

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 7, 2025
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 January 7, 2025.

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

- Town offices closed January 20, 2025 in observance of Martin Luther King Jr. Day.
- Pottstown Preservation Plan Kick-off Meeting will be held on January 22, 2025.
- Provided information on Mecklenburg County's Low Income Energy Assistance Program.
- Ways to connect with us – website, social media pages, Town of Huntersville app, newsletter.

PUBLIC COMMENTS

Joe Sailers, Westminster Drive, said the reason I'm here is your Item 8.D on the docket, funding for right-of-way purchase to change the plan for Beatties Ford Road and McCoy Road intersection and I would just ask you to postpone that particular agenda item, not do away with it, but postpone it until our neighborhood who was promised in the past that Overhill would remain open, that we get a better understanding of what's going to happen and why. It's just simply a request to postpone it tonight to a later date and not fund the purchase of any right-of-way.

Frank Gammon said I have a written statement to read. I'm here to ask you to recommend denial of Petition R24-09 Town Center General Rezoning. The general rezoning of the parcels identified is not in the interest of the people of Huntersville. Before I proceed let me be clear, I'm not in any way opposed to the development of these properties. It was stated at the November 4, 2024, public hearing by the

Planning Department “Some people have asked me why not come in with individual conditional rezonings. Those can be viewed in the development community as a barrier to entry. Removing that barrier by rezoning to the base Town Center district invites some potential projects that would not come before.” This leads me to ask what came first, the idea that a general rezoning to Town Center would attract projects or projects that needed a general rezoning to allow them to be built by-right. Why just these two parcels. There were four in the original petition. Why not a broader offering to offer a general Town Center rezoning to other property owners adjacent to and near Town Center. Why was this text amendment not sent to the Ordinances Advisory Board for review and recommendation before it went to the Planning Board. Again, I urge you to deny R24-09 Town Center General Rezoning because it is not in the interest of citizens of Huntersville because the citizens of Huntersville will not have any voice in how Town Center is developed. This general rezoning establishes a slippery precedent for future Town Center development as Town Center expands. Thank you for what you do for the Town of Huntersville and this opportunity.

Jay Foley said I also want to thank everybody for giving me the opportunity to speak. My comments are also about the same item R24-09. I actually emailed the Board just to express my enthusiasm for the proposed businesses of Pint and Page and Dumpling Girls. I completely appreciate some of the concerns about the permissiveness of the general rezoning request, but I also want to express the concern that there is a much higher and potentially prohibitive cost associated as I understand it with the conditional rezoning as a potential avenue to mitigate some of the risks and so I want to encourage the Board to move forward with this request in a way that is supportive of these innovative and small businesses and that doesn’t burden them with the high cost of a conditional rezoning.

Lee Hallman (Amber Kovacs deferred her time) said first let’s clear up some information from the last meeting. The difference between general rezoning cost and conditional rezoning cost is not \$30,000. The Town’s fee schedule we publish to developers shows that difference to be \$150. You understand that, of course, by now I think \$30,000 is for a set of very expensive plans, which neither of these properties are required to submit for conditional rezoning.

A vote for general rezoning today will not alleviate one dime for these two property owners. In fact, per the State Statute 160D-703(a)(2) you can submit conditional rezoning with either a list of potential commercial uses to exclude, similar to what we’ve seen Mr. Palillo do on the Highway 73 project, or a site plan. The Northcross Business Park is one such project that did not have site plans when it gained its conditional approval. Yes, they eventually have to submit plans to the Town staff, but the project has already been conditionally approved. You may want to test this with the staff, but just get ready for the dance.

On Page 61 of our 2040 Community Plan the very first sentence under Implementation that prefaces all our policies is “Our communities do not change overnight.”..... “For instance, properties should not be preemptively up-zoned based on the Future Land Use Map.” That statement does not discern between the Town preemptively up-zoning and a developer, contrary to the staff’s statement on 12-17. This is no literary interpretation. It simply says should not. There’s not a separate chapter in our community plans for developers. It applies to everyone.

For those watching at home it means we need specifics. We need to see each project. It needs to have merit and we can’t tell if it does or not without seeing it. How do we judge merit. That is answered in all the implementation policies in our 2040 Community Plan and to say that general rezoning can circumvent those policies is ludicrous.

The Planning Board voted 7-1 not to approve and nothing significantly has changed according to our Town Attorney. The one outlier stated that the reason for that vote was in support of property rights, which I thought odd at the time, having no context, like answering America to a political question. But it did make me think. Each property owner has rights. Those rights are governed and dictated by the zoning ordinances. All these properties are in NR. They have a set of rights that are compatible purposely to promote harmony and unity within a set of properties or zones. There is a dichotomy in all rights. The right to, allowances, and the right not to, restrictions. Currently, all neighbors in NR have a right to commercial uses – the right to sell books, food, beer, whatever. NR recognizes and respects the original residential component and puts restrictions on those commercial uses, two of which are goods and services beyond the physical structure and limits of hours of operation. You know, so commercial and residential can exist in harmony.

So now I have the right not to live next to a biergarten. I have the right not to live next to a business that is open at midnight. Those are my property rights. Up-zoning to Town Center General strips away my rights and also takes away any opportunity I've had under the conditional rezoning to mitigate that. This action also has the potential to devalue my home depending on the unknown commercial use intended.

The nut of it comes down to these two questions. The first one, why do you need to rezone and the second, why by this method. The honest answers to these questions will reveal the true motivation – that of avoidance. Not avoidance of cost, but avoidance of conditions, which as I have explained strips me of my rights afforded me by Neighborhood Residential zoning. I know that sounds dramatic, but if your town allowed your neighbor to open a biker bar or a hookah lounge next to your house, would that still sound dramatic. I think most of you understand putting a bar next to a residence is a bad idea, but it seems that some are still valuing the uninformed emails from an angry mob incited by the hit job op-ed in our weekly advertising insert.

We should support small businesses by showing them that conditional rezoning gets the support of the town and the staff is more engaged with their plans. Granting general up-zoning will not do what you think. It's the exact opposite. You will run these two opportunities away. And that Loopnet ad will write itself – one acre in downtown zoned TC general no restrictions. Bye bye small business.

Amy Hallman (Jamie Wideman and Colby Hallman deferred their time) said this preemptive general TC up-zoning in downtown is not in the public interest. Huntersville did not carefully plan for a vibrant downtown spending \$125,000 on a firm to study downtown and how much more on an 18 month committee and began working towards that incrementally according to Downtown Master Plan with a new brewery, restaurants, modern residential living, a new town hall controlling development of the old Cashion's property and the sliver, and then releasing Gilead Road widening project to now signal we don't care to have any say what happens at 115 and 117, it's all good, forever. TC general rezoning here will significantly and negatively impact the residents' quality of life and you'll be pushing us to live with it or to sell.

When staff says these parcels are not big enough to do much with, despite Downtown Master Plan saying otherwise, they are not considering their combined value, you know if we have to sell, because staff's reason is parking. I asked Mr. Richards when he was presenting their recommendation to remove the Downtown parking requirements, which have been on the table since early 2023. By the way, when a shark goes beneath the surface he's not really gone. Other petitioners waiting out on this outcome are lying in wait.

While staff has shown you that all the soft commercial along Gilead Road, 115 and 117 are surrounded by residences. From 106 to 203 Gilead, down Hillcrest, all of the rentals of the North State apartments, townhomes and single-family homes, 121 is soft commercial and even Ms. Huang plans to live upstairs. Residential here, save this one vague application in the center.

Granting a general up-zoning opens the door, a precedent, to further general rezoning. This is the biggest concern of all – combine parcels build anything. Can I generally rezone two parcels on Dallas Street by 21 for listed purposes.

One of the very sticking points with the original North State project was leaping from General and Neighborhood Residential to TC and they did reduce the intensity as you approach residential homes. That is all we're asking for – conditions so residential and commercial can harmoniously exist. Going from NR to TC general, you have skipped everything gradual, careful and incremental in downtown development, effectively jumping, leaping from residential to max commercial and because you've opened this door you can't close it. I wish someone would honestly tell us how we got here.

With or without the other two parcels, both properties can already operate within their NR zoning, but in two or three years they haven't tried. Denying this petition tonight does not stop them from making improvements nor opening their businesses up tomorrow. Other things might, but it has no bearing on this decision.

One is commercially upfitted and the other, according to the Planning Director, is in disrepair. This property owner, who's lovely by the way, plans to raze it and build new, to live upstairs and operate the catering kitchen downstairs for pick-up foods so one can order ahead. The other property has had multiple concepts in there for three years. Whether it's an all-out biergarten, a bookstore with spirits, a taco shop, whatever, the focus has always been serving alcohol in the backyard. The word bookstore is attractive and people have glammed onto this romantic idea of a bookstore. Trust me, I did too when I first heard about it in 2023. I was even eager to help.

He bought the residential property behind me because he thought he could extend the commercial property there to solve a parking issue, for a bookstore. At some point in 22 or 23 the Town staff said there was a parking issue, so now these two's planned shared driveway is 30' from my childhood bedrooms. Is that where the food truck is going to go, too? Waking up and going to sleep to the smell of diesel permeating my 117-year-old original windows.

Just a month after completing a change of use for a restaurant in May 2024, the petitioner completed a general rezoning application for permitted uses. After the now Planning Director said to him in June of 2023 that a general rezoning has no rules, the neighbor said in my presence, so you don't need a bookstore. 117 is next to and 30' from my 117-year-old residence. One that has been in my family for 105 years. One that has a current historic designation application, and several others could be. Both zoned NR, acknowledging that these are residential structures can have commercial use while maintaining consideration of its residential placement, the very reason conditional rezoning is necessary, incremental.

This summer I had been anticipating my neighbor's conditional rezoning application and I was coming to terms with reasonable conditions. I had said I wouldn't fight with such conditions. To be hit with a general rezoning was another gut punch. When the town has never had a general up-zoning application from a citizen/developer anywhere, much less in downtown, you really don't see it coming. Please learn from my mistake.

On December 17 Ms. Sloop said some people file general rezoning applications because they don't want conditions. Ain't that the truth. They aren't asking for any and they don't want any imposed. What we have learned through this is the filing for a general up-zoning is a way to avoid the 2040 Plan or the Downtown Master Plan entirely and as long as the application is vague, nothing specific can be considered. Surely that isn't what we're hearing. Imagine who else is hearing this. You can't be afraid of one developer but dip a toe in these unknown waters just assuming because you can't see them.

Keep in mind that your Planning Board did vote 7-1 against approval. All the reasons still apply today. The fact that your decision is permanent giving them new by rights for all time and you can choose not to. If you vote yes for whatever reason you think is good today, you are setting a dangerous precedent. If you want a bookstore, a catering business, this is not that vote. If you want to be a small business champion, this is not that vote. Everyone in this room wants to support small businesses in downtown. You help small businesses by working with them to navigate the ordinances, not by handing them the weapon to bludgeon them or our town. Our ordinances are not barriers. Do not be triggered by words small business. This is about process.

A yes vote will make small business less attainable in our downtown. A yes vote will raise property values and rent in downtown to the point we owners can't not sell. And ultimately a yes vote says you don't care what goes there, ever. That doesn't hurt only me, but the town forever.

When my mom was still here a daycare went at 117 Gilead and they could not have been more wonderful. They didn't even ask my mom to do anything and they actually gifted her driveway gravel once. Even with afterschool activities the business of kids was over by 3 or 4. By the way, a daycare is by-right in NR because it's a softer commercial business that transitions between residential and hardcore TC, which is where we are standing right now. Heck, even the North State apartments are conditional.

In the early 2000's we had a biker bar and a motorcycle shop on this stretch of Gilead Road. The owner's own son was killed there during a New Year's Eve party around midnight. The Easy Eddie's finally moved its noisy establishment to what is now Magnolia Woods. We don't need a Boatyard Eats or a Saeeds and all their frustrations in our downtown, next to and across from a residence, nor attached to Greenfield Park, the oldest neighborhood in Huntersville and also now attached to North State's nearly 200 brand new homes. Also recognize that these and our well-loved and supported downtown drinking establishments do not share property lines with residences.

Please don't set this precedent. This is your legacy and I am begging you on behalf of mine. These petitioners have a right to ask, but they don't have the right to have it. Please do not give unproven concepts, unlimited business hours and other unlimited options that we may regret. It's a highly visible property across the street from an elementary school in our downtown. Please don't set the precedent that a general up-zoning can circumvent all of our community plans altogether. This isn't about the current property owners, but for the future property owners. There's no coming back from this, not for me, not for the downtown and not for the town overall.

Mayor Clark said we have a number of comments for Item 9.B and I just want to let the folks know who are here to speak on that that we have a request to defer that public hearing and so you are welcome to stay and be observant of that deferral request or you can go, I just don't want you to have to sit through the continuance of the meeting. It's up to you. That hearing will be deferred to a date certain.

AGENDA CHANGES

Commissioner Rivers made a motion to adopt the agenda as well as accept any agenda changes.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Resolution – Professional Engineering Services – STV. Commissioner Dumas made a motion to adopt Resolution to approve Task Order for Professional Engineering Services with STV Engineers, Inc. for the Huntersville-Concord Road Roadway Improvements Project. Commissioner Quarles seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 1.

Resolution – Professional Engineering Services – RS&H. Commissioner Dumas made a motion to adopt Resolution to approve Task Order for Professional Engineering Services with RS&H, Inc. for Multi-Use Path Projects along NC 115. Commissioner Quarles seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Resolution – Right-of-way Seagle Street/Westwick Lane. Commissioner Dumas made a motion to adopt Resolution to acquire right-of-way and/or easements necessary for the construction of the Seagle Street and Westwick Lane Project. Commissioner Quarles seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Resolution – Right-of-way Beatties Ford/McCoy Road. Commissioner Dumas made a motion to adopt Resolution to acquire right-of-way and/or easements necessary for the construction of the Beatties Ford at McCoy Road Project. Commissioner Quarles seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Resolution – Bud Henderson Sidewalk Construction Contract. Commissioner Dumas made a motion to adopt Resolution to accept Bud Henderson Sidewalk Construction Contract. Commissioner Quarles seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

Amended Solid Waste Collection Agreement. Commissioner Dumas made a motion to approve First Amended and Restated Agreement for Solid Waste Collection (second reading). Commissioner Quarles seconded the motion. Motion carried unanimously.

First Amended and Restated Agreement for Solid Waste Collection attached hereto as Exhibit No. 6.

Call for Public Hearing – Petition #R24-11. Commissioner Dumas made a motion to call a public hearing for Tuesday, February 4, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #R24-11, a request by DDRTC Birkdale Village, LLC to rezone +/- 12.36 acres at 8710 Lindholm Drive from Highway Commercial Conditional District to Highway Commercial Conditional District for Commercial, Hotel, Office, & Multi-family uses. Commissioner Quarles seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #R24-14. Commissioner Dumas made a motion to call a public hearing for Tuesday, February 4, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #R24-14, a request by Linda Long to rezone +/- 64.5 acres located at 12705 Commerce Station Drive from Corporate Business to Corporate Business Conditional District. The purpose of the rezoning is to develop an industrial and flex space warehouse development. Commissioner Quarles seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #R24-16. Commissioner Dumas made a motion to call a public hearing for Tuesday, February 4, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #R24-16, a request by Cottage Properties of Lake Norman, LLC to rezone +/- 8.77 acres located at 15533, 15513, and 15501 NC HWY 73 from General Residential to Neighborhood Residential Conditional District. The purpose of the rezoning is to develop a single-family residential development. Commissioner Quarles seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #ANNEX24-03. Commissioner Dumas made a motion to call a public hearing for Tuesday, February 4, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX 24-03, a request by the Paul and Ruth Walters Family, LLC, for the contiguous annexation of parcels identified as Courtyards at Walters Farm. Commissioner Quarles seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R24-10 Merancas Training Facility. Mayor Clark called to order public hearing on Petition #R24-10 Merancas Fire Training Facility, a request by Central Piedmont Community College to rezone +/- 5.28 acres located on Old Verhoeff Drive from Neighborhood Residential and Campus Institutional to Special Purpose - Conditional District for a fire training facility.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

This parcel is requested, which is a vacant parcel currently with split zoning of Campus Institutional and Neighborhood Residential. The proposal is to change that to Special Purpose Conditional District for the use of technical and vocational school, which is a fire training facility for Central Piedmont Community College. There's also another use which is within our Zoning Ordinance for other environmentally sensitive uses not expressly permitted in SP or other districts. That is covered in Article 9.24 and the main reason for that environmental sensitive use is for the fire training for smoke. Article 9.24 does require a SUP approval for that to be approved for this rezoning as well.

Just a little overview of where this is in relation to other places in town. You see the highlighted yellow parcel on Verhoeff Drive. That is the proposed parcel for rezoning. It is at the corner of Statesville Avenue and Verhoeff Drive and it is on Old Verhoeff Drive as well. There's a street that goes behind that parcel, so it is covered on streets on all sides. The HFFA parcel is up to the east. That is a workout facility with an outdoor pool. There is a CPCC commercial drive training facility there to the south on the

other side of Verhoeff Drive, then you've got vacant parcels to the west along Statesville Avenue. There's also other park facilities and some single-family residential to the north and Central Piedmont Community College Merancas Campus there down Verhoeff Drive.

This slide shows you a bird's eye view of the proposed site you see highlighted in red which gives you another angled look of what's around it today. As you see, it is a vacant site that has been cleared within the last 10 years I believe.

A little more on the site plan that is attached to this rezoning as a conditional rezoning. The main use of the building is a classroom building you see there along Verhoeff Drive. That would be for training of fire and emergency staff. There's four accessory buildings on this site. There in the middle you see is a fire training tower as well as the burn building in the rear of that, and then two storage buildings along the parking lot area. All of the buildings that are proposed meet the height standards under Article 4, which is 45'. None of those go over that requirement. The ordinance does require an 80' vegetated buffer along the perimeter on all sides of this proposal or in this zone on that parcel.

There is a modification request to reduce that buffer on three of the four sides. They have proposed to keep the 80' buffer along Statesville Avenue with existing vegetation and then some supplemental vegetation. There is a request to reduce the buffer on three of the other sides – 40' on Verhoeff Avenue. There's a 33' request along Old Verhoeff to the north or I guess that would be the northeast and then on the north would be approximately 77', so about a 3' reduction. In order for them to fit this site in their minimum requirements for what they need to make this feasible for them, they would need to ask for some buffer reductions.

Staff does have some concerns regarding the proposed 40' buffer along Verhoeff Drive. That is a proposed 40' buffer. During our review we did notice there are some conflicts in utilities, meaning storm water easements, overhead power lines and some drainage that goes into that buffer that would make vegetation difficult, so we want some more clarification and some design adjustments to make that buffer work.

This is a snapshot of some of the modification requests. The one on the left is that buffer that we do have concerns with. Some drainage patterns go through there from their storm detention and then there are some storm water easements along the area where the vegetation exists or where the vegetation is proposed. That would be difficult to plant there because of those conflicts. The modification you see on the right just shows a blown up view of the other request for a 33' to 77' variable modification request.

This slide shows you some of the massing with bird's eye view and street views of the proposal. The top left you can see the educational building along the street which would block and screen some of the interior of that proposal. And on the interior you do see the fire training tower and the burn building to the rear. The second picture there on the right shows the view from Verhoeff Drive looking in where it shows some of that modification request. The site plan does show the buffer along the street and not against the proposed development, so that is a difference between the rendering and the site plan and we do have some concerns there. And then the bottom two just show the educational building from Verhoeff Drive and the screening that it does do to the internal piece of the development.

Digging into the 2040 Community Plan, this proposal does meet some of the 2040 Plan initiatives. EV-4.2 acts to support education and work force training and support current efforts at CPCC, so it does say CPCC literally in the 2040 Plan to support those efforts. ES-3 talks about coordinating with Police and

Fire to ensure adequate resources and to provide public safety services, so this was for that. The proposal does not support, until the SUP is proven we can get into that during that hearing, but to protect and enhance unique character of Huntersville neighborhoods by using planning tools to safeguard from potentially negative effects of development and redevelopment. If the applicants were not able to prove that some of the environmental potential hazards on site do not negatively affect adjacent property owners, then this proposal would not support that piece of community planning initiatives. Again, they would need to prove that in the SUP in order for the rezoning to be approved anyway.

Moving toward Staff Recommendation and the consistency statement. Staff can recommend the proposed rezoning with several conditions. One being that there is a condition on the plan that the controlled burns do not take place during ozone sensitive days according to the Department of Air Quality. That would comfort staff in believing that that smoke would not be negatively affecting adjacent properties because of that air quality....where the ozone days do make the smoke lay under the clouds a little bit longer, but it's something they would need to prove with the SUP as well. A more thorough buffer plan for the south boundary against Verhoeff Drive that should be proposed that does not conflict with any utilities or easements and ensures healthy plant buffer growth. The special use permit is obtained and other minor staff comments would be revised. We believe by doing that it would be consistent with EV-4 and PS-3.

The Planning Board date is tentative for January 28 and the Town Board final action would be February 18 tentatively. The applicants are here. They have a presentation.

Matt Butler, Senior Architect at Clark Nexsen, said this is just a brief presentation to provide a little bit of context, most of which Jesse has already provided, so I'll try to be brief. This is an intent for the college to interact with the local fire department community to help train existing firefighters who need regular certification to remain firefighters and for those fire stations and the fire departments to remain compliant with regulations, as well as to train up and coming firefighters, so that's the purpose of this. That's why there is a classroom building and the training facility as well. The project includes buildings and training grounds. It's an educational building that could be open to the public for small events but it's mainly for the college itself to have students come in and learn about fire safety, fire training education as well as for the firefighters themselves to kind of debrief on what they did that day, so the purpose of those three buildings are very distinct. We are currently designing the building so what you see right now is very early on. We did have to make an attempt to show you what we thought it could look like and should look like.

You've seen already the site plan as to where we are here and where the site is. It's on the CPCC Merancas campus site. I won't belabor too much of this that you've already seen. There's some topography we're dealing with. You've seen the site plan already. I've just highlighted in an orange to make them a little bit more visible.

People may not know what a burn building is. In case you don't, or a training tower for that matter, this is what's called a Class A burn building. It will be similar in size, probably maybe between the two images you are seeing on the left versus the right. It is mainly a concrete block. What you do is it represents a variety of examples that a firefighter might train inside so it's kind of a flexible space and it's meant to simulate a burn event. The fuel that will be used in a Class A burn building it's not a petroleum or rubber or anything kind of based.....it's all just wood pallets and straw. The entire building is not burned all at once. It would be a room at a time, maybe one or two rooms at a time, so the image you're seeing on the top left is when it's not being burned and the image that you are seeing

on the bottom left is when it is. I do have a video in this presentation if anyone were interested to see it of the bottom left situation.

There are opportunities to kind of use different color of block, that's just an example on the right of another way that these things could be built. What we call the cold training tower was the other building in the middle of the loop on the site. It is not burned. It is just used for training purposes so you can arrange a variety of rescue or fire scenarios in there where there's no actual fire, but you train inside there running hoses and how you actually kind of do the logistics of a treating a fire, just everything without the fire. You can repel off the side and so forth. That's what the cold tower is.

CPCC, you probably know it well, but they have a vernacular in the nearby area of a lot of brick, some metals and glass and the renderings that we showed are in keeping with that.

This is the same image that Jesse showed and I'll point out a couple of the easier things to mention. You mentioned some of the buffer concerns which are on Verhoeff, the street that is on your right side. We are currently in talks with Duke Energy, ElectriCities and Energy United all of which have power on this site, running through this site and around this site. The power line in question along Verhoeff is between ElectriCities and Duke Energy. We have a tentative agreement with them to relocate that power line across the street to the CDL lot, which is also owned by Central Piedmont. The buffer concerns are a little bit easier in that regard where we're not limited to where we can and can't plant. We could use a little bit more of that land and the changes that we're currently making after the latest round of rezoning comments are more in line with what this rendering shows where the plantings will be, possibly closer to the inner side of the site, but again those drainage issues that Jesse alluded to, we are already in the process of dealing with that and can come up with some pretty straightforward civil solutions to address those drainage issues.

These are some additional views that we've created that are more experiential. From the bottom of the hill you can see there's quite a lot of topography. On your left at this intersection on your left is 21/Statesville Avenue and your right is Verhoeff going up the hill. Existing vegetation is the tall stuff on the left. These are all just representative of what our software had for the type of plants that we anticipate. Again, as you move up the site, heavy planting and the classroom building is used on Verhoeff which is the most public street to shield the majority of what you'd be seeing or not seeing rather on the inside of the site.

Again, the same view that Jesse showed you. This is our classroom building proposal from that main corner and I'm just going to move around here. From the main entrance as it's viewed from the northeast, the main entrance as you would be accessing the site, again, heavy vegetation all around. There would actually be more vegetation than this view represents because there's going to be a change that's more up-to-date on the site plan than this rendering.

This is the view from the daycare side. And, again, just some adjacent properties. The idea of being a good neighbor and I'll speak to that in just a little bit further as to what that can imply.

We are aware of the wind patterns of this site. They're a little bit inconsistent. They're coming from multiple directions so there's not one conclusion you can draw. One thing I did want to point out is one of the concerns about the rezoning was that there be a statement in this conditional rezoning that we restrict burning to days that are compliant within the EPA standards. That is a given and that's by law the only way that they can conduct burnings. So what they call the red days which are almost assuredly June, July and August to be red, will not witness any burnings on those days which are the summer

months, so the days from September through May are anticipated to be the only burning months that you should experience and that would be by EPA regulation which regulates the ability for these fire departments to burn on any site.

A little bit about how it will be used. It will be shared between a variety of fire departments, all of which we have met with and have shown great interest and support in. The fire department community is incredibly excited about this project. It being shared the number of burn days are estimated to be between 70 and 75 per year, not within the months of June, July and August that I mentioned earlier, mostly because of those red days. They are highly administered and regulated. A lot of paperwork goes into allowing a burn day to even happen. They're administered by Central Piedmont and surrounding fire departments. Just to let everyone know about the schedule, they are slated to be daytime and nighttime. Firefighters need training in both scenarios. That's just a practical way of providing the most realistic training and weekdays and weekends.

There will be an effort to make social media notifications by the college to notify surrounding residents and that has been talked about and is being worked on by the college at this time. Garnering good relationships with the neighbors.....most of the surrounding property, a lot of the neighbors are Central Piedmont property, but getting to know those neighbors is a big step forward in maintaining good relations for what we are doing on this site. That was the main thing that I wanted to add. You saw the picture which was very representative of what the burn might look like.

Commissioner Hunt said thanks for touching on how you would communicate with the neighbors, but I'm hoping you can elaborate a little bit more. If I lived in Magnolia Walk, which is the neighborhood right over there, I might be concerned if I see some smoke, so how will you communicate with residents about that?

Mr. Butler said would it be okay if I deferred communication questions to CPCC. I don't know that there's necessarily a protocol that's been established that I as the architect can attest to at this time. Is it something that we could get back to you with.

Commissioner Hunt said of course, yes, thank you.

Commissioner Bergsman said I just have one question for staff and then a few for the applicant. I noticed on one of the plans that it mentions, it's worded as a possibly abandoned electrical line. I was curious about that.

Mr. James said that's one of the questions we have for the applicant. If the overhead line is actually going to be abandoned, we would want that to be stated in the plan that it is planned to be abandoned and the reason for that is with that overhead powerline there's certain vegetation that can't grow up to that height which is needed for that buffering. It's not necessarily 100 percent needed depending on where that line is on the plan, but we want it to be shown so we can be sure where it actually is and if it's going to go away or stay.

Commissioner Bergsman said is that something you think you'll have more information on by the time it comes back to us?

Mr. Butler said we're currently in talks with each of the three utilities about relocating them. It's obviously kind of a complicated matter with all three of them claiming a little bit of ownership on this site, but Duke and I believe it's ElectriCities along Verhoeff Road, we've met with them on site and had

several calls about shifting it across Verhoeff and then handling the Energy United line that goes straight through the site between CPCC and Energy United, those talks have already started as well. Several different conversations are being had with the different utilities and the owner.

Commissioner Bergsman said I looked a bit into fire training facilities in other states and one thing that I came across that some of them do is have kind of a water treatment system on site that they can recycle and reuse the water. Is there anything like that planned for this facility?

Mr. Butler said I don't think it's the recycling of the water that we are looking to do. It would be treated and stored onsite and filtered back into the land properly, but as far as recycling.....our civil engineer is here with us as well for any technical questions. I know the intent is not yet to do that.

Commissioner Bergsman said so no ability to reuse the water, that's kind of what it's sounding like.

Mr. Butler said it's water that's been used to put out fire and its runoff on the concrete and it's treated to a level that you can put back into the storm system. Reusing it, you mean for firefighting purposes?

Commissioner Bergsman said I was reading, I don't remember the name of it, but there's one in Texas and there was one somewhere else where they actually came up with a method to be a little more environmentally friendly to be able to reuse, so you're not using as much water.

Mr. Butler said I believe it was discussed early on in the project. This project is at the top of its budget to try and provide all that's needed for the training, so that was one of the things that we decided not to move forward with.

Commissioner Bergsman said during the trainings, is a mixture of water and foam going to be used, because I know some firefighters use like this foam product.

Mr. Butler said if it is, it has never been mentioned to us by the fire department community which we've met with. It's really just been water. So no, as far as we know there's no intent to use a foam product.

Commissioner Dumas said thank you for going over the schedule on the number of days and everything. I was wondering if you could talk about how long typically the fires do burn when they are happening.

Mr. Butler said they happen within a small window of time, so it would be that you would block out a day and the teams would come in on their fire truck or maybe in their individual vehicles. They would spend the day there, but the actual burning time itself is ideally as long as it would take a firefighter to put out a fire in a room. I'm thinking 15 minutes. It could be a little bit longer depending on what the training is or a little bit shorter depending on what the training is. It depends on what room it's in as well. If it's one of the larger rooms and they are testing a larger fire scenario and they are using a certain approach with a smaller crew or a larger crew, it kind of depends, so the answer is kind of there's a range. It could be as short as a few minutes to 15 to 20 is my best guess, but it all depends on what the instructors are trying to teach.

Commissioner Dumas said so it's not like people are going to be woken up in the middle of the night because there's a three-hour fire next door or something like that?

Mr. Butler said no, that would be pretty bad training if they did that.

Commissioner Dumas said what do we know about the impact on the air quality, like how long will it impact.....will the neighbors smell it. Can you go into a little bit of that.

Mr. Butler said this is something that we've given a lot of thought to how we would answer a question like this. The fuel that is being used to burn is the same that essentially is in your woodburning fireplace in your home. It's just the size of the building and there's one room that's on fire at a time. That's how large the fire would be but of the same exact fuel burning it. We are I think between 500' and 750' from the nearest neighbor as the crow flies. Based on the studies that we've given on the prevailing wind patterns it was estimated that about 50 percent of the winds that exist year round travel about less than 2 miles an hour, so if you do the math the small amount of smoke that one room would produce would take about 3 minutes to get to that building next door and by that point I don't unfortunately have any sort of hard data to prove how it happened, how it dissipates itself, but 3 minutes for that little amount of smoke to get over there I'd imagine there would be quite a lot of dissipation before anyone would ever experience it. I believe the nearby neighborhood is well over 1,000' to 1,200' away, so it would be double that time for that.

Commissioner Dumas said do you know anything about the maintenance to one of those burn buildings? Will it always look like it's been burnt?

Mr. Butler said it will look charred. It's usually around the windows. As you can imagine it would just kind of come out the window and go up, so a lot of them have the soot on the outside of it and we've talked about using a different color block or something to make it prettier, but really it comes down to the owner's maintenance preference. We recommend it be cleaned regularly and how often is really a matter of preference. It could be every year or every two years. Some do not get cleaned by their owners. We do recommend it be cleaned and there are procedures to clean those to get them to look almost back to new, but it's a matter of preference on the owner. We recommend between a year and every two years.

Mr. James said part of the intent of the buffer is to buffer those internal buildings, so the goal for some of those reductions is to add more evergreen and for that internal part of the site to be blocked where the educational building on the front would be the visible part, obviously the tower would probably be seen at certain angles, but along Old Verhoeff and Statesville Road most of that buffer is to be intact 80'. There are some that are smaller, but the added evergreens should block a lot of that visibility to the burn building at least.

Mr. Butler said the small gray building in the top right that you can see in this image is the burn building. It's the smaller of the two gray buildings. It was intentionally put in this location to be (1) as downhill as we can make it on this hilly site so it slopes down towards 21 as you're looking into the rendering and to place it behind as much vegetation as we could and behind the cold tower which won't be burnt and behind the classroom building, which of course will never be burnt. The placement of the burn building was the first thing we started with to make it as hidden as reasonably possible deep into the site. We went to great lengths to make sure that building was the most thoughtfully sited of all the five buildings that you see on the site to reduce visibility and the unsightliness of what it is.

Commissioner Dumas said I was wondering if you could email us the video. You mentioned something about being open to the public for small events. I was curious what that really meant.

Mr. Butler said we mentioned that to the client. It's not necessarily designed for that, but there was an intent at one point that you could come into the parking lot and use the classroom building without

entering the security of the site. The training portion of the site will be gated off, but the rest of it will be open as if it were a regular CPCC classroom and in that regard it could be used as much as you may see CPCC use its other facilities that are similar for any kind of meeting like that.

Commissioner Dumas said I was imagining like maybe you know when you're having a burn thing you invite like a school to watch or something, like the daycare next door the kids could come and watch them or something.

Mr. Butler it would have to be a safe distance but that would be at their discretion.

Mayor Clark said I was thinking about the volume of smoke and thinking about we regularly have controlled burns of vegetation throughout the year to kind of reduce the undergrowth in parks and different areas. Thinking of that volume of smoke, would this be less or more in relation to that volume of smoke?

Mr. Butler said I guess it's hard to know how big your controlled burns are.

Mayor Clark said they're pretty big.

Mr. Butler said imagine a room the size of your living room with a fire chamber. Without knowing really....maybe a few feet by a few feet large and it's lit up and then they come into that room and that controlled burn and so it's in that one room. The fire isn't really much to look at. In fact in the video you can't even see the fire. You are just seeing some smoke coming out and it dissipates pretty quickly. It's clear smoke, it's not black smoke. Maybe one way to compare it to you said an outdoor fire like that is a lot more stuff gets burned in that – it could be anything you throw onto it – organic matter, that could cause more of a black smoke and this would be much more of a clean burning just pine wood and straw.

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

Petition #R24-07. Mayor Clark called to order public hearing on Petition #R24-07, a request by the property owners to rezone +/- 106 acres located east of the intersection of Hambricht Road and Everett 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.

Brian Richards, Planning Director, said the applicant was not able to complete their TIA in time and they are requesting a deferral to the March 4, 2025, Town Board meeting located here at 6:00 p.m.

Commissioner Hunt made a motion to defer the public hearing for Petition #R24-07 to March 4, 2025, at Huntersville Town Hall at 6:00 p.m.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

OTHER BUSINESS

Petition #R24-09. Petition #R24-09 is a request by Derong Huang and Franklin Lowery to rezone +/- 1.089 acres located at 115 and 117 Gilead Road from Neighborhood Residential District to Town Center District.

Brian Richards, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

Just a quick recap, when originally submitted there were four parcels as part of this. As this rezoning has progressed, two of the applicants have withdrawn so we have the two remaining parcels here. They are requesting a rezoning from Neighborhood Residential to Town Center General. They are just over one acre in size.

As you can see, here's the corridor along Gilead Road. We've had this up for all the hearings so far. You can see a number of the homes have converted over from residential properties to various non-residential uses, mainly offices and mixed-use. The 2040 Community Plan does support the general rezoning.

I wanted to present a chart showing uses that are allowed in both districts. You can see anything that's highlighted in green on the left is allowed in both the Neighborhood Residential and the Town Center district. On the right-hand side of this list, you see items that are listed mainly in yellow. Those are items that are only allowed in Town Center. Things that are not highlighted means they're allowed in both.

Just something to point out, as these properties are on the south side of Gilead Road they are in the Protected Area 2 Watershed, so that limits the impervious built upon area to 70 percent. Basically, if you had 100 acres, you could build on 70 of those 100 acres. In this case it's one acre, so you could build on 7/10 of an acre.

Again, it's been pointed out by staff in the past there was a text amendment several years ago to clarify what can occur on a commercial use building in the Neighborhood Residential district. It does limit the number of hours from 8 a.m. to 9 p.m. and activities can only occur inside the building and on the front porch, not out in the backyard or out in the front yard or anything.

The Planning Department is in favor of this general rezoning. The Planning Board did recommend a denial when all four participants were in there. As we explained previously, the removal of those does not constitute a change to go back and have another public hearing or another Planning Board recommendation.

Some clarification about what's required in a conditional rezoning versus a general rezoning. In a general rezoning, it's just an application and a fee. Here's a list of uses. All 14 of those things are required by our ordinance for a conditional rezoning. That's where these costs come in. You have to hire paid professionals, typically engineers, surveyors, occasionally attorneys so on and so forth, architects. Anybody can ask for removal of these things. They don't have to submit them again, then you weigh this on the merits of the project. Staff can also request elevations, scales, all kinds of modeling, those types of things you have seen previously at the CPCC thing they had their 3D renderings. We can request all of those as part of a conditional rezoning. General rezoning, we don't have that ability.

Again, we recommend approval of this.

Commissioner Rivers said in regards to the noise ordinance, are they enforced the same with the general?

Mr. Richards said absolutely. All properties in the Town of Huntersville are subject to the Town's noise ordinance and the Police Department does enforce that 24 hours a day/7 days a week.

Commissioner Dumas said if you want to stop me at any time and go on to somebody else, just let me know. When was the last time we used General rezoning in our downtown?

Mr. Richards said in downtown, I'm not aware. I went back over the last 10 years and just did a quick through for the 10 before that and did not find a general rezoning for Town Center. Just for record in the last 10 years we've performed about 120 rezonings in the Town of Huntersville. Five of those were general rezonings.

One was for Soil Supply that was basically just to correct some missed actions that were going on out there for a number of years and we had to get that into compliance. Rezoning 16-11 was actually withdrawn. It was for a retirement facility on Highway 73. One was on Beatties Ford Road and that was actually to remove conditions that were placed on the property for a subdivision that never came to fruition. Recently we just approved down towards Verhoeff Drive a general rezoning from Corporate Business to Neighborhood Residential for a home to be built. And, of course, this rezoning that we are here for tonight, so just five over the last 10 years.

Commissioner Dumas said you mentioned a little bit about what conditional rezoning versus general rezoning, what we require versus not. So, it was mentioned in our last meeting that a general rezoning could cost up to \$30,000.

Mr. Richards said probably starting at \$30,000.

Commissioner Dumas said so that's paying for the things that are being requested here.

Mr. Richards said correct. Those are all for paid professional services again engineers, architects, surveyors, so on and so forth.

Commissioner Dumas said you mentioned that we have the ability of waiving several of these items and they don't have to be done by consultants. Like we've seen other proposals, other applications, with hand drawings, so we really do take in the project itself and the lot size potentially and decide based on that. How do we make those decisions on whether or not.....

Mr. Richards said we don't make those decisions, so if any of these 14 things want to be waived, the applicant would have to ask for that modification or say I choose not to present the tree survey and then we would not be able to analyze that.

Commissioner Dumas said then it comes to us and we would decide whether or not we want that and if it would weigh in our decision. What's the difference in the Town fee between the two?

Mr. Richards said I believe the general is \$300 and then for a conditional the zoning review starts at \$450 and there would be subsequent engineering fees that could vary depending on the size of the project.

Commissioner Dumas said it looks to me like several of the itemized lists here would be something that somebody would need for a successful business anyway.

Mr. Richards said correct, a lot of these items could be reused as part of a construction plan or commercial plan or preliminary plan document.

Commissioner Dumas said I have concerns if this project gets approved, it does create a precedence set for all future rezonings in our downtown and there were two other lots included in this originally, larger lots across the street, and they have removed themselves as you mentioned. If we approve this general rezoning, wouldn't it make it easier for those lots to come back to us with a general rezoning request?

Emily Sloop, Town Attorney, said just as a point of clarification each individual legislative decision, which a request to rezone property is a legislative decision, does not set a legal precedent, meaning it does not establish a requirement to then act in the same manner as far as either approving or denying a request in the future, so I just wanted to make that point of clarification.

Commissioner Dumas said I mentioned this in the December 17 meeting. I'm going to repeat myself, but I am fully in favor of both of these businesses. I love the ideas behind them. When I heard about them, I was super excited. I truly believe I'm one of Dumpling Girls biggest fans. We're not allowed to really consider the proposed business ideas because they're not really proposed. The application doesn't come with these business plans, so for me it's about the type of rezoning and what types of businesses could be approved in our downtown and with this general rezoning, you mentioned the types of businesses that could be there. I'm seeing family care home, nightclubs, car/motorcycle sales, gas stations, service repair centers. To be clear, I'm not opposed to any of those, but I would personally not envision them in our future downtown. The average business cycle is 8 years, so even if these businesses are super successful and I should also say 5 years for bars, let's say they're both successful and in 15 years they want to retire and do something new. What's to prevent a nightclub or car motor sales or gas station from opening there?

Mr. Richards said staff has actually begun a text amendment to remove the automobile sales as well as the gas station. As you know, we've purchased Cashion's so there's no longer a need to have these in there. These uses were in there due to the legacy of those. They were already existing businesses when the Zoning Ordinance was created. Many, many years ago where now Discovery Place Kids sits and just to the south of the sliver there was an automobile dealership there that's no longer there obviously, so we are working on a text amendment to remove automobile and motorcycle sales as well as the gas station since there's no longer a Cashion's. With that, they'll be coming up over the next couple of months. Interestingly enough, nightclubs, music bars, those types of things.....if you read the definition of a nightclub that's 760 right now. If we remove that, 760 wouldn't be allowed to exist, it wouldn't be in compliance, so we are going to look at changing the definition so that will be modified as well as part of that text amendment request from the staff.

Commissioner Dumas said I guess my last comment or question is really by approving this we're not guaranteed either one of these businesses. They can do anything on this list.

Mr. Richards said everything on that right side, correct.

Commissioner Dumas said and every business in the future, in those slots.

Mr. Richards said again over time these uses might get expanded, they may get retracted and all those properties that are not part of a conditional district would be subject to those lists at that time.

Commissioner Walsh said but if the businesses lasted 5 years, 8 years, and they sold the property then the new property owners would be subject to whatever the current zoning ordinances are.

Mr. Richards said depending on what they are, they most likely would have to go through a change of use process. That could be as simple as a paper permit or complete site plans, it just depends on what's going on at that time.

Commissioner Walsh said if something like a car place, dealership, especially where they are getting the size of the lot but still need NCDOT approval for driveway permits and all that, which would probably be a little bit challenging given the size.

Commissioner Dumas said but the other lots across the street with the precedence I mentioned earlier, those are bigger lots.

Mr. Richards said and those would need to come back in for either a conditional rezoning or a general rezoning. Again, it would be up to the Board if they want to approve those or not.

Commissioner Walsh said but I believe our attorney said that whatever action we take tonight doesn't set any legal precedent.

Commissioner Hunt said I have a question for the applicants. I would love to know what your operating hours would be for both businesses.

Franklin Lowery said the bookstore would probably close at 10 most days, maybe 9.

Derong Huang said Dumpling Girls will be closed by 9.

Commissioner Hunt said maybe since you are both up here you could just elaborate for everyone in here what your plans are for the sites.

Mr. Lowery said for 117 I just want to open a bookstore with a café because bookstores struggle to make money on their own, so a café with beverages, light food. I want it to survive and be successful and if we are just relying on books, it's not going to happen. That's reality. We can't compete with Amazon.

Ms. Huang said Dumpling Girls will be a restaurant and maybe a little gift shop and probably on the second floor I'm going to move up there myself.

Commissioner Hunt said and you wanted to have sit down and take out, is that right?

Ms. Huang said yes.

Commissioner Bergsman said can you explain the differences between upzoning, down-zoning and rezoning.

Mr. Richards said rezoning is just changing the category. Upzoning versus downzoning, if you look in our ordinance we have a list of categories and it goes direct with industrial and commercial down to residential. On that chart basically intensification of uses, those types of things, anything that's more intense is considered an upzoning and anything less intense is a downzoning. Will this be an intensification? Yes.

Commissioner Bergsman said I was just curious if you have an identified timeline if this were to be approved of how you would be proceeding forward.

Mr. Lowery said we'd probably go along the same timeline and try to build together, but I think almost immediately to start getting architectural and getting that process rolling. Henson Foley did a basic site plan for us, kind of sharing parking but separate buildings. That's kind of the initial thought. We want our businesses to do well and we want people to enjoy them so we're not absolutists here. We're listening, but we need certain things for our businesses to succeed and that's some flexibility to not get destroyed on the conditional zoning costs and just some understanding from neighbors quite frankly. None of the properties connected to our property have been occupied in years. It's all been vacant. None of them. No owner-occupied properties connect at all.

Ms. Huang said I just feel like from what I heard from today was like even if we do a conditional rezoning I feel like there's always going to be a problem and definitely I'm not going to do a conditional rezoning. If this is denied I would just keep it residential. As a resident I have my rights. I respect my neighbors very much and I want my neighbors to respect me, too. My food truck is not a diesel and I drive everywhere. I don't think you're going to smell my food truck. There's a lot of bigger trucks that drive through. We have to be tolerant of some noises. I'm a very respectful person. I will always respect my neighbors no matter what.

Mayor Clark said I was thinking about this, what are the things that are prohibited to be built or ran adjacent to a school?

Mr. Richards said I have to look at some of the state ordinances. Our Zoning Ordinance does not have any restrictions on schools or religious institutions. Sometimes you see alcohol sales, firearm sales, those types of things. None of that occurs in our ordinance. That would be subject to state rules.

Mayor Clark said if this were approved and then the text amendment were approved, does that grandfather in those conditions or those uses we're removing? Would they be prohibited moving forward?

Mr. Richards said if the text amendment is approved then from that moment forward those uses would not be allowed. Someone would have to do a text amendment to reintroduce those. Again, it would be at the grace of the board.

Commissioner Bergsman made a motion to approve Petition R24-09 Town Center General Rezoning, a request by Derong Huang and Franklin Lowery to rezone approximately 1.089 acres located at 115 and 117 Gilead Road from Neighborhood Residential district to Town Center district. In considering the petition it is consistent with Policy LU-6.1, 6.2, EV-1.2, 2.2, 2.3 of the 2040 Community Plan 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 and with the greater flexibility desired by the 2040 Community Plan. It is reasonable and in the public interest to approve this rezoning request to promote and encourage entrepreneurial business development particularly small businesses and to

foster a dynamic and diverse business climate that realizes the vision of the 2040 Community Plan and 2022 Downtown Master Plan.

Commissioner Hunt seconded the motion.

Commissioner Quarles said I'm in support of general rezoning, but this makes me think about my childhood days. We could sit in any room at the house with the exception of the living room, because my grandmother she wouldn't play that. The living room had conditions. It was for special visitors. We could have visitors at my home, absolutely we could. My home was one of the most popular homes in the community. My friends would love to come by to play basketball in the backyard and to hang out. I personally feel that our downtown is our living room. We as elected officials have a fiduciary responsibility. In this matter I believe that we should have conditions for our downtown. General rezoning doesn't fully allow that. We should protect our downtown now and later. I'm hoping both applicants can set up shop here sometime soon, but sadly there are some unfortunates which aren't their fault. I know that every person sitting up here is in support of small businesses. We should not allow our personal feelings to dictate our governing responsibilities. I'm asking those who may not be pleased with my vote to know that again, I am for small businesses. I owned and sold four of them. To me it is the location of the zoning, not the general rezoning itself. I don't think general rezoning should be in our downtown and for that reason I will be voting no.

Commissioner Walsh said I think the question tonight before this Board is simply will we support downtown revitalization or not. While we have all received lots of emails supporting this rezoning, some seem to feel there's a risk in not knowing all the details of what might go on these properties. I look at it from another perspective. Not approving this rezoning means we run the risk of snuffing out two small businesses that are trying to make downtown Huntersville their home.

Commissioner Dumas said I mentioned some of my concerns earlier and in the previous meeting I mentioned that I feel like it's important that we give the voices of the residents in the surrounding community a voice and we've had several other really challenging applications come to our dais that we were able to negotiate and come up with solutions because it was conditional. It sounds like the applicants have already had a site plan as you mentioned and that you are working with an architect. I think that we would be able to look at the conditional rezoning application and find other things to waive that would make sense. I truly believe we can find a fit for you here and I want to. This is nothing personal, I just don't believe general rezoning is the right approach for this downtown section. But I really hope we can find an opportunity. I'm going to be a no.

Commissioner Rivers said growing up here seeing how Huntersville has grown is truly amazing. Losing some things like Cashion's.....Cashion's is dear to my heart, but it's okay. But seeing the growth is amazing. Definitely I'm excited about what the revitalization of downtown will be. However, I just struggle with having the general rezoning in our downtown. I feel like we still need to ensure that it aligns with the vision for the Town of Huntersville. I agree with Commissioner Dumas as well as Commissioner Quarles, the two applicants you have a great project, both of you, and I hope that we can find a fit for you, I just cannot agree with it being zoned in our downtown area, so I am a no today.

Commissioner Hunt said some of what I've heard for reasons to deny seem predicated on either these businesses failing for switching to something completely different and we don't have any reason to believe that either of those things are true. In fact, we've received a lot of emails from residents encouraging us to approve this, so I think that bodes well for the businesses' success, that people want to come and patronize these businesses. Ms. Huang said she would move upstairs on the property

because this is her dream. I wouldn't bet against her. I'm not going to get caught up in future tripping on what could happen on either of these sites. I think both of these businesses add value to our downtown and I believe that they fit the vision. Dumpling Girls is already a successful and popular food truck. I think pretty much everybody up here has been there before and it's amazing. She wants to set up a brick-and-mortar location. I think that's pretty clear what she's looking to do. Mr. Lowery has been clear about his intention to open a bookstore. He talked about author reading workshops, food and beverage offerings, etc. Because it's a general rezoning, neither business will have ordinance modifications, so they have to follow all the ordinances in place in downtown including nuisance and noise ordinances. Both of these align with the 2040 Plan. It prioritizes local businesses and creates a vibrant downtown making it a unique destination. People think that Birkdale is downtown and this gives us an opportunity to add to the momentum of what is already happening here in downtown, so I unequivocally support this rezoning for these two small businesses.

Commissioner Bergsman said I don't have much to add to my comments from the last meeting and I'm definitely not going to repeat them. I just wanted to add that in the in between time we received a lot of emails and that was said. That includes emails from at least one or two individuals who were on the Downtown Steering Committee who supported this application as well as former Planning Board members who have expressed support for this application, so that is part of my decision making as well. Personal feelings have been mentioned a little bit. I've kept my personal feelings out of this decision, especially in regards to how I feel about general rezoning. I don't necessarily think it's a great tool anymore, but it is a tool that we currently have available as part of our rezonings, and I can't fault anyone who is going through legitimate channels using tools that we have.

Mayor Clark called for the vote to approve Petition #R24-09.

Motion was tied – Commissioners Bergsman, Hunt and Walsh in favor; Commissioners Quarles, Dumas and Rivers opposed.

Mayor Clark said that leaves us with a tie and that means that I break the tie. As you can tell from the folks who spoke and the commissioners, this has been a topic of much discussion. I have gone back and forth many times on this subject in my head of what to do. I have finally landed on that I will approve this petition for this rezoning because it is consistent with our Downtown Plan and our 2040 Plan and because of my long-time support and advocacy for small businesses. I do believe and have faith in the applicants that they will do what they say they're going to do and so to that end I approve this petition.

Resolution – Upset Bid Process. Emily Sloop, Town Attorney, said you have in your agenda package an offer to purchase three town owned parcels. This offer to purchase was an unsolicited offer. In order to move forward with an unsolicited offer that is considered a negotiated offer, the Town Board will need to vote to move forward with advertising this offer for upset bids and in the package you will see the resolution details the formula for upsetting the bid. Essentially it is 10 percent of the first \$1,000 of the offer and an additional 5 percent of the remainder of the offer. If we do receive an upset bid, we will then have to open the period up again for an additional 10 days to receive additional bids. At this point in time the current offer includes an offer price of \$340,000. The acreage is approximately 1.68 acres. The offeror is offering to donate a portion of the purchased property for attainable housing units. These stipulations in the offer would be a minimum of 15 attainable housing units. This parcel to be developed for the units would be turned over by the purchaser to a non-profit to develop said units. I do want to point out that tonight you are not considering or approving a purchase agreement, you are merely approving the upset bid process and again that does require publication in a newspaper and it offers others the opportunity to bid on the properties under these same terms. Just as a matter of clarification

I should add that when we do publish this in the newspaper, we are going to include three separate legal descriptions for each of the three parcels so it is very clear as to which parcels are included in the offer.

Commissioner Walsh made a motion to adopt a Resolution to authorize the notice and advertisement for upset bids for the sale of Town owned parcels consisting of approximately 1.68 acres.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote to adopt Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

CLOSING COMMENTS

Commissioner Bergsman announced the Huntersville Police Department will participate in a Polar Plunge for the Special Olympics of North Carolina on January 26.

Commissioner Quarles announced the Town's inaugural Dr. Martin Luther King Jr. celebration will be held on January 20.

Mayor Clark wished everyone a happy new year.

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

Approved this the 4th day of February 2025.