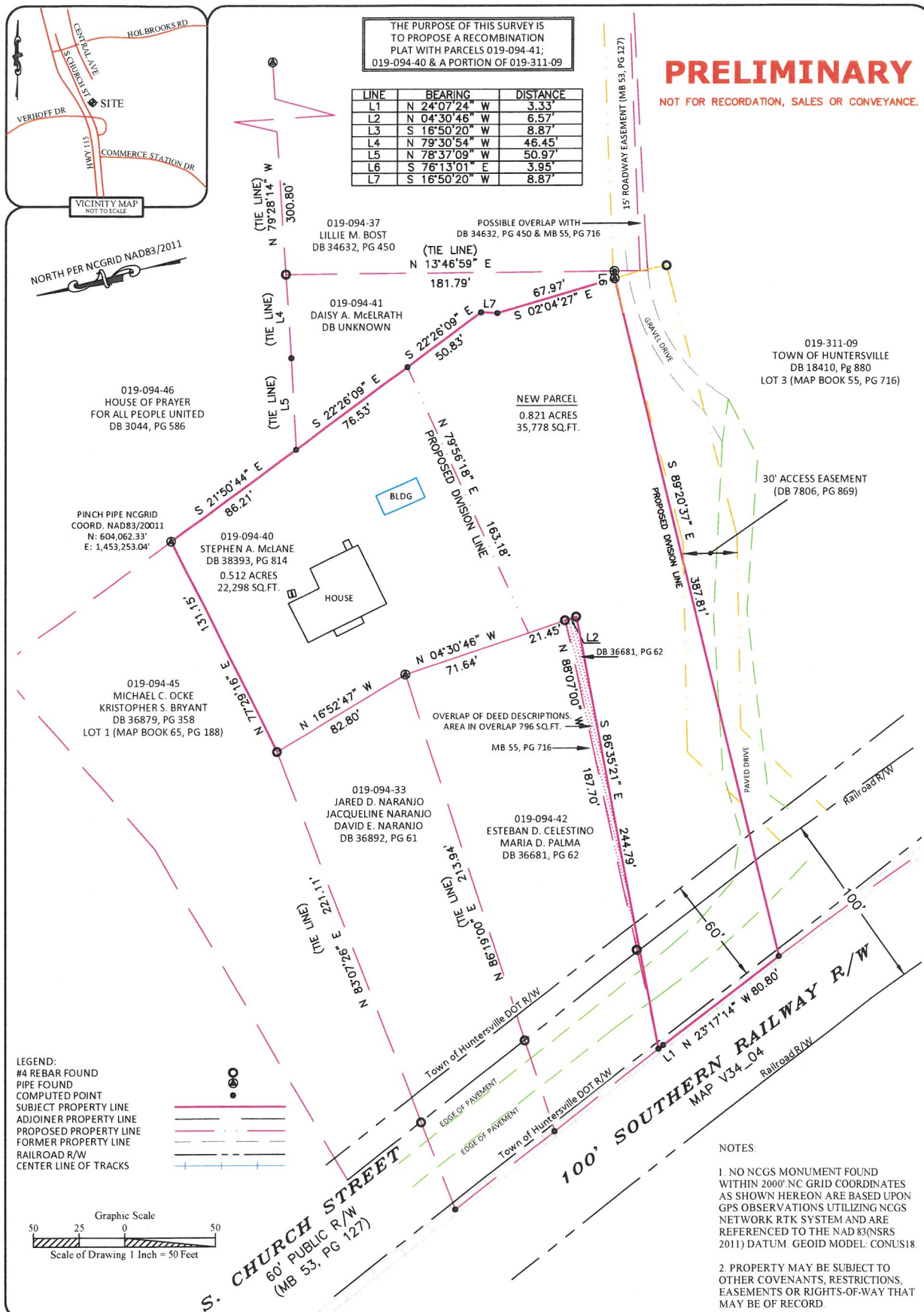
Exhibit B

List of Adjoining property owners with in 250 feet

**Lilli M Bost
Parcel 019-094-37
DB 34632. Pg 450**

**Stephen A Mclane
019-094-40
Db 38393 pg 814**

**Estaban D Celestino
Maria D Palma
DB 36681 pg 62**



Proposed Recombination Survey of 12936 South Church Street



Professional
Surveyors, Inc.
18335 Old Statesville Road Ste. A
Cornelius, N.C. 28031
704-765-5134 Phone/Fax
Firm License: C-3666

Property of:
Stephen R. McLane

As Recorded in:
Deed Book 38393, Pg 814

Site Address:
12936 South Church Street
Huntersville, NC 28078
Iredell County

101923-02
Job No.

JML
Prepared By

≥ 1:10,000
Error of Closure

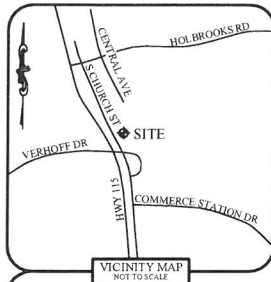
1"=50'
Drawing Scale

019-094-40
Tax Parcel Number

McLane
Drawing File Name

REVISION 1
Sheet Number

8/12/2024
Date



THE PURPOSE OF THIS SURVEY IS
TO DETERMINE THE AREA FOR THE
PROPOSED SALE OF LAND FROM TOWN
OF HUNTERVILLE TO STEPHEN A. McLANE.

LINE	BEARING	DISTANCE
L1	N 24°07'24" W	3.33'
L2	N 04°30'46" W	6.57'
L3	S 16°50'20" W	8.87'
L4	N 79°30'54" W	46.45'
L5	N 78°37'09" W	50.97'

019-094-37
LILLIE M. BOST
DB 34632, PG 450

POSSIBLE OVERLAP WITH
DB 34632, PG 450 & MB 55, PG 716

Digitally Signed by Daryl W. Long
Professional Property Surveyors, Inc. 10/12/23



DARYL W. LONG, P.L.S.
18335 OLD STATESVILLE ROAD
SUITE A
CORNELIUS, N.C. 28031
(704) 765-5134

019-311-09
TOWN OF HUNTERVILLE
DB 18410, PG 880
LOT 3 (MAP BOOK 55, PG 716)

NORTH PER NCGRID NAD83/2011

019-094-46
HOUSE OF PRAYER
FOR ALL PEOPLE UNITED
DB 3044, PG 586

PINCH PIPE NCGRID
COORD. NAD83/20011
N: 604,062.33'
E: 1,453,253.04'

019-094-45
MICHAEL C. OCKE
KRISTOPHER S. BRYANT
DB 36879, PG 358
LOT 1 (MAP BOOK 65, PG 188)

019-094-40
STEPHEN A. McLANE
DB 38393, PG 814
0.661 ACRES
28,803 SQ. FT.

019-094-33
JARED D. NARANJO
JACQUELINE NARANJO
DAVID E. NARANJO
DB 36892, PG 61

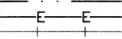
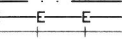
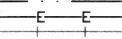
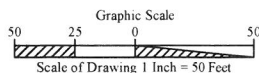
019-094-42
ESTEBAN D. CELESTINO
MARIA D. PALMA
DB 36681, PG 62

30' ACCESS EASEMENT
(DB 7806, PG 869)

4RBF NCGRID
COORD. NAD83/20011
N: 603,813.86'
E: 1,453,068.48'

LEGEND:

#4 REBAR FOUND
PIPE FOUND
COMPUTED POINT
SUBJECT PROPERTY LINE
ADJOINER PROPERTY LINE
PROPOSED PROPERTY LINE
RAILROAD R/W
CENTER LINE OF TRACKS



NOTES:

1. NO NCGS MONUMENT FOUND
WITHIN 2000' NC GRID COORDINATES
AS SHOWN HEREON ARE BASED UPON
GPS OBSERVATIONS UTILIZING NCGS
NETWORK RTK SYSTEM AND ARE
REFERENCED TO THE NAD 83(NSRS
2011) DATUM. GEOID MODEL: CONUS18

2. PROPERTY MAY BE SUBJECT TO
OTHER COVENANTS, RESTRICTIONS,
EASEMENTS OR RIGHTS-OF-WAY THAT
MAY BE OF RECORD.

3. THE PROPERTY DOES NOT LIE IN A
SPECIAL FLOOD HAZARD AREA PER
FEMA PANEL MAP #3710465000K,
DATED 11/16/2018

4. CONSULT WITH GOVERNING
AGENCY FOR PREVAILING LAND
DEVELOPMENT AND ZONING
REQUIREMENTS PRIOR TO DESIGN OR
CONSTRUCTION OF ANY
IMPROVEMENTS

Proposed Division Line Survey of 12936 South Church Street

 Professional Property Surveyors, Inc. 18335 Old Statesville Road Ste. A Cornelius, N.C. 28031 704-765-5134 Phone/Fax Firm License: C-3666	Property of: Stephen R. McLane	As Recorded in: Deed Book 38393, Pg 814	Site Address: 12936 South Church Street Huntersville, NC 28078 Iredell County
101923-02 Job No.	JML Prepared By	≥ 1:10,000 Error of Closure	1"=50' Drawing Scale
		019-094-40 Tax Parcel Number	McLane Drawing File Name
		1 of 1 Sheet Number	10/12/2023 Date



Rezoning R24-08: Church Street General Rezoning

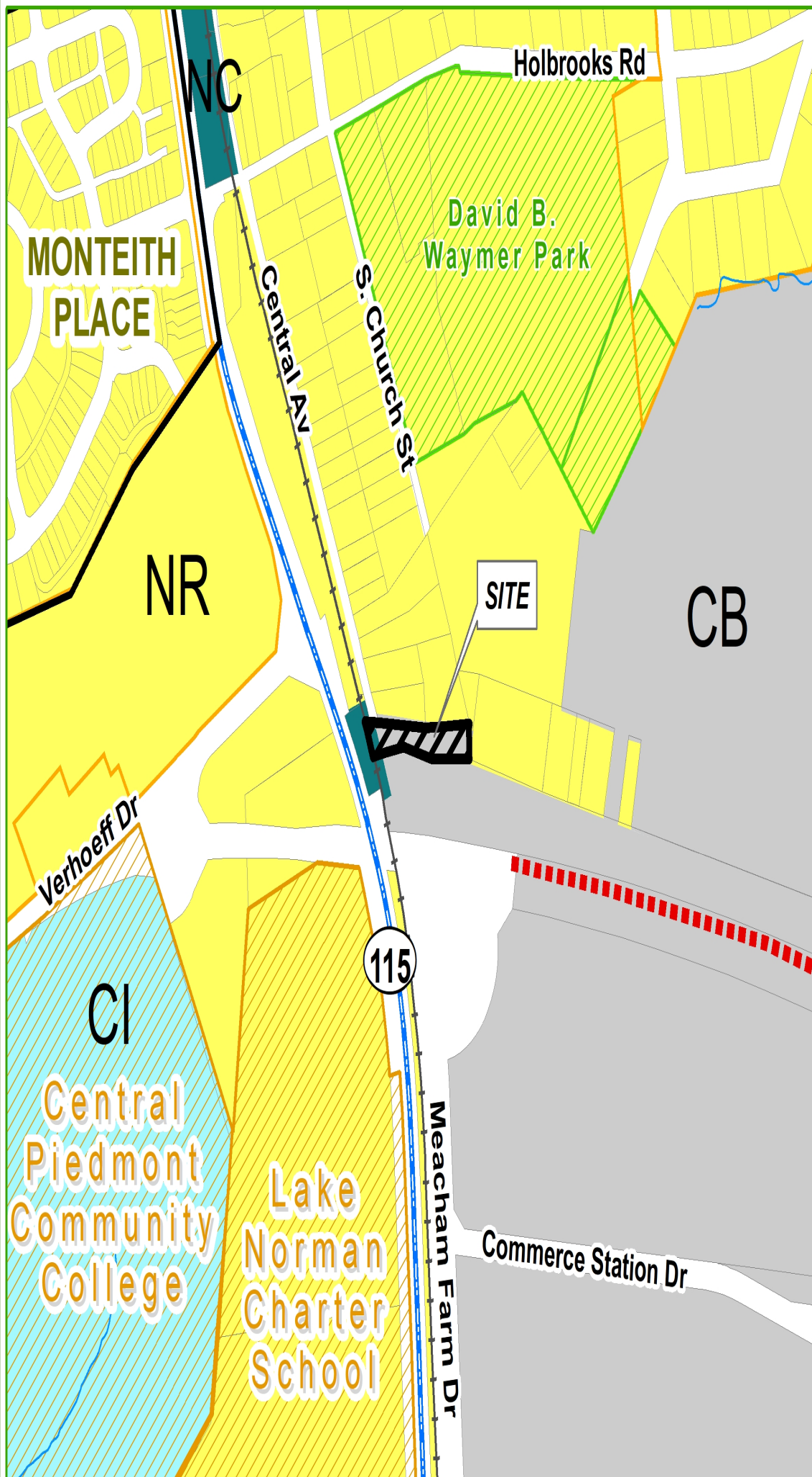
Current Zoning:
Corporate Business

Proposed Zoning:
Neighborhood
Residential

Applicant:
Stephen A. McLane

+/- 0.591 acres

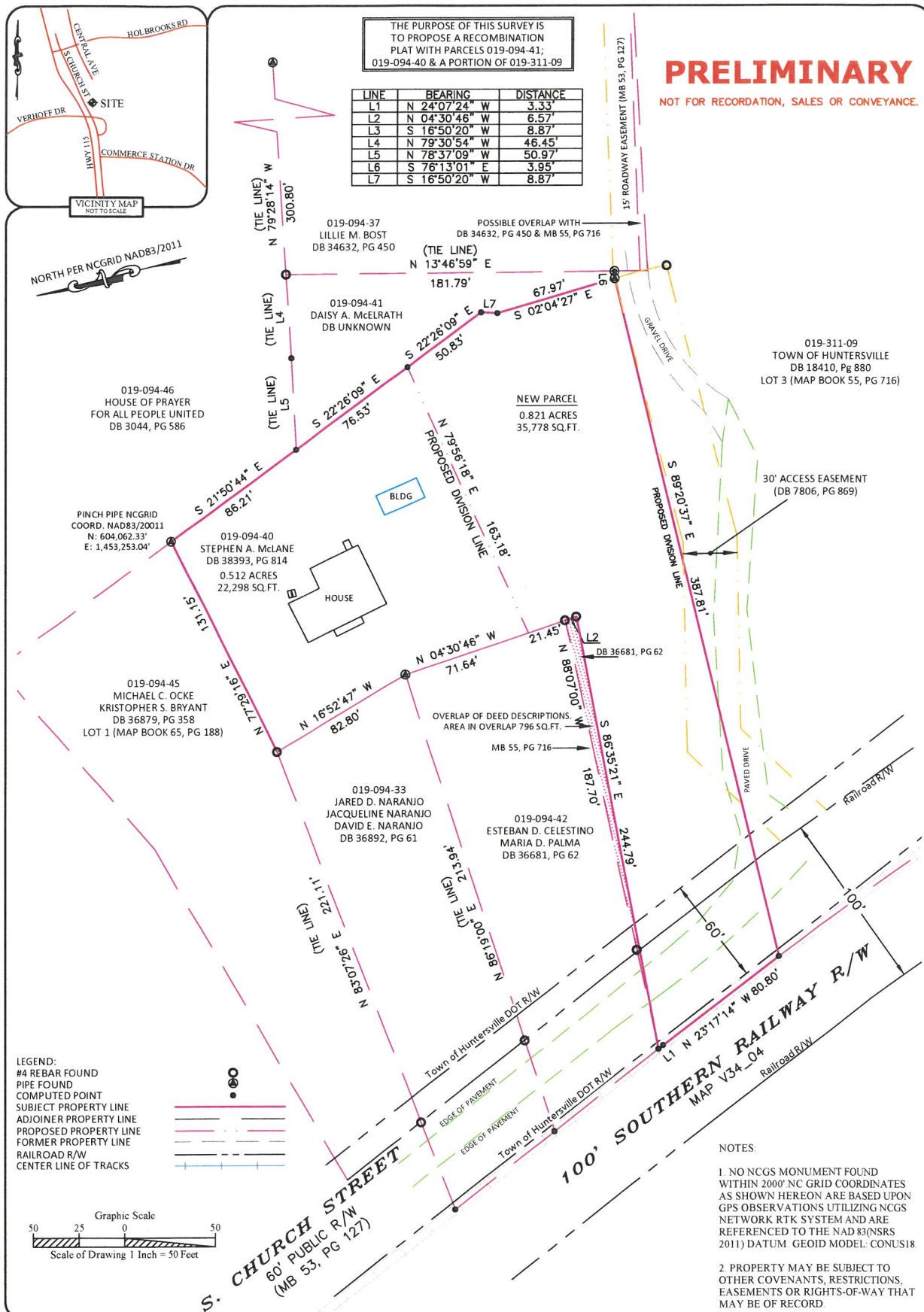
Parcel(s):
01909448



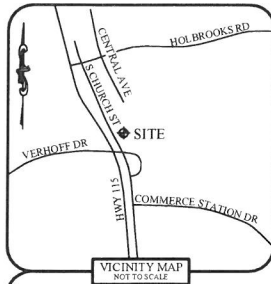
- Project Boundaries
- Corporate Business
- Neighborhood Residential
- Neighborhood Center
- Campus Institutional
- Proposed Thoroughfare
- Watershed
- Corporate Limits
- Huntersville ETJ

0 300
Feet





Proposed Recombination Survey of 12936 South Church Street									
Professional Property Surveyors, Inc. 18335 Old Statesville Road Ste. A Cornelius, N.C. 28031 704-765-5134 Phone/Fax Firm License: C-3666	Property of:		As Recorded in:		Site Address:				
	Stephen R. McLane		Deed Book 38393, Pg 814		12936 South Church Street Huntersville, NC 28078 Iredell County				
101923-02	JML	≥ 1:10,000	1"=50'	019-094-40	McLane	REVISION 1	8/12/2024		
Job No.	Prepared By	Error of Closure	Drawing Scale	Tax Parcel Number	Drawing File Name	Sheet Number	Date		



THE PURPOSE OF THIS SURVEY IS
TO DETERMINE THE AREA FOR THE
PROPOSED SALE OF LAND FROM TOWN
OF HUNTERVILLE TO STEPHEN A. McLANE.

LINE	BEARING	DISTANCE
L1	N 24°07'24" W	3.33'
L2	N 04°30'46" W	6.57'
L3	S 16°50'20" W	8.87'
L4	N 79°30'54" W	46.45'
L5	N 78°37'09" W	50.97'

019-094-37
LILLIE M. BOST
DB 34632, PG 450

POSSIBLE OVERLAP WITH
DB 34632, PG 450 & MB 55, PG 716

Digitally Signed by Daryl W. Long
Professional Property Surveyors, Inc. 10/12/23



DARYL W. LONG, P.L.S.
18335 OLD STATESVILLE ROAD
SUITE A
CORNELIUS, N.C. 28031
(704) 765-5134

019-311-09
TOWN OF HUNTERVILLE
DB 18410, PG 880
LOT 3 (MAP BOOK 55, PG 716)

NORTH PER NCGRID NAD83/2011

019-094-46
HOUSE OF PRAYER
FOR ALL PEOPLE UNITED
DB 3044, PG 586

PINCH PIPE NCGRID
COORD. NAD83/20011
N: 604,062.33'
E: 1,453,253.04'

019-094-45
MICHAEL C. OCKE
KRISTOPHER S. BRYANT
DB 36879, PG 358
LOT 1 (MAP BOOK 65, PG 188)

019-094-40
STEPHEN A. McLANE
DB 38393, PG 814
0.661 ACRES
28,803 SQ. FT.

019-094-33
JARED D. NARANJO
JACQUELINE NARANJO
DAVID E. NARANJO
DB 36892, PG 61

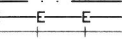
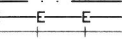
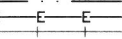
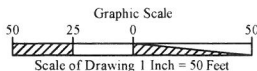
019-094-42
ESTEBAN D. CELESTINO
MARIA D. PALMA
DB 36681, PG 62

30' ACCESS EASEMENT
(DB 7806, PG 869)

4RBF NCGRID
COORD. NAD83/20011
N: 603,813.86'
E: 1,453,068.48'

LEGEND:

#4 REBAR FOUND
PIPE FOUND
COMPUTED POINT
SUBJECT PROPERTY LINE
ADJOINER PROPERTY LINE
PROPOSED PROPERTY LINE
RAILROAD R/W
CENTER LINE OF TRACKS



NOTES:

1. NO NCGS MONUMENT FOUND
WITHIN 2000' NC GRID COORDINATES
AS SHOWN HEREON ARE BASED UPON
GPS OBSERVATIONS UTILIZING NCGS
NETWORK RTK SYSTEM AND ARE
REFERENCED TO THE NAD 83(NSRS
2011) DATUM. GEOID MODEL: CONUS18

2. PROPERTY MAY BE SUBJECT TO
OTHER COVENANTS, RESTRICTIONS,
EASEMENTS OR RIGHTS-OF-WAY THAT
MAY BE OF RECORD.

3. THE PROPERTY DOES NOT LIE IN A
SPECIAL FLOOD HAZARD AREA PER
FEMA PANEL MAP #3710465000K,
DATED 11/16/2018

4. CONSULT WITH GOVERNING
AGENCY FOR PREVAILING LAND
DEVELOPMENT AND ZONING
REQUIREMENTS PRIOR TO DESIGN OR
CONSTRUCTION OF ANY
IMPROVEMENTS

Proposed Division Line Survey of 12936 South Church Street

 Professional Property Surveyors, Inc. 18335 Old Statesville Road Ste. A Cornelius, N.C. 28031 704-765-5134 Phone/Fax Firm License: C-3666	Property of: Stephen R. McLane	As Recorded in: Deed Book 38393, Pg 814	Site Address: 12936 South Church Street Huntersville, NC 28078 Iredell County
101923-02 Job No.	JML Prepared By	≥ 1:10,000 Error of Closure	1"=50' Drawing Scale
		019-094-40 Tax Parcel Number	McLane Drawing File Name
		1 of 1 Sheet Number	10/12/2023 Date

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
Electronically Recorded
2024 Aug 13 10:47 AM RE Excise Tax: \$ 57.00
Book: 39003 Page: 40 - 42 Fee: \$ 26.00
Instrument Number: 2024075992

Fredrick Smith

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax:	\$57.00
Parcel ID:	Portion of 01931109
Mail/Box to:	Grantee
Prepared by:	The Town of Huntersville, PO Box 664, Huntersville, NC 28070
Brief description for the Index:	0.591 acre portion of 01931109

THIS SPECIAL WARRANTY DEED ("Deed") is made on the 12 day of August, 2024, by and between:

GRANTOR	GRANTEE
Town of Huntersville A North Carolina Municipal Corporation P.O. Box 664 Huntersville, NC 28070	Stephen Arthur McLane 12936 South Church St Huntersville, NC 28078

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the Town of Huntersville, Mecklenburg County, North Carolina and more particularly described as follows (the "Property"):

See Exhibit A attached hereto for description of the Property.

All or a portion of the Property ☐ includes or ☒ does not include the primary residence of a Grantor.

A map showing the Property is recorded in Map Book __ at Page __.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor shall warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

All valid and enforceable easements, restrictions (including those set forth in Exhibit B), reservations, rights of way and other conditions which may appear in the record chain of title.

NEITHER THE INDIVIDUAL NOR LAW FIRM PREPARER OF THIS INSTRUMENT PERFORMED ANY TITLE EXAMINATION WORK, NOR CONDUCTED OR PARTICIPATED IN ANY CLOSING RELATED TO THE TRANSACTION INVOLVING THIS INSTRUMENT.

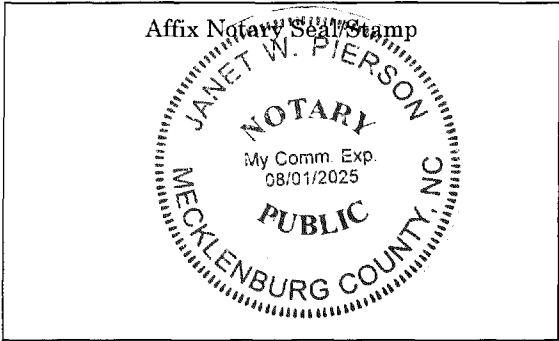
IN WITNESS WHEREOF, Grantor has duly executed this North Carolina Special Warranty Deed, if an entity by its duly authorized representative.

Town of Huntersville
Entity Name

By: Christy Clark
Name: Christy Clark
Title: Town Mayor, Authorized Signer

STATE OF NORTH CAROLINA, COUNTY OF mecklenburg

I, the undersigned Notary Public, certify that the following person(s) personally appeared before me on the 2nd day of August 2024 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any): Christy Clark as Town Mayor/Authorized Signer for the Town of Huntersville.



Janet W. Pierson
Notary Public (Official Signature)
My commission expires: 8-1-2025

EXHIBIT A

Lying and being in Huntersville and Mallard Creek Townships, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a #4 rebar found at NCGRID Coordinate NAD83/20011 N: 603,813.86' E: 1,453,068.48' and running thence S 80-10-45 W 124.47 feet to a computed point, thence N 23-17-14 W 80.80 feet to a computed point, thence N 24-07-24 W 3.33 feet to a computed point, thence S 86-35-21 E 244.79 feet to a piece of # 4 rebar found, thence N 04-30-46 W 6.57 feet to a piece of #4 rebar found, thence S 88-07-00 E 76.92 feet to a computed point, thence S 86-59-44 W 100.5 feet to a pipe found, thence S 16-50-20 W 8.87 feet to a pipe found, thence S 02-04-27 E 67.97 feet to a pipe found, thence S 89-42-13 W 152.01 feet to a piece of #4 rebar found, thence N 76-50-05 W 116.17 feet to that #4 rebar found marking the point of beginning.

The above metes and bounds description is drawn from that certain survey entitled "Proposed Division Line Survey of 12936 South Church Street" dated 10/12/2023 and prepared for Stephen R. McLane.



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Jackie Huffman, Deputy Town Manager

Subject: Huntersville Firefighters' Relief Fund Board of Trustees Appointments

EXPLAIN REQUEST:

One of the final items associated with the conversion of HFD, Inc. to the Town's municipal fire department is for the Town Board to appoint two members to the Local Firefighters' Relief Fund Board of Trustees called the Huntersville Firefighters' Relief Fund Board of Trustees. The fund receives annual distributions from the gross receipts tax on certain insurance policies, including auto policies. The use of the funds and the appointments to the local board of trustees is dictated by statute. These members will represent two of the five members of the local board of trustees, with two other members elected by the municipal firefighter department, and the final member appointed by the State Fire Marshal. Staff recommends the appointment of David Moore and Mark Auten.

ACTION RECOMMENDED:

Appoint David Moore and Mark Auten

FINANCIAL IMPLICATIONS:

No financial implications noted

ATTACHMENTS:

None



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Michael Jaycocks, Director of Parks and Recreation

Subject: Greenway, Trail & Bikeway Commission Appointments

EXPLAIN REQUEST:

Consider appointing three (3) members to the Greenway, Trail & Bikeway Commission, due to three expiring terms, from 13 applicants.

1. Three-year term, expiring 12/31/2027 (Michael Griffin has served one term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2027 (Ken Stuart has served one term and is eligible, and has applied, for another term)
3. Three-year term, expiring 12/31/2027 (Sally Walker has served one partial term and is ineligible for another term because she no longer lives/works in Huntersville)

ACTION RECOMMENDED:

Appoint 3 members

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Greenway, Trail & Bikeway Commission Overview - 20241211
2. Greenway, Trail and Bikeway Commission Member Map 12-11-2024
3. Greenway, Trail & Bikeway Commission Applicant Packet - 20241211

Greenway, Trail & Bikeway Commission

9 Members Total
 9 Current
 3 Expiring
 0 Vacant
3 APPOINTMENT(S) NEEDED

CURRENT MEMBERS (9)

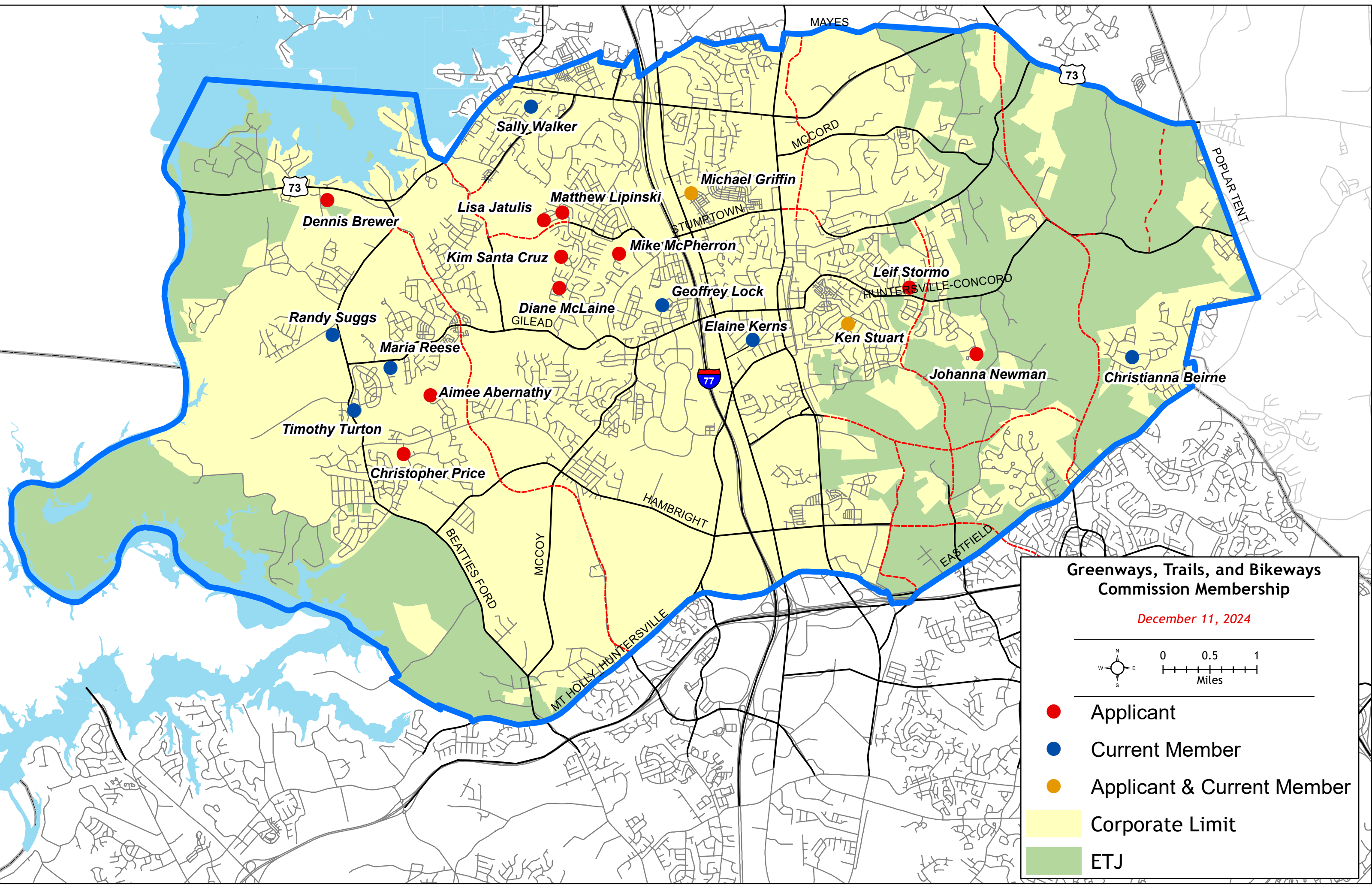
Name	Position/Title	Notes	Term Exp & Years		Regular Term Start		
					Partial	Term 1	Term 2
Reese, Maria	Chair		12/31/2026	3	3/18/2019	12/7/2020	12/18/2023
Stuart, Ken	Co-Chair		* 12/31/2024	3		1/3/2022	
Beirne, Christianna			12/31/2025	3	1/3/2022	1/3/2023	
Griffin, Michael			* 12/31/2024	3		1/3/2022	
Kerns, Elaine			12/31/2025	3		1/3/2023	
Locke, Geoffrey			12/31/2025	3		1/3/2023	
Suggs, Randy		replaced Schackert	12/31/2026	3	7/18/2022	12/18/2023	
Turton, Timothy			12/31/2026	3		12/18/2023	
Walker, Sally		replaced Turner	* 12/31/2024	3	12/18/2023		

APPLICANTS (13)

Name	ETJ?	Current Board Assignment?	App Date	Still Interested (if application is over 3 months old)?
Abernathy, Aimee	☐	No	6/9/2024	
Brewer, Dennis	☐	No	11/6/2023	12/6/2024
Correll, Sharon	☐	No	11/5/2024	
Griffin, Michael	☐	12/31/2024 - Greenway, Trail & Bikeway Commission	11/6/2024	
Jatulis, Lisa	☐	No	11/8/2023	12/6/2024
Lipinski, Matthew	☐	No	11/7/2023	12/10/2024
McLaine, Diane	☐	No	10/18/2023	12/6/2024
McPherron, Mike	☐	No	11/8/2023	12/6/2024
Newman, Johanna	☐	No	2/8/2024	12/7/2024
Price, Christopher	☐	6/30/2027 - Board of Adjustment	6/6/2024	would resign from Board of Adjustment
Santa Cruz, Kim	☐	No	12/1/2023	12/10/2024
Stormo, Leif	☐	No	11/7/2023	12/10/2024
Stuart, Ken	☐	12/31/2024 - Greenway, Trail & Bikeway Commission	10/15/2024	

* Term expires within 3 months

Wednesday, December 11, 2024



Greenways, Trails, and Bikeways Commission Membership

December 11, 2024

N

W

E

S

0

0.5

1

Miles

●

Applicant

●

Current Member

●

Applicant & Current Member

Corporate Limit

ETJ

Path: M:\PLANNING\Arcview Projects\Board Applicant Maps\Greenway, Bikeway, Trails Commission Member Map 12-11-2024.mxd

Print

Advisory Boards & Commissions Application - Submission #17527

Date Submitted: 6/9/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Aimee

Last Name*

Abernathy

Street Address (must be in Huntersville)*

8235 Rolling Meadows Ln

Is this address in the ETJ?*



No



Yes

Email Address*

aabernathy@gmail.com

Phone Number*

7048393513

Occupation

Human Resources

Place of Employment

Wells Fargo and Southern New Hampshire University

Approx. hours you could dedicate to this Board/Commission (per month)*

10-20

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

Human Resources, conflict resolution, secretary of National Council for Mortar Board Senior National Honor Society (term ends July 2024), data analysis, various roles in Women in Nuclear, including Chapter treasurer and President.

Areas of Expertise, Interests and Skills

Running - I spent a lot of time on our greenways in Huntersville! I have served on several boards in various positions. Working in HR, I have conflict resolution skills, and also work in HR data analytics, so deep work in analysis and consultation. I am also an adjunct professor at Southern New Hampshire University teaching Undergraduate HR Management courses.

Education

BA - Communications, Queens University of Charlotte MBA/HR Management, University of Phoenix

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Secretary, Mortar Board Sr National Honor Society Women in Nuclear - various positions, including chapter president and National professional development chair Lupus Foundation of America, North Carolina Chapter - Fundraising and provided HR support

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Aimee Abernathy

Signature Date*

6/9/2024

Print

Advisory Boards & Commissions Application - Submission #16029

Date Submitted: 11/6/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Dennis

Last Name*

Brewer

Street Address (must be in Huntersville)*

15820 Hubbard rd

Is this address in the ETJ?*



No



Yes

Email Address*

dbrewer@joegibbsracing.com

Phone Number*

7032443667

Occupation

Director of facilities

Place of Employment

joe gibbs racing

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

20+

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Business and Civic Experience Related to this Advisory Board or Commission

all forms of construction

Areas of Expertise, Interests and Skills

construction

Education

high school and collage master hvac and mechanical

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Board of adjustment president of hoa

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Dennis r Brewer

Signature Date*

11/6/2023

Print

Advisory Boards & Commissions Application - Submission #18588

Date Submitted: 11/5/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Sharon

Last Name*

Correll

Street Address (must be in Huntersville)*

15314 Moate Ct

Is this address in the ETJ?*



No



Yes

Email Address*

sharonmaly@gmail.com

Phone Number*

6083461464

Occupation

Unemployed

Place of Employment

Approx. hours you could dedicate to this Board/Commission (per month)*

10

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

I am a frequent user of the Torrence Creek Greenway and McDowell Creek Greenway. I have biked, walked and jogged the greenways since moving to Huntersville in 2016.

Areas of Expertise, Interests and Skills

I am an avid cyclist and hiker. I would love to be part of the Commission's efforts in maintaining a safe and clean greenway for our community. I am a licensed attorney with a career dedicated to public service as a former Assistant District Attorney and a former Associate County Attorney (Mecklenburg). Currently, I volunteer in our local public schools.

Education

University of Georgia- BA in Political Science and Spanish, May 2005 University of Wisconsin Law School, Dec 2007

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Volunteer Tutor at Blythe Elementary in Heart Math Program since 2022 (previously a volunteer tutor at Westerly Hills Academy). Classroom volunteer at Community School of Davidson assisting students with reading and writing (2022-2024). Volunteer Coach at Independence Soccer, HYAA basketball, and Lake Norman League Softball. Volunteer Religious Education Teacher at St. Peter Catholic Church in Charlotte since 2022.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Sharon Correll

Signature Date*

11/5/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18593

Date Submitted: 11/6/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Michael

Last Name*

Griffin

Street Address (must be in Huntersville)*

14213 bankside drive

Is this address in the ETJ?*



No



Yes

Email Address*

Mbgriffin212121@hotmail.com

Phone Number*

7046048485

Occupation

Sourcing manager

Place of Employment

Bobcat

Approx. hours you could dedicate to this Board/Commission (per month)*

5

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Greenway Committee

Business and Civic Experience related to this Advisory Board or Commission

20 years of supply chain procurement and project management

Areas of Expertise, Interests and Skills

Corporate America excel, power point, etc

Education

Bachelor degree Elmira college

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Greenway Committee -youth soccer coach

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Michael Griffin

Signature Date*

11/6/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #16070

Date Submitted: 11/8/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Lisa

Last Name*

Jatulis

Street Address (must be in Huntersville)*

8929 Lizzie Lane

Is this address in the ETJ?*



No



Yes

Email Address*

lisa.jatulis@gmail.com

Phone Number*

980-253-6752

Occupation

accountant

Place of Employment

United Rentals

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

8

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Business and Civic Experience Related to this Advisory Board or Commission

As an accountant I have a wide range of experience with budgeting, bookkeeping and other finance related activities. I am required to be organized and use time efficiently as well as communicating with all levels within business verbally and written.

Areas of Expertise, Interests and Skills

I have lived in Huntersville for over 22 years. I love this town and consider myself an "outdoor enthusiast". I enjoy walking through my neighborhood and surrounding neighborhoods. As a former runner, I enjoyed exploring the greenways - which have greatly expanded since my time as a runner. I am highly organized, dependable and a team player. I enjoy working with others and am looking to serve on a committee such as this in my free time. I think working with a committee would be rewarding as it will serve the best interest of the community as well as my personal interests. I am a big proponent of living a healthy lifestyle and getting outdoors and I am excited to hear about the expansion of our bike and greenways. My civic and business experience could be a great contribution to this committee.

Education

Bachelor of Science, Major in Accounting - Virginia Tech

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

I currently volunteer as the Regional Leader for our local FiA organization(Females in Actions workout group). Also, I am an active weekly volunteer with Angels and Sparrows Book Buddy program. I was previously a leader (for 9 years) and board member (5 years) with Meck 1 Girl Scouts, I was involved with several of the local school PTA's for over 14 years. I have served on various committees and held leadership roles as VP of Membership and PTA/PTSA Treasurer for several years.

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Lisa T. Jatulis

Signature Date*

11/8/2023

Print

Advisory Boards & Commissions Application - Submission #16049

Date Submitted: 11/7/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Matthew

Last Name*

Lipinski

Street Address (must be in Huntersville)*

16017 Wynfield Creek Pkwy

Is this address in the ETJ?*



No



Yes

Email Address*

Lipinski@knights.ucf.edu

Phone Number*

5613896572

Occupation

Business Development Executive

Place of Employment

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

20

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

None

Business and Civic Experience Related to this Advisory Board or Commission

n/a

Areas of Expertise, Interests and Skills

Business, outdoor activities - golf, biking, hunting

Education

Bachelors degree at UCF

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Many years of volunteering as a youth leader, worked with animal rescues locally, make a wish foundation.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Matt Lipinski

Signature Date*

11/7/2023

Print

Advisory Boards & Commissions Application - Submission #15809

Date Submitted: 10/18/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Diane

Last Name*

McLaine

Street Address (must be in Huntersville)*

15133 Oxford Hollow

Is this address in the ETJ?*



No



Yes

Email Address*

sdmclaine@bellsouth.net

Phone Number*

704-953-4970

Occupation

Project Manager

Place of Employment

Wells Fargo

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

10

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Greenway, Trails, and Bikeway Commission 2005-2008, 2018-2022 (chair 2019-2022)

Business and Civic Experience Related to this Advisory Board or Commission

Participated on the Greenway, Trails, and and Bikeway commission during the creation and first approval of the master plan. Also was part of the creation of the 30x30 vision and the greenway/sidewalk connection plan, as well as being part of the commission that recommended the Bike Master Plan.

Areas of Expertise, Interests and Skills

I have 20+ years of project management experience which contributed to my role as GTBC chair as we set goals each year, tracked progress, and laid out detailed plans to accomplish them. I am passionate about our town greenway system, and would love to be part of the commission again (after sitting out for the mandatory 1 year) to complete our 30x30 goal of connecting 30,000 residents to the greenway by 2030. I would also like to continue our work with the sidewalk connection plan to connect every neighborhood, school, park, and major shopping center into the greenway system by filling in sidewalk gaps. This will allow our town to be a connected, walkable, bikeable town, giving our residents more options for transportation, health, and recreation.

Education

BA from Ohio Wesleyan University

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Diane McLaine

Signature Date*

10/18/2023

Print

Advisory Boards & Commissions Application - Submission #16068

Date Submitted: 11/8/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Mike

Last Name*

McPherron

Street Address (must be in Huntersville)*

8520 Shadetree street

Is this address in the ETJ?*



No



Yes

Email Address*

Mike_mcpherron@hotmail.com

Phone Number*

704-439-7782

Occupation

Risk Manager (IT Cybersecurity)

Place of Employment

Bank of America

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

4-8

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

None

Business and Civic Experience Related to this Advisory Board or Commission

Former Board member and president of the Hamptons HOA.

Areas of Expertise, Interests and Skills

Engineering., strategic planning, operations, communications

Education

Bachelor of science in engineering, masters of business administration.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Program Director for Charlotte run-walk program, an avid user of the greater Charlotte Greenway trail system

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

M J McPherron

Signature Date*

11/8/2023

Print

Advisory Boards & Commissions Application - Submission #16746

Date Submitted: 2/8/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Newman

Last Name*

Johanna Newman

Street Address (must be in Huntersville)*

17215 Monocacy Blvd

Is this address in the ETJ?*



No



Yes

Email Address*

jncrna04@gmail.com

Phone Number*

9734603813

Occupation

Nurse Anesthetists - Professor

Place of Employment

South College - Nurse Anesthesia Program - Associate Professor

Approx. hours you could dedicate to this Board/Commission (per month)*

12

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

N/A

Business and Civic Experience related to this Advisory Board or Commission

As a healthcare provider I have served in multiple leadership roles on the local and state level in Florida. I served as president of the Florida Association of Nurse Anesthetists which served to advocate for the scope of practice of nurse anesthetists and to improve the health care received by the citizens of Florida. While in this role I was involved in political advocacy to include drafting legislation and testifying at the state legislature.

Areas of Expertise, Interests and Skills

As a healthcare provider I have an interest in improving the lives of others. My interest on this advisory board stems from the Healthy People 2030 report from the US Department of Health and Human Services. The report states that "the neighborhoods people live in have a major impact on their health and well-being". By serving on this committee, I can be involved in the important work of providing guidance on how we can improve the health and quality of life of the citizens of Huntersville by building beautiful greenways for the citizens of Huntersville to walk, exercise, and ride their bikes.

Education

1. Doctor of Nurse Anesthesia Practice, August 2011 Virginia Commonwealth University, Richmond, VA. 2. Master of Science, Nursing, Concentration: Nurse Anesthetist, December 2004 Georgetown University, Washington DC. 3. Bachelor of Science, Nursing, May 1999 William Paterson University, Wayne, NJ.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

In 2023 I led a project with On the Road Collaborative that provided career enrichment opportunities and community service opportunities for middle school students from underserved communities. Have also been involved in planning, organizing, and fundraising for medical mission trips to South America. In Florida I served on the community improvement committee for the homeowner's association in the community in which I lived.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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Electronic Signature*

Johanna Newman

Signature Date*

2/8/2024

Print

Advisory Boards & Commissions Application - Submission #17507

Date Submitted: 6/6/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Chris

Last Name*

Price

Street Address (must be in Huntersville)*

8310 Misty Lilac Dr

Is this address in the ETJ?*



No



Yes

Email Address*

cprice8889@gmail.com

Phone Number*

7046198889

Occupation

Business Loan Analyst

Place of Employment

Wells Fargo Bank NA

Approx. hours you could dedicate to this Board/Commission (per month)*

8

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Board of Adjustments 6/24

Business and Civic Experience related to this Advisory Board or Commission

Planning Board/ Board of Adjustments / Huntersville 101/ Policy Citizens Academy /

Areas of Expertise, Interests and Skills

Biking/ Handyman/ Banking/

Education

Western Carolina University

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Homeowners Association / Planning Board/ Board of Adjustments / Meck Tax Board / Habitat of Humanity / Tau Kappa Epsilon Fraternity

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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- 3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Chris Price

Signature Date*

6/6/2024

Print

Advisory Boards & Commissions Application - Submission #16267

Date Submitted: 12/1/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Kim

Last Name*

Santa Cruz

Street Address (must be in Huntersville)*

8628 Taybrook Dr., Huntersville, NC 28078

Is this address in the ETJ?*



No



Yes

Email Address*

ksantacruz99@gmail.com

Phone Number*

704-564-7983

Occupation

Retired. Formerly worked in marketing and graphic design.

Place of Employment

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

Varies as needed

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

Business and Civic Experience Related to this Advisory Board or Commission

Huntersville 101 (2019)

Areas of Expertise, Interests and Skills

Experienced in planning/organizing trade shows and industry meetings; created and produced promotional materials. Interests - hiking/walking, reading, crafts, cooking

Education

University of Colorado at Colorado Springs, BS in Business with an emphasis in Marketing

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Merry Magic Christmas Project (Cornelius); Neighborhood Care Center (Cornelius); Lake Norman Charter PTA (4 years); Torrence Creek Elementary PTA (2 years).

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Kim Santa Cruz

Signature Date*

12/1/2023

Print

Advisory Boards & Commissions Application - Submission #16040

Date Submitted: 11/7/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Leif

Last Name*

Stormo

Street Address (must be in Huntersville)*

13223 Union Square Dr.

Is this address in the ETJ?*



No



Yes

Email Address*

Lestor00@gmail.com

Phone Number*

4802067202

Occupation

Retired Real Estate Appraiser

Place of Employment

N/A

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

10-15 but Im flexible

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

None

Business and Civic Experience Related to this Advisory Board or Commission

Various Appraisal organizations and affiliations.

Areas of Expertise, Interests and Skills

Real Estate Valuation. Hiking, biking, gardening. Interested in improving the community.

Education

BS Mass Communication and Public Relations, 1992. Current Certified Real Estate Appraiser in Arizona.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

None

Electronic Signature Agreement

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Electronic Signature*

Leif Stormo

Signature Date*

11/7/2023

Print

Advisory Boards & Commissions Application - Submission #18439

Date Submitted: 10/15/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Greenway, Trail, and Bikeway Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Ken

Last Name*

Stuart

Street Address (must be in Huntersville)*

10816 Drake Hill Drive

Is this address in the ETJ?*



No



Yes

Email Address*

knstuart76@gmail.com

Phone Number*

8433091082

Occupation

Retired Forester

Place of Employment

Approx. hours you could dedicate to this Board/Commission (per month)*

As needed

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Currently serve on the GTBC with my first term expiring at the end of 2024

Business and Civic Experience related to this Advisory Board or Commission

Served the last 3 years on this board and serving as chairman for 2024.

Areas of Expertise, Interests and Skills

Forestry management, interest in the Forest management, interests in most outdoor activities, hiking, observing nature, etc. I have good leadership skills.

Education

BS in Forest Resource Management

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Served the last 3 years on the GTBC. Active in the Old Huntersville Historical Society. Was active in helping with youth recreation department programs in Bennettsville's, SC as well as helping with Boy Scouts.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Ken Stuart

Signature Date*

10/15/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Michael Jaycocks, Director of Parks and Recreation

Subject: Parks and Recreation Commission Appointments

EXPLAIN REQUEST:

Consider appointing three (3) members to the Parks and Recreation Commission, due to three expiring terms, from 8 applicants.

1. Three-year term, expiring 12/31/2027 (Kent Curran has served one term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2027 (Arun Nair has served one partial term and is eligible, and has applied, for another term)
3. Three-year term, expiring 12/31/2027 (Patty Reich has served one partial term and is eligible, and has applied, for another term)

ACTION RECOMMENDED:

Appoint 3 members.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Parks and Recreation Commission Overview - 20241206
2. P&R Board Member Map 12-9-24
3. Parks and Recreation Commission Applicant Packet - 20241206

Parks and Recreation Commission

9 Members Total
 9 Current
 3 Expiring
 0 Vacant
3 APPOINTMENT(S) NEEDED

CURRENT MEMBERS (9)

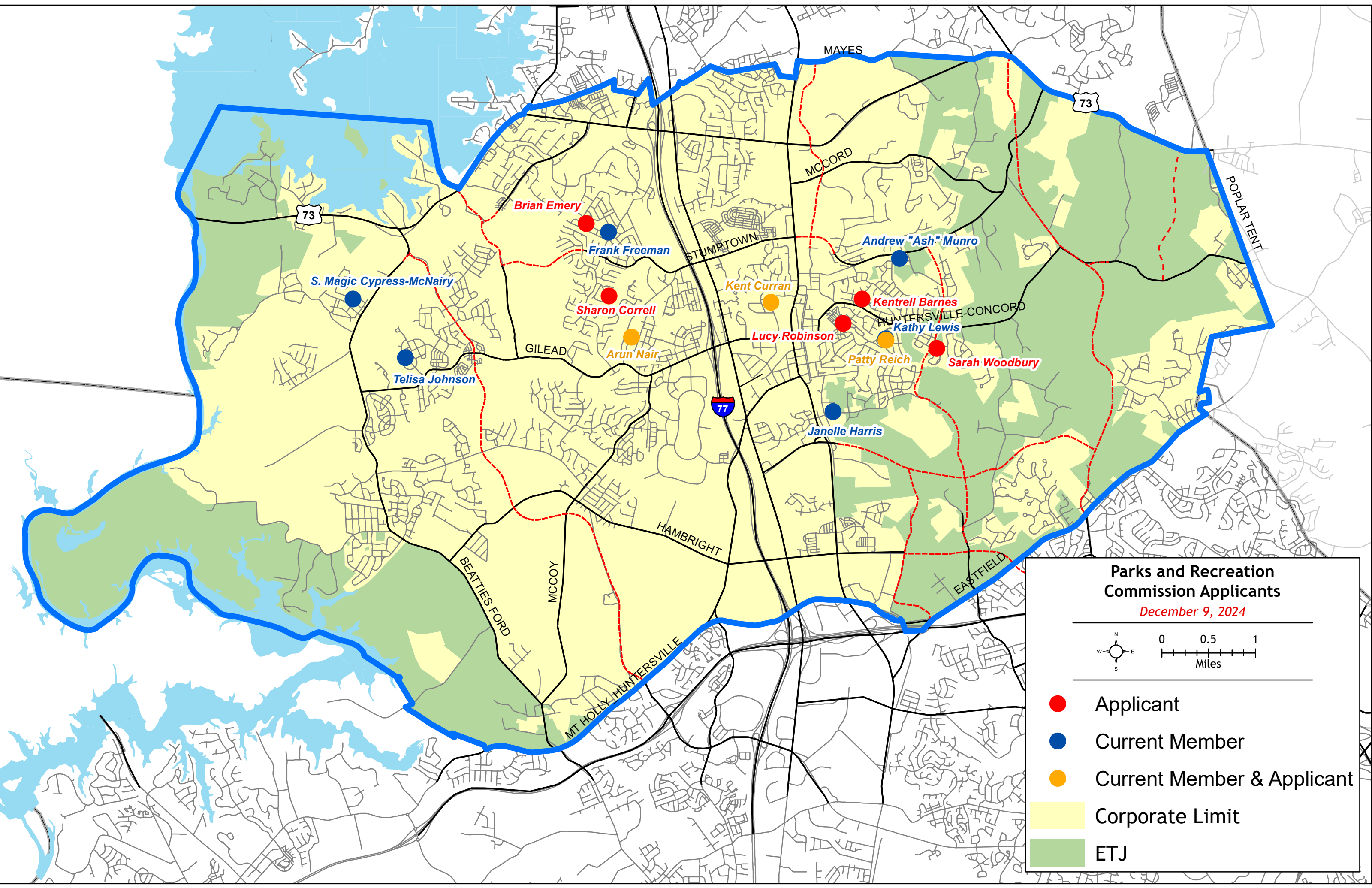
Name	Position/Title	Notes	Term Exp & Years		Regular Term Start		
					Partial	Term 1	Term 2
Lewis, Kathy	Chair		12/31/2025	2		1/6/2020	1/3/2023
Curran, Kent			* 12/31/2024	3		1/3/2022	
Cypress-McNairy, S. Magic		replaced Brown	12/31/2025	3	3/18/2024		
Freeman, Frank		replaced Harrington	12/31/2026	3	4/3/2023	12/18/2023	
Harris, Janelle		replaced Baumgardener	12/31/2026	3	1/3/2023	12/18/2023	
Johnson, Telisa		replaced Bergsman	12/31/2025	3	12/18/2023		
Munro, Andrew "Ash"			12/31/2026	3		12/7/2020	12/18/2023
Nair, Arun		replaced Hutto	* 12/31/2024	3	3/4/2024		
Reich, Patty		replaced Chiesa	* 12/31/2024	3	8/6/2024		

APPLICANTS (8)

Name	ETJ?	Current Board Assignment?	App Date	Still Interested (if application is over 3 months old)?
Barnes, Kentrell	☐	No	11/29/2023	3/11/2024
Correll, Sharon	☐	No	11/5/2024	
Curran, Kent	☐	12/31/2024 - Parks and Recreation Commission	11/9/2024	
Emery, Brian	☐	No	2/13/2024	3/5/2024
Nair, Arun	☐	12/31/2024 - Parks and Recreation Commission	11/14/2024	
Reich, Patty	☐	12/31/2024 - Parks and Recreation Commission	11/14/2024	
Robinson, Lucy	☐	No	10/31/2024	
Woodbury, Sarah	☐	No	11/14/2024	

* Term expires within 3 months

Friday, December 6, 2024



**Parks and Recreation
Commission Applicants**

December 9, 2024

N

E

S

W

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0.5

1

Miles

●

Applicant

●

Current Member

●

Current Member & Applicant

Corporate Limit

ETJ

Path: M:\PLANNING\Arcview Projects\Parks Department Maps\Board Applicant Maps\P&R Board Member Map 12-9-24.mxd

Print

Advisory Boards & Commissions Application - Submission #16241

Date Submitted: 11/29/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Kentrell

Last Name*

Barnes

Street Address (must be in Huntersville)*

12705 Cumberland Crest Dr

Is this address in the ETJ?*



No



Yes

Email Address*

barnes.kentrell@ymail.com

Phone Number*

7046158207

Occupation

Videography

Place of Employment

BGEA

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

15-30

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

None

Business and Civic Experience Related to this Advisory Board or Commission

Areas of Expertise, Interests and Skills

Filmmaking, marketing, advertising, coaching.

Education

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Turkey giveaway in Baltimore. World Hunger in Huntersville. Mission trips to other countries.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Kentrell Barnes

Signature Date*

11/29/2023

Print

Advisory Boards & Commissions Application - Submission #18590

Date Submitted: 11/5/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Sharon

Last Name*

Correll

Street Address (must be in Huntersville)*

15314 Moate Ct

Is this address in the ETJ?*



No



Yes

Email Address*

sharonmaly@gmail.com

Phone Number*

6083461464

Occupation

unemployed

Place of Employment

Approx. hours you could dedicate to this Board/Commission (per month)*

20

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

I have played adult softball through Huntersville Parks and Recreation for a few years. I frequently use a variety of the playgrounds, trails and courts in Huntersville with my family and friends. My children participate in local sports programs throughout the year and I have volunteered as a coach for basketball, soccer and softball.

Areas of Expertise, Interests and Skills

I love the outdoors, sports and our community. I am a licensed attorney with a career dedicated to public service as a former Assistant District Attorney and a former Associate County Attorney (Mecklenburg). I have excellent research and analytical skills to assist the Commission in making informed decisions for our community.

Education

University of Georgia- BA in Political Science and Spanish, May 2005 University of Wisconsin Law School, December 2007

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Volunteer Tutor at Blythe Elementary in Heart Math Program since 2022 (previously a volunteer tutor at Westerly Hills Academy). Classroom volunteer at Community School of Davidson assisting students with reading and writing (2022-2024). Volunteer Coach at Independence Soccer, HYAA basketball, and Lake Norman Little League Softball. Volunteer Religious Education Teacher at St. Peter Catholic Church in Charlotte since 2022.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Sharon Correll

Signature Date*

11/5/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18628

Date Submitted: 11/9/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Kent

Last Name*

Curran

Street Address (must be in Huntersville)*

106 Forest Ct

Is this address in the ETJ?*



No



Yes

Email Address*

kentcurran@icloud.com

Phone Number*

7048759467

Occupation

Retired University Professor

Place of Employment

University of North Carolina Charlotte

Approx. hours you could dedicate to this Board/Commission (per month)*

Whatever is Needed

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Parks and Recreation Commission: Term expires 2024

Business and Civic Experience related to this Advisory Board or Commission

Taught management and strategic planning undergraduate and graduate level at UNC Charlotte. Administrative experience as Chairman of the Management Department and Senior Associate Dean of the Graduate School at UNC Charlotte.

Areas of Expertise, Interests and Skills

Planning skills and administrative experience with diverse groups; Interests in parks and recreation; Interest in recreational activities for seniors; Personally enjoy Disc Golf and Pickleball. Interest in seeing Barry Park Disc Golf Course come to fruition.

Education

Bachelor of Science in Mechanical Engineering (Bradley University); Master of Business Administration (Bradley University); Doctor of Business Administration (Louisiana State University)

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Participated In Huntersville 101; Participated in Huntersville Police Citizen's Police Academy; Parks and Recreation Commission (ending second term)

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Kent E. Curran

Signature Date*

11/9/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #16868

Date Submitted: 2/23/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Bryan

Last Name*

Emery

Street Address (must be in Huntersville)*

14215 Harvington Dr, Huntersville, NC 28078

Is this address in the ETJ?*



No



Yes

Email Address*

emeryb@me.com

Phone Number*

7042499749

Occupation

Platform Manager

Place of Employment

Bank Of America

Approx. hours you could dedicate to this Board/Commission (per month)*

5

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

Areas of Expertise, Interests and Skills

I've been a runner all my life and used to bike to work most days when I lived in Minnesota and had bike trail access into downtown. I've run 13 marathons and spend a ton of time on the greenways. I also have two young boys (4&7) who we take to parks in the area several times a week. I'm a certified project manager and have run several tech projects professionally and several construction renovations personally. Ive also coached the marathon at the university location Run For Your Life store.

Education

University of Iowa Finance BBA, PMP certified project manager, and USA Triathlon certified level 1 coach.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Habit for humanity, marathon coach (run for your life volunteer coach), and race support volunteer

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.



Electronic Signature Agreement

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Electronic Signature*

Bryan J Emery

Signature Date*

2/23/2024

Print

Advisory Boards & Commissions Application - Submission #18673

Date Submitted: 11/14/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Arun

Last Name*

Nair

Street Address (must be in Huntersville)*

9125 Greenheather Dr

Is this address in the ETJ?*



No



Yes

Email Address*

arunnair.var@gmail.com

Phone Number*

7047734331

Occupation

Vice President

Place of Employment

Wells Fargo

Approx. hours you could dedicate to this Board/Commission (per month)*

10

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Huntersville Park & Recreation (Partial term ending December 2024)

Business and Civic Experience related to this Advisory Board or Commission

As President and Immediate Past President of the Villages at Rosedale Homeowners Association (HOA), I played an integral role in the planning and development of Rosedale Nature Park. Working closely with key stakeholders, including Michael Jaycocks, I actively participated in the Park & Recreation Steering Committee meetings, which were essential to the park's conceptualization and construction. Given the park's proximity to our neighborhood, it was critical to address resident concerns regarding potential increases in traffic, noise, and overall impact on the community. I took a proactive approach to ensure that the concerns of our residents were considered in the planning process, while also balancing the needs of the larger community that the park would serve. My efforts included facilitating community engagement to ensure local input was incorporated into the park's design. I worked with residents to select design elements and recommended modifications to enhance the park's functionality and compatibility with the surrounding neighborhood. Additionally, I contributed to the naming of the park, "Rosedale Nature Park," aligning its identity with the natural environment and its connection to the Villages at Rosedale community. Through these efforts, I helped ensure that Rosedale Nature Park would be a valuable resource for both the immediate neighborhood and the larger community, while fostering a sense of ownership and pride among local residents.

Areas of Expertise, Interests and Skills

As an experienced leader within my residential community, I have had the privilege of serving in various roles, including President, Chair of the Landscape Committee, and Chair of the Architecture Committee for our Homeowners Association (HOA). Throughout my tenure, I have demonstrated a strong commitment to servant leadership by leading by example and focusing on both creative problem-solving and the effective implementation of solutions within budget constraints. One notable initiative I spearheaded was improving vehicle traffic visibility within the community. Recognizing the proximity of our neighborhood to a neighboring school and the newly constructed Rosedale Nature Park, I proactively addressed safety concerns related to pedestrian and vehicle traffic flow. I worked collaboratively with community members and committee members to develop and implement landscape modifications that ensured clear sightlines for drivers, ultimately reducing the risk of accidents and enhancing overall safety. In each of my roles, I have emphasized the importance of collaboration, transparent communication, and careful financial oversight. My ability to suggest innovative solutions while remaining mindful of the budget has allowed me to deliver impactful improvements without compromising the financial health of the community. Through these efforts, I have built a reputation as a leader who not only identifies challenges but takes a hands-on approach to address them—fostering a safer, more vibrant, and cohesive community for all residents.

Education

Master of Business Administration with additional focus on Entrepreneurial Leadership Bachelor of Engineering in Computer Science

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

I served for over six years on the Charlotte-Mecklenburg Community Relations Board (CRC), completing two full terms and a partial term. During my tenure, I held the position of Chair of the Race & Cultural Relations (RCR) Subcommittee for multiple years, where I led a team committed to advancing equity, inclusion, and community engagement across various initiatives. Under my leadership, the RCR Subcommittee undertook significant public-serving efforts, including: Policy Review and Recommendations: Collaborated in reviewing City of Charlotte ordinances through an equity lens, making recommendations to the City Council for policy improvements that promote fairness and inclusivity. Public Engagement on Social Issues: Led initiatives to address critical community challenges, including promoting recycling efforts with Mecklenburg County's Recycle Right team, advocating for the Census 2020, and supporting the community during the COVID-19 pandemic through vaccination promotion and other public health efforts. Eviction and Homelessness Support: Worked with various local partners to address issues of evictions and homelessness, focusing on providing resources and support during times of crisis. Creation of the Non-Discrimination Ordinance: Spearheaded the development and presentation of the Non-Discrimination Ordinance, which was formally presented to the Charlotte City Council, advocating for greater protections and inclusivity for all residents. Immigrant Justice Advocacy: Partnered with the Charlotte Center for Legal Advocacy (CCLA) to support the Immigrant Justice Program, aimed at providing legal services to immigrant communities. Language Access Advocacy: Collaborated with the Office of Equity, Mobility, and Immigrant Integration to promote the Language Access Program, ensuring that Charlotte's international community has equal access to services. Diversity and Inclusion Efforts: Continued efforts to increase diversity within the CRC, ensuring that the board itself reflected the broader community's demographics. In addition to my work with the RCR Subcommittee, I also served as a Jury Chair and panel member for the City of Charlotte's CRC Fair Housing Panel, helping to address housing discrimination and promote fair housing practices. Additionally, I was a member of the Charlotte-Mecklenburg Schools inaugural Equity Committee, contributing to the development of policies and practices aimed at ensuring equitable educational opportunities for all students. Through these roles, I contributed to advancing racial and cultural equity, fostering greater community engagement, and advocating for policies that improve the well-being and opportunities for all residents of Charlotte-Mecklenburg.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

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Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Arun Nair

Signature Date*

11/14/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18664

Date Submitted: 11/14/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Patty

Last Name*

Reich

Street Address (must be in Huntersville)*

12925 Blakemore Avenue

Is this address in the ETJ?*



No



Yes

Email Address*

pattyreich@gmail.com

Phone Number*

7033070212

Occupation

Faculty/Staff

Place of Employment

University of Maryland (work remotely from NC)

Approx. hours you could dedicate to this Board/Commission (per month)*

10+

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Parks & Recreation (completing someone else's term, expiring 12/31/24)

Business and Civic Experience related to this Advisory Board or Commission

Personal - volunteer work through school, athletic and church programs. Professional - 30+ years developing and managing large projects involving multiple public agencies and private sector businesses.

Areas of Expertise, Interests and Skills

Personal interests - hiking, running, racket sports, anything outside. Professional expertise/skills - program management, grant writing, coordination and contracting with multiple stakeholders, strategic planning, marketing.

Education

University of South Florida - BS in Business

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Huntersville 101 participant (very informative program!). Various volunteer activities such as school clean-ups, meals/food for the needy, etc. Should serving on the Parks & Recreation Commission provide volunteer opportunities, I will enthusiastically participate!

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

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Electronic Signature*

Patty Reich

Signature Date*

11/14/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18555

Date Submitted: 10/31/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Lucy

Last Name*

Robinson

Street Address (must be in Huntersville)*

12312 Tin Pan Aly Unit A

Is this address in the ETJ?*



No



Yes

Email Address*

lucyrobinson9714@yahoo.com

Phone Number*

9804419135

Occupation

Social Worker

Place of Employment

Mecklenburg County DSS

Approx. hours you could dedicate to this Board/Commission (per month)*

12-15

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

N/A

Business and Civic Experience related to this Advisory Board or Commission

2015 Mecklenburg County Domestic Violence Commission New Hanover County Commission on African American History, Heritage, and Culture

Areas of Expertise, Interests and Skills

Planning large group events (30-1500) for Mecklenburg County DSS

Education

Masters in Psychology

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

2024 Cupcake Walk; Loop Events Volunteer (Ongoing) 2021, 2022, 2023, 2024 Mecklenburg County Shop with a Cop

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

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Electronic Signature*

Lucy E Robinson

Signature Date*

10/31/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18672

Date Submitted: 11/14/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Parks and Recreation Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Sarah

Last Name*

Woodbury

Street Address (must be in Huntersville)*

13007 Vermillion Crissing Ct.

Is this address in the ETJ?*



No



Yes

Email Address*

sarah_woodbury@yahoo.com

Phone Number*

4049441103

Occupation

Retired teacher

Place of Employment

Approx. hours you could dedicate to this Board/Commission (per month)*

25

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

Tennis captain, team mother

Areas of Expertise, Interests and Skills

Tennis, Pickleball

Education

Florida State university BS in education

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Recreation chairperson for tennis in Atlanta

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Sarah Woodbury

Signature Date*

11/14/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).



Request for Board Action

December 17, 2024

To: The Honorable Mayor and Board of Commissioners

From: Michael Jaycocks, Director of Parks and Recreation

Subject: Public Arts Commission Appointments

EXPLAIN REQUEST:

Consider appointing three (3) members to the Public Arts Commission, due to three expiring terms, from 4 applicants.

1. Three-year term, expiring 12/31/2027 (Lynn Cavanaugh has served one term and is not applying for another term)
2. Three-year term, expiring 12/31/2027 (Ed Esinhart has served one term and is eligible, and has applied, for another term)
3. Three-year term, expiring 12/31/2027 (Leonard King has served one partial term and is eligible, and has applied, for another term)

ACTION RECOMMENDED:

Appoint 3 members

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Public Arts Commission Overview - 20241209
2. Public Arts Commission Member Map 12-10-2024
3. Public Arts Commission Applicant Packet - 20241209

Public Arts Commission

7 Members Total
 7 Current
 3 Expiring
 0 Vacant
3 APPOINTMENT(S) NEEDED

CURRENT MEMBERS (7)

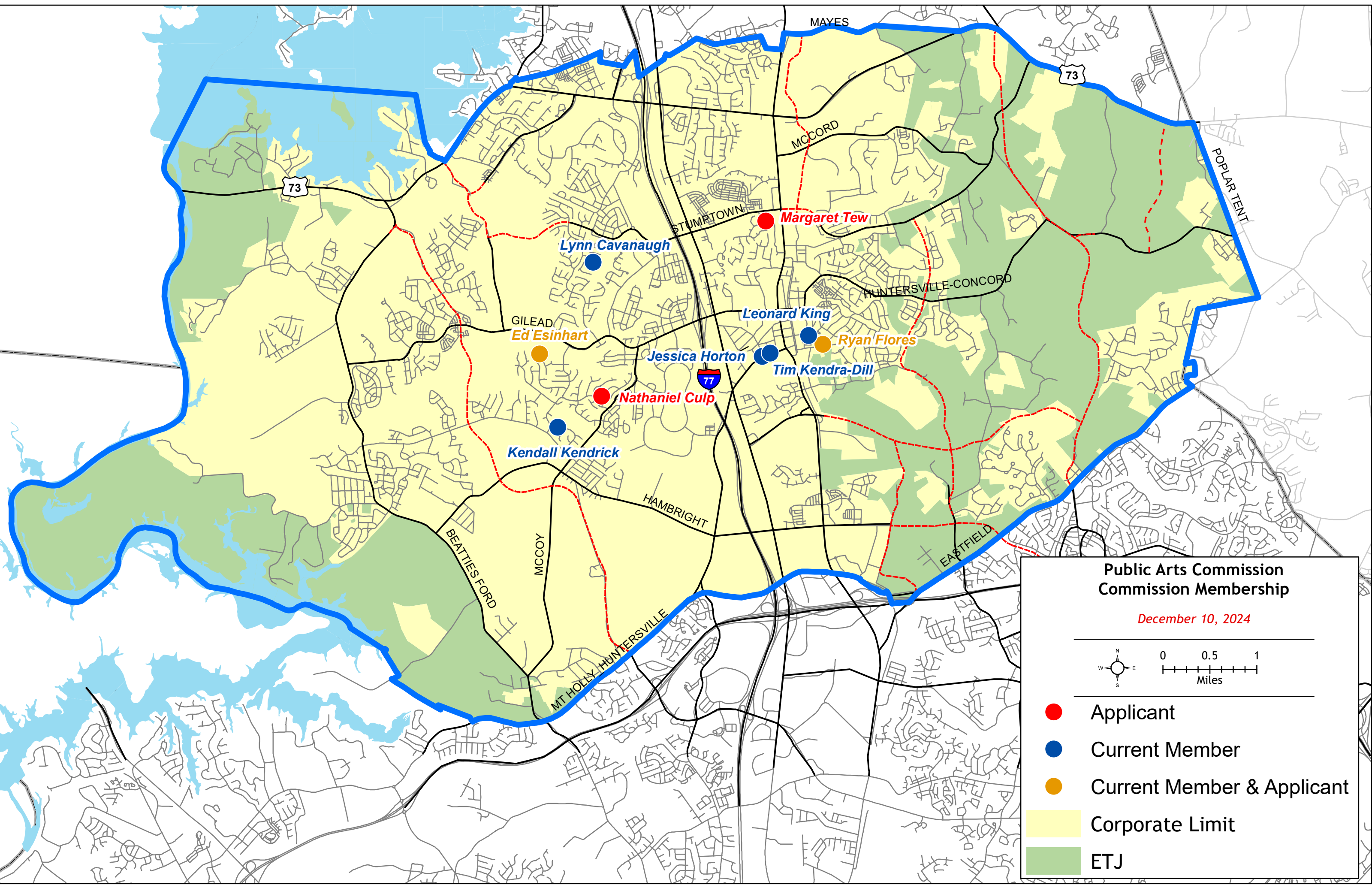
Name	Position/Title	Notes	Term Exp & Years	Regular Term Start		
				Partial	Term 1	Term 2
Horton, Jessica	Co-Chair		12/31/2026 3		12/7/2020	12/18/2023
Cavanaugh, Lynn			* 12/31/2024 3		1/3/2022	
Esinhart, Ed			* 12/31/2024 3		1/3/2022	
Flores, Ryan			12/31/2025 3		1/3/2023	
Kendra-Dill, Tim			12/31/2025 3		1/3/2023	
Kendrick, Kendall			12/31/2026 3		12/18/2023	
King, Leonard		replaced Roeder	* 12/31/2024 3	12/18/2023		

APPLICANTS (4)

Name	ETJ?	Current Board Assignment?	App Date	Still Interested (if application is over 3 months old)?
Culp, Nathaniel	☐	No	11/9/2023	12/9/2024
Esinhart, Ed	☐	12/31/2024 - Public Arts Commission	12/9/2024	
King, Leonard	☐	12/31/2024 - Public Arts Commission	10/22/2024	
Tew, Margaret	☐	No	5/4/2024	

* Term expires within 3 months

Monday, December 9, 2024



Public Arts Commission
Commission Membership

December 10, 2024

N

W

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0.5

1

Miles

Applicant

Current Member

Current Member & Applicant

Corporate Limit

ETJ

Path: M:\PLANNING\Arcview Projects\Department Maps\Board Applicant Maps\Public Arts Commission Member Map 12-10-2024.mxd

Print

Advisory Boards & Commissions Application - Submission #16078

Date Submitted: 11/9/2023

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Public Arts Commission

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Nathaniel

Last Name*

Culp

Street Address (must be in Huntersville)*

12521 Cedar Fall Drive

Is this address in the ETJ?*



No



Yes

Email Address*

nathanculp92@gmail.com

Phone Number*

6093170161

Occupation

Associate Director, Consumer Marketing

Place of Employment

Merz Aestheticcs

Approx. Hours You Could Dedicate to this Board/Commission (per month):*

20

List Any Town or County Boards, Committees, Commissions You Are Presently Serving On (include term expirations):

N/A

Business and Civic Experience Related to this Advisory Board or Commission

I have over 7 years of experience in the creative industry spanning various agencies and clients, from large to small.

Areas of Expertise, Interests and Skills

Design, art, music, architecture, fashion

Education

BS, Biology from Rider University

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere.

Midnight Runs in NYC, local clean up on weekends, quarterly clothing drives and donations, large-scale junk removal

Electronic Signature Agreement

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Electronic Signature*

Nathaniel Culp

Signature Date*

11/9/2023

Print

Advisory Boards & Commissions Application - Submission #18841

Date Submitted: 12/9/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Public Arts Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Ed

Last Name*

Esinhart

Street Address (must be in Huntersville)*

8510 Fox Tail Lane

Is this address in the ETJ?*



No



Yes

Email Address*

3Dpalletartist@gmail.com

Phone Number*

7049072058

Occupation

Sales

Place of Employment

Bridgford Foods Corporation

Approx. hours you could dedicate to this Board/Commission (per month)*

2-5

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

PAC

Business and Civic Experience related to this Advisory Board or Commission

Sales: understand how to sell a concept and generate money for projects.

Areas of Expertise, Interests and Skills

Participate in the small pop up tent Artesan vendor villages around town.

Education

Self Taught after FSU degree.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Recently voluneered through Samaritan's Purse in Western NC after Hurricane Helene.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Ed Esinhart

Signature Date*

12/9/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #18489

Date Submitted: 10/22/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Public Arts Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Leonard

Last Name*

King III

Street Address (must be in Huntersville)*

511 Dellwood dr

Is this address in the ETJ?*



No



Yes

Email Address*

Leonardking3@yahoo.com

Phone Number*

9802807389

Occupation

Sr. IT Project Manager

Place of Employment

Spectrum

Approx. hours you could dedicate to this Board/Commission (per month)*

20

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

The public arts commission(Current term)

Business and Civic Experience related to this Advisory Board or Commission

Charlotte Rotary Pottstown Heritage commission Atrium Health Healthy Meck board Charlotte Chamber Young professionals Artrium Health HealthyMeck Board

Areas of Expertise, Interests and Skills

Arts, dance and yoga

Education

B.A. in Arts as well as M.B.A.

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

I currently serve on the public arts commission of Huntersville as well as numerous other boards within the community.

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.

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3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Leonard King III

Signature Date*

10/22/2024

After you submit your form you will receive a confirmation email (please check your SPAM/JUNK folder if you do not receive one).

Print

Advisory Boards & Commissions Application - Submission #17367

Date Submitted: 5/14/2024

By submitting this application you agree to the following:

1. You have read the Bylaws or Rules of Procedure for the Advisory Board/Commission you are submitting your application for.
2. Your application will remain active for a two (2) year period, unless withdrawn by the applicant.

Which Advisory Board/Commission are you applying for?*

Public Arts Commission ▼

Please note: You might see different questions based on your selection

Please read the specific Advisory Board/Commission Bylaws or Rules of Procedure:

[Advisory Boards & Commissions](#)

First Name*

Margaret

Last Name*

Tew

Street Address (must be in Huntersville)*

507 Southland Rd

Is this address in the ETJ?*



No



Yes

Email Address*

mm3137121@gmail.com

Phone Number*

9106905028

Occupation

Realtor

Place of Employment

self-employed

Approx. hours you could dedicate to this Board/Commission (per month)*

9

List any Town or County Boards, Committees, Commissions you are presently serving n (include term expirations)

Business and Civic Experience related to this Advisory Board or Commission

Areas of Expertise, Interests and Skills

Art, project management, marketing

Education

Bachelor's degree plus post-education certificates

Please describe any areas of community service, in which you have participated, in Huntersville or elsewhere

Recently moved here and want to get involved! Also have a daughter who uses a wheelchair and loves art so trying to find places I can advise and advocate for individuals with disabilities!

Since the Board of Adjustment is a quasi-judicial body and must act essentially as a court, it is bound by strict rules of procedure and must use specific findings of fact in order to reach a ruling. As such, Board members must base their ruling on the facts alone, and not on emotion. As a potential Board member, can you ensure that your decisions are formed objectively?



Yes



No

Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

What obstacles do you see to achieving this vision?

With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and/or anything you find particularly appropriate to Huntersville.



Electronic Signature Agreement

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- 3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Margaret Tew

Signature Date*

5/14/2024