

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 18, 2025
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on March 18, 2025.

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

Controlled Residential Parking and Valet Parking Ordinances. Emily Sloop, Town Attorney, presented information related to residential parking programs and valet parking ordinances and answered questions from the Board on the options presented. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

There being no further business, the Pre-meeting was adjourned.

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on March 18, 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

- State of the Town event is March 27.

PUBLIC COMMENTS

Mayor Clark proclaimed March 2025 as Endometriosis Awareness Month.

A PROCLAMATION FOR ENDOMETRIOSIS AWARENESS MONTH

WHEREAS, endometriosis is a complex hormonal and immune chronic disease causing multiple symptoms, including pain, which disrupt the lives of an estimated 89 million women and girls worldwide; and

WHEREAS, there is no known cure for endometriosis and treatments are often problematic; and

WHEREAS, lack of knowledge of the disease combined with stigma causes an average delay of ten years from onset of symptoms to diagnosis; and

WHEREAS, women, girls with endometriosis and their families have been shown to be at greater risk for 12 cancers, 7 autoimmune diseases, allergic diseases, and heart disease; and

WHEREAS, the Endometriosis Association is a nonprofit charity, founded in 1980, providing support for families affected by endometriosis, education about the disease, and research on the disease; and

WHEREAS, the Endometriosis Association began March, Endometriosis Awareness Month in 1993 and has seen it develop into a worldwide observance.

Now, Therefore, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the March as “**Endometriosis Awareness 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 18th day of March, 2025.

Amy Hallman said at my very first HOA meeting I was nervous. You may be surprised to know that I didn’t say much despite knowing a lot about rooftop amenities. After that meeting, then commissioner Lance Munger told me not to be afraid to speak out and that I knew more about this topic than most, that I was appointed for this reason and that if we don’t speak up and also ask the tough questions, that no one will.

The HOAB, the Board of Adjustment and even the Planning Board are not meant to be a simple extension of the town proper. Citizen volunteers are here to give their lay and sometimes professional opinions to ask questions and to express personal thoughts and dialogue for the good of the town. We were never meant to be parrots. Tonight, the Board will dissolve the HOAB. We don’t agree with it. We know that doesn’t matter.

One thing that has been absent from this dais is the expressed appreciation for these citizen volunteers and for those of the Board of Adjustment. Instead, this Board changed our bylaws rendering us duplicative, the very word that has been glommed on as evidence with which to dissolve us. Tonight, I’m here to publicly say thank you to your dedication to the HOAB – Kathy Jones, Matt Jones, Joe Klutz, Harrison Whittaker, Scott Harrison, Scott Hensley, Frank Gammon, Brandy Skelly, Tim Taylor, Jake Palillo and Michael Pollard. It’s been an honor and a joy to be elected your chair twice and to serve this town with you. Your efforts, passion and dedication are to be commended. Please continue to be a vocal part of why Huntersville is the most desirable place to be. I’m immensely proud that our Planning Board is now expressing thoughts and have the very necessary conversations to ensure that we have the best quality projects it can. I literally cheer Trina and Greg and Chris and others for speaking up and speaking out. Do not be quieted. You are so important to Huntersville.

Michael Thesing said I have three points of why you should vote no on the NDO. First, there’s no mechanism for enforcement. Number two, it’s going to hurt our small businesses. Number three, there’s a high cost to enforce. The Town currently does not have a mechanism in place for the execution of an NDO. There’s an intake assessment, investigation and adjudication process which the Town is not capable of doing at this time. Additional resources will be required to manage this program. You don’t have any mechanisms to prevent frivolous accusations either.

Second, I believe it’s going to hurt businesses. Additional compliance requirements will hurt current small businesses and dissuade prospective businesses. Why would anybody want to start a business in Huntersville knowing that an arbitrary ordinance in place could pose a significant financial or reputational risk to them. Small businesses may not want to fight the frivolous lawsuit. There’s a high likelihood that only large businesses with access to legal resources will fight these accusations and these NDO’s may negatively target smaller businesses.

Third, the high cost to investigate and prosecute. As mentioned by the Board, an investigation could cost up to \$3,000 to fight a fine of \$250. This is not to also to mention what it would cost to fight it in court. It seems that you are opening the Town to first amendment lawsuits and exposing the Town to unnecessary legal risks. I'd like to note the example of Masterpiece Cake Shop vs. Colorado in a 2018 decision from the Supreme Court where Mr. Phillips won due to a frivolous and vague NDO.

The NDO has several underlying costs and it's not required for our town. You're negatively impacting small businesses and potentially driving businesses away from Huntersville. Vote no on this NDO. Many of us will remember this vote come election time. A yes vote may cost you your seat.

Jessica Kiser (Cindee Brewer deferred time) said I'm a Huntersville resident. I'm here to speak against the NDO proposal that's being discussed. NDO's force people who willingly serve everyone to promote messages and celebrate events that conflict with their beliefs. It is also important to state that this type of ordinance is against diversity of thought and only tolerates one set of views.

To note a specific example, I would like to call attention to the case of Washington florist Barronelle Stutzman who was known for serving everyone in her community. One day a long-time customer asked her to provide a floral arrangement for an event that directly contradicted her religious beliefs. She declined, in addition to referring that customer to other florists. After the customer complained on social media, the Washington Attorney General filed a lawsuit against her and after nearly a decade of legal battles, she was forced to retire.

NDO's have real consequences for business owners and will place Huntersville businesses at risk. It is also concerning that this is being brought up when no cases exist, and state and federal laws can address true incidences of discrimination. I ask that you please consider tabling this proposal.

John O'Neill said I just want to talk briefly on three things. Some have talked about the NDO. The only thing I want to say about the NDO, I think if you reflect on it the last several weeks is that the dialogue has been civil and respectful. To me that's indicative of the fact that we don't need an NDO. I think our town has been a great place to live. I think people treat others with respect and I think that's the goal we're shooting for.

The next item, you are probably well aware, the DPK issue with the extension and request for additional space to be rented. Obviously, DPK does some wonderful things. I think most of you are aware that their CEO makes a rather healthy salary and that's wonderful. By the way, I want to mention obviously none of you were involved in any of the contract I'm sure 15 years ago, but they do a wonderful job for our town. Obviously, they have the ability I think to pay, so my point on DPK is make sure we're negotiating because they can do it.

The third point is, I know there's a big issue here today, obviously the Birkdale rezoning and you're going to be sitting in your seats thinking do I go yes or do I go no. I think there's a third option and that's something to really consider. It's no for now. It doesn't repudiate growth. I love growth, I love to see it happen, but I think we really have to reflect on the situation our town is in. You guys know as well obviously the staff knows very well, we have a lot of road projects in the next four to six years. In four to six years we'll be able to make a much more intelligent decision on whether a project of this size really belongs in our town. I think it's just a matter of waiting and being patient.

Rakesh Patel (Hitesh Patel and Mary Hindsman deferred time) said I really wanted to focus on a few key concerns that we had that remain unresolved. First, Birkdale already has two hotels under development that are not open yet, with pedestrian access into Birkdale. That's hotels around Birkdale. There's actually three hotels coming into development for the city of Huntersville.

One of the hotels near Birkdale is a full-service Hilton with a pedestrian bridge directly into Birkdale. Then we have our dual branded Marriott serving both long and short term stays and it also connects to Birkdale without adding vehicular traffic in Birkdale. That traffic will stay off site while those guests will walk into Birkdale. These two hotels already meet visitor demand. Approving a third hotel inside of Birkdale would not only be redundant but it will also harm the local small businesses. The applicant refused to place the hotel near Apple, but is willing to displace David Krug's small business, stripping critical parking from his tenants, parking his tenants rely on to survive, not to mention the loss of visibility for his strip mall area. If we already have pedestrian friendly hotels approved for the area serving visitors without adding congestion or parking constraint in Birkdale Village, why approve another hotel that disrupts local businesses and adds unnecessary traffic to the area.

Second, approving new development without completed infrastructure creates long-term burdens for the community. Townley bridge remains uncertain and is only needed due to Birkdale's expansion. NC 73 widening has already been delayed and there's no guarantee it will start on time. Even Brian Richards when asked about the infrastructure completion during the Planning Board hearing said I'm not even going to guess. That should concern everyone. Why approve a project before the necessary infrastructure is in place, especially with this scale and size. Also, Town Engineering staff requested more analysis and confirmed traffic ques on Lindholm Drive will extend past Townley Road during peak times, even before NC 73 widening. The Townley bridge isn't a free gift, it's a financial burden on Huntersville's residents.

The applicant claims that their project will generate \$200,000 in annual tax revenue, but how does that compare to the millions needed to build the Townley bridge. Who pays for the rest of it. How many years will it take for that \$200,000 to even make a dent in that cost. I've heard the cost of that bridge is somewhere between \$15 million to \$20 million.....\$200,000 in tax revenue is not going to help. How does this shift the tax burden away from the residents when they are still footing the bill. When our hotel was approved to receive a Certificate of Occupancy, we were required at our expense to improve NorthPointe Executive Park Drive, build public sidewalks along Northcross Drive and dedicate NorthPointe Drive as a public street at our expense before receiving a Certificate of Occupancy. Why is this applicant treated differently. Will you ensure that no Certificate of Occupancy is issued until all infrastructure is completed and will the applicant pay for the bridge and if so, how much.

Third, let's talk about the parking. This is key. One of Birkdale's biggest problems today, even Brian Richards admitted, absolutely there is a parking issue at Birkdale. How the applicant resolves it remains to be seen, yet the applicant's plan only adds eight extra spaces beyond what exists today. Today Birkdale has 1,931 spaces. Four hundred forty (440) of those are beyond the minimum requirement, but even with these 440 extra spaces, there's already a shortage, a real world shortage we all experience, to the point neighborhood streets are used as overflow parking. The applicant wants to add buildings, which requires more parking by code. After satisfying the new minimum parking requirements, the extra spaces only increase from 440 to 448. That's a net gain of eight spaces. They keep saying we've added 556 new spaces, but that's misleading. Those are spaces they are required to add for the new buildings. There's only a net gain of eight spaces.

This plan also ignores event traffic, which Birkdale hosts year round.....Uber drivers, deliveries and vendor traffic, hotel guests and staff and guests and visitors to apartment tenants. The fact that the office tenants may not leave during the events. One of the arguments that Birkdale made was that the office tenants leave

before the evening, so when the night crowd comes in, it opens up more parking. But what if those office tenants don't leave during those events.

Fourth, Birkdale is zoned for 48'. The applicant wants an office building around 100' or more, multi-family 85' or more, hotel around 80' and parking decks up to 85'. The Planning Board found this inconsistent with the 2040 Plan which calls for protecting neighborhood character and respecting the scale of surrounding buildings. If this project is allowed to exceed 100', should every future applicant, including myself, be allowed to do the same. Where do we draw the line.

Fifth, consider the long-term impact. Too many hotels lead to rate cutting wars and reduce profitability for all. Older hotels may down brand into weekly or monthly rate models, degrading the area. I know a couple of hotels that are almost on the fringe of that right now.

Jim Combs said I live in Mooresville. I've been doing business in Huntersville since 2009. I brought a professional sports league here and then I worked at two other facilities here in Huntersville. I represent the Lake Norman Chamber Board. I'm the Business Development Chair. I would like to say to everybody on the Board here thank you for your service. I know there's many subjects in which your character may be questioned or the things that you do. I know that you do what you do for the betterment of Huntersville.

The Chamber represents almost 800 small businesses in the Lake Norman area and when we reviewed the project as a Board, there's 26 of us that reviewed the project, and looking at the lack of Class A office space is certainly a need for some of the small businesses that need to come into Huntersville. The community centric plan that they're putting together was something that we felt was a very good positive. Obviously, we have a difference on improved parking. We feel like it is improving the parking there at Birkdale and we as a board unanimously voted for it and we hope that you may follow suit and whatever happens tonight, vote what's best for Huntersville.

Patti Gentile said I have one question to our Mayor and the other six people sitting here. On social media and I'm only going by this now, there's some inquiring minds and what they would like to know is what is it about this that you guys like so much. That's what we would like to know. There's absolutely nothing in it really that my small mind can see that benefits the people of Huntersville and especially the Birkdale residents. Eight extra parking spaces, really. It's almost absurd if you think about it that all of this development is happening without proper infrastructure or even from what I can see, the thought of proper infrastructure. I was just on Sam Furr Road today. It's packed. A lot of these apartments and townhomes are going to one, sometimes two cars. Add that to this, you need to think about that. What is it that this company Jamestown could possibly have said or done to entice you to think that this is a good idea. I don't understand. I feel sometimes that you're insulting some of our intelligence when you tell us that this is good for our tax base, it's about progress, it'll improve our area. Right now with the way it is, I don't think it will.

Jay Casey said I'm a resident of Birkdale. I'm here to ask you to vote to approve the rezoning request. I've lived here since 1985. Sam Furr Road was a two-lane road. It was hilly, tricky in the winter to navigate with ice. I've seen the changes that have happened all over the area. I used to have a business in Lincoln County. I saw the development there boom. I have relatives who live in Cabarrus County. The area is booming. We don't control that at all. The commuters add additional traffic. That belongs to NCDOT and we can beg them to move ahead, but that's about it. What we can do is get some parking relief in Birkdale Village that will allow it to continue to grow, add to our tax revenues by the new development.

There apparently is some misunderstanding about the number of increased parking spaces. I've heard the number 300 overall increase. Somebody was talking about eight. I think it would help to clarify that. Relief

in Birkdale Village and relief for the Greens at Birkdale, which is most impacted by the parking, would come if those parking spaces are approved and they're approved in this new and revised plan and I encourage you for that reason to approve it.

Madeline Basden said I'm happy to be back and speak on behalf of Jamestown. I left the previous meeting with multiple learnings and to be quite honest some things I would like to reiterate that I don't think were highlighted enough.

It cost \$35,000 per parking space to develop. We're so lucky that Jamestown picked us and our town. We were picked to be given a space for growth and development. As a retail manager myself, the return investment is a large topic of conversation and Jamestown is willing to make that investment in us. I know the commitment to building the success of a new development is top of their mind. For example, I am excited for my business partners who travel from a corporate office will have a boutique hotel experience here in town and they won't favor our Southpark location to where they have to have the full service hotel experience there. They'll be able to bring their business here.

Crime reduction is down double-digits in all categories. As a police wife, that is always a main priority to feel safe and I can say in my 5 years in managing a retail space in Birkdale, we haven't had one single incident that we had to have an encounter with HPD. I think HPD and the Jamestown property team do such an incredible job of keeping that partnership top of mind and keeping our citizens safe.

As I do not have much time to speak here, I think the bottom-line theme is Jamestown truly had listened to our community. They have our best interest in mind and the one thing that I hear from my customers on a daily basis is the concerns of parking. Jamestown brought a solution to that problem on a silver platter for us, we just have to be willing to accept it. As a community member I would strongly encourage everyone to buy in the same way Jamestown has brought into us.

Casey Childers said I have lived in this community for well over 6 years. It's my first house as a homeowner. I have started to have careers from being a technical illustrator working in TV/movie production and now brewing beer. In all of my careers I have learned many things but most important was attention to detail and finish what you started. I've been to several council board community meetings listening to comments on both sides for and against. You all know these issues. I've also listened to Jamestown on the new proposal to add an already thriving community. I was also at a community meeting where Jamestown agreed with this Board that this is an all or nothing proposal. I was also told by a rep now with Jamestown if you don't like what's happening, move.

In my opinion Jamestown is holding this Board's feet to a fire. Since when does a developer get to dictate to the Board if you don't vote yes, you get nothing. There should be some give and take here. Where's the compromise, where are the negotiations. Who is to say that if this project is approved Jamestown will just sell off Birkdale piece by piece. Now how many developers do we have figuring out Birkdale. If Jamestown says they are going to finish what they started, how's that working out right now. How is Jamestown going to create a relationship with residents with our current issues. How is this project going to affect the existing neighborhood if construction begins with how many phases of construction, how many years are we looking at.

In my opinion, it looks as if Jamestown is just appeasing their investors and padding their portfolio and just forgetting about the residents. Please really think about the residents of the existing community because Jamestown surely isn't and it has me thinking if I need to move away because I really don't like what's happening.

Thomas Bayes said I've been a resident of Centennial neighborhood for 10-1/2 years. I want to share my thoughts on Birkdale Village briefly. I strongly support the construction of the parking garage or garages at Birkdale because parking clearly is a significant issue there. On multiple occasions I've attempted to meet a friend for lunch only to spend an excessive amount of time searching for a parking spot. This frustration has led us to choose other venues to eat. Each time I visit a store in Birkdale I ask employees about the most common customer complaint and the answer is always the same, parking. I strongly encourage the commissioners to prioritize resolving the parking issue in Birkdale. Enhanced parking will significantly improve accessibility and create a better experience for residents, businesses and visitors.

Additionally, I support the rezoning proposal for a hotel and other planned developments. The rezoning aligns with the 2040 Community Plan and will further establish Birkdale as a true community asset as a key destination place attracting residents and visitors from our town and beyond. These improvements can greatly enhance our entire area. I urge the commissioners to use your collective knowledge, expertise and sound judgment in approving this rezoning. With careful consideration of the available information, this decision can foster responsible growth, enhance community well-being and align with Huntersville's long-term vision for a thriving sustainable town.

Eric Willoughby said tonight is a pivotal moment for Huntersville. The decision before you will shape the future of our town for years to come. There are passionate voices on both sides – some advocating for growth and progress, others opposing change. Unfortunately, throughout this project misinformation has taken hold clouding the conversation with myths that should have never been given credence. I'd like to take a moment to set the record straight.

Myth – Birkdale Village is not a destination. Fact – according to Visit Lake Norman over 5 million people visited Birkdale last year. That sounds like a destination to me.

Myth – the proposed hotel will harm businesses in the outparcel. Fact – every credible analysis I've seen indicates the hotel would not negatively impact these businesses in the way some have claimed.

Myth – Birkdale is crime infested. Fact – the reality is that incidents at the Village have been exaggerated by individuals pushing a political agenda.

Myth – this development is irresponsible and will harm Huntersville. Fact – the developers have invested significant time, energy and resources into crafting a thoughtful proposal, only to be misrepresented and attacked by a vocal minority that does not reflect the broader community.

Spirited fact-based discussions are healthy. I always welcome a good debate. But that is not what this has become. Imagine if the same individuals who have spent countless hours spreading misinformation and hate had instead invested that time in volunteering in our community or engaging in constructive dialogue. Our town would be better for it. I encourage a yes vote from you folks.

Nancy Vendley said I have lived here for 33 years and I've been a real estate broker since 1994, that was before Target existed. That was before Exit 25 existed and long before Birkdale. Recently, my daughter, who is 34, came back and we walked through Birkdale. It was the first time she and I had done that. She has three children now. We were both really impressed with all the improvements. It was very exciting to see. We do need parking in Birkdale and we also need a really classic first-class hotel because we have sporting events in the area, we have academic events, we have artistic events and maybe weddings in the

area. I encourage you to vote for this and I do believe in the short-term you'll actually see financial gain to your properties in Birkdale.

Bob Baer said I'm a 23 year resident of Huntersville. While we appreciate the views of the Chamber, I'm sure that everyone in this room knows that the Chamber's main source of revenue is business dues. The number one tactic in their playbook is self-serving slash and burn development at any cost. Let's just say they've never met a bulldozer they don't love. Birkdale Village, our lovely quaint space in town where we take our kids to see Santa and the Easter Bunny and now they want to put 100' buildings in there.

On the pre-election questionnaire by Birkdale Village one of Nick Walsh's responses alluded to Eastland Mall and Northlake Mall and claimed that they failed because they did not adapt and that Birkdale Village could face the same fate. I'm sorry but all you have to do is Google either one of those malls to know the real truth. They didn't fail because they didn't evolve. They failed because there were thugs running around with guns and people became afraid to go there. In the case of Eastland Mall, another factor that contributed to its failure was neighborhood changes including rental housing which impacted the mall's image and appeal. Sound familiar folks. You might just be right, Nick. Keep slamming apartments in here and the inevitable crime that follows and Birkdale can turn into an Eastland, a crime ridden blight area, thousands of apartments being approved.

Every person sitting up here said they were for the 2040 Plan. One of the main tenants of that plan is maintaining the character and the livability that Huntersville residents hold so dear. When's the last time you tried to get across 73 or up and down Statesville or Old Statesville in the afternoon. Livability, let's face it, these people have taken a flame thrower to the essence of the 2040 Plan. These apartments aren't restricted to people without kids. Where are they going to go to school. Has anyone seen a press release from CMS about airlifting 200 mobile classrooms to Bailey and Hough. We don't have the infrastructure for this. You should all be ashamed of yourselves for allowing the destruction of our town.

Julia Kiewit said as my final public comment on the rezoning, there are a few things on my mind. Development is a choice and it should enhance the best aspects of the community, not destroy them. From where I sit all I can see are things that will be destroyed from the current proposal and I will share three.

Aesthetic. The scale and architecture of any proposed new development ought to fit in with the rest of the Village. This seems to be common sense to me yet the current proposal doesn't do that.

Outparcel businesses. I still maintain concern for how the non-developer owned businesses will fare once visibility and accessible customer parking is diminished.

Quality of life and place. One of the suggested benefits of this rezoning is tax revenue and new clientele for the area, but this must be considered along with the quality of life for current residents, shoppers, patrons and business owners. The streets in Birkdale Village weren't designed to accommodate vehicle traffic associated with large office buildings and hotels and even when Sam Furr is widened the ingress and egress to Birkdale cannot accommodate several hundred more employees, tenants, workers and residents every single day.

I'll conclude with two final questions. If Class A office space is truly in such high demand, why aren't the owners of buildings with empty office space all over Huntersville looking to retrofit and redevelop to take advantage of this market.

Finally, the applicant has stated that not to worry, among many other benefits the value of our homes as owners in Birkdale Greens will increase due to this rezoning. But if that then is truly the case, I will leave you with this question. Why are not all 400 homeowners here tonight speaking in favor of it.

Brian Sisson said I'm the Board Chair of the Lake Norman Chamber of Commerce. I'm here tonight to ask you to focus on the long-term benefits of the project before you. As someone who served on the Huntersville Town Board for eight years during the early development of Birkdale Village, I have a unique perspective on the decision-making process you are facing.

I had the privilege of watching Birkdale Village evolve from a concept to the thriving, vibrant center it is today, a vital part of the town's identity and a key driver in Huntersville commercial and residential growth. It's hard to overstate how important Birkdale Village has been in attracting new residents and businesses to our region to support the 5 million plus visitors a year to this amenity. Yet sadly much of the opposition you will hear tonight will come from voices that ironically are speaking out against the very development that helped draw them to Huntersville in the first place. These are the same voices that are vocal about resisting change despite having chosen to live here because of the growth and amenities the town has to offer.

Having sat where you sit, I can tell you firsthand that opposition will always be the loudest voice in the room. In fact, during my time on the board we faced similar resistance when Northcross Village expanded. A small but passionate group of opponents, including some from my own 250 plus home neighborhood, were adamantly against the project. They even threatened the Town Board with significant backlash if it was approved. Yet despite the vocal opposition, the Town Board had the foresight to approve Northcross Village and today it's a thriving asset for our community.

As you consider the expansion of Birkdale Village, I urge you to look at the big picture, not just the vocal opposition, but overall value this development will bring to Huntersville with an anticipated \$212 million in new annual employment benefits and \$15 million in new resident worker spending, this expansion will be crucial to strengthening Huntersville's tax base while supporting local businesses and contributing to a thriving economy.

In closing I ask you to consider the long-term benefits of expanding Birkdale Village for Huntersville as a whole, for its residents, businesses and future. By voting to approve this project you will help ensure that Huntersville continues to be one of the best places to live, work and play in North Carolina.

Cynthia Mitchell said I am a 27 year resident of Huntersville and 21 years in the Birkdale golf community. I would like to ask the Board to vote no to this rezoning proposition all in all. But if you cannot find it within yourselves to do that, I ask you to postpone a vote while we evaluate the new language that's been added to the Jamestown proposal asking for Birkdale to be able to be sold out piecemeal without future zoning hearings. I think that's really shortsighted. I think what we've had here is a bait and switch tactic snuck in on us at the last minute and I ask you to observe this and vote no.

John Foster said I'm a resident of Huntersville. I've been a resident of Huntersville for 27 years. I've been a business owner in Huntersville approaching 25 years. I come to you this evening to ask you to make the hard decision and approve the Birkdale project.

Huntersville has continued to thrive, but when I look at the overall development of Huntersville on where we are, we are behind the other three towns that we are joined with up in this area. By far, we are the largest town out of the four towns in this area. That includes Mooresville, Davidson and Cornelius.

We are walking tax dollars out of Huntersville going north every day because we're undeveloped. Doing a project like Birkdale that we are looking at, it will continue to draw quality developers. Developers like to see where there's other quality developments going on in an area. They like to see where they don't have to jump through hoops for 15, 10 years to try to get a board to approve a project that they want to do. There's too many areas in the country that will take them on, so we want to continue to grow, stop walking our tax dollars up the street to other towns and continue to provide the things that we need in our town, which you all moved here for. Where you moved from more than likely you had more than what you have now in Huntersville. Why are we going to Cornelius, Davidson and Mooresville or back into Charlotte for the things that we need.

I ask you to make the hard decision, approve the project. If you have a problem with roads, you all need to get all the people that's against the project and go to Raleigh. Our road problem is not solved by these guys here. Our road problem is solved by Raleigh.

Dan Ripoll said I'm going to read an email that I sent to you folks and it will be for the benefit of those folks here and for those who may have not seen the email. I'm a 22 year resident of the Birkdale community residing in the Birkdale neighborhood across the street from Birkdale Village. The Birkdale community and area were primary considerations when my wife and I relocated here in 2003. The charming, quaint design of the Village along with its center lawn and local vendors and restaurants sealed the decision for us.

Birkdale Village was a place where on a moment's notice could turn into a fun and rewarding afternoon and evening. Enjoying a meal, walking through shops and taking in peace of mind afforded always made Birkdale Village a key destination place to enjoy with family and friends.

Three years ago, Birkdale Village underwent changes where the lawn area became covered in kiosks. Two uncompleted structures remaining, all who visit that feel-good place which we once loved exists no more. Contributing factors including sufficient parking, loss of loyal vendors who for some reason or another were willing to pay more, but they were pushed out of Birkdale to bring in different vendors, commercial traffic diversion into the Birkdale Greens community and limited access for emergency vehicles to Birkdale Greens due to shoppers taking parking spaces. I know, Mayor Christy, you did respond to my email with some things that you're working on that and I appreciate that.

As we all know NCDOT is planning to modify traffic patterns along Exit 25 on I-77 scheduled for 2026. The proposed R11-24 rezoning, if approved, is scheduled to commence in 2026 as stated and represented by Jamestown Development. As we've seen during our time in Huntersville, road improvements such as the widening of Sam Furr Road about 15 years back and the toll lane on I-77, the new traffic pattern at Exit 28 and the current work at Exit 23 which has been ongoing for two plus years.

Jon Boggiano – not present.

Cathy Marconi – did not speak.

Patrick Johnson – not present.

Dawn Snow (Nancy Cecil deferred time) said I'm a long-time resident of Birkdale Village. First, I want to reiterate that we are not against growth in general despite the perception. We have tried to negotiate a more reasonable rezoning plan, but it's impossible with the bully developer. Over the last eight days we have uncovered more problems with this plan and last minute changes made on March 3 and alerted you to those changes. Unfortunately, all of you have continued to ignore multiple emails sent in the last week from

myself and Nick O'Shaughnessy concerning the language in Sections 9 to 10 of the rezoning plan notes around future amendments and subdividing the property.

You have also ignored concerns about the language that was removed from Section 2 of the rezoning notes around the original development standards. This timing is very suspicious as the language was removed on March 3 shortly after concerns about compliance with the original standards were brought to your attention. For a board that touts transparency, this is not a good look. Nowhere in any of the email communications have you addressed these rezoning notes or the language that was removed on March 3 in Section 2. Sections 9 to 10 in the rezoning notes state that the petitioner can subdivide the property into additional parcels without requiring rezoning approval from the Town and that individual parcels do not have to meet the requirements of the project as a whole. Furthermore, if the petitioner subdivides the property, the R24-11 rezoning can be amended without the consent of other owners and all requirements in connection with the amendment will be calculated on the property as a whole.

Basically, this seems to be a very clever way of allowing Birkdale Village to be sold off in pieces while also allowing further development without rezoning and without requiring any additional parking or other requirements such as impervious area, as long as those exist on paper for the project as a whole. As an example, in the event of subdivision of the property, the R24-11 rezoning plan could simply be amended to allow more development, maybe even adding a fourth building in place of an existing building or even worse adding it in the middle of an existing parking lot without the consent of other owners.

Any existing parking spaces or impervious area that exist on paper could be used up by the new development because it would technically still meet the requirements of the project as a whole. This would result in a complete loss of cohesiveness with the character of the neighborhood and the Village vibe. Since infrastructure within Birkdale Village cannot be improved and the streets cannot get any wider, it will lead to even greater congestion and traffic within the narrow streets of the Village and even more as even more is crammed in. Any extra parking that exists on paper would disappear as it would be allocated for even more development with the allowed amendments.

The only winners in this scenario are the developer and the Lake Norman Chamber of Commerce. Obviously, some residents support this because they want more parking and because they blindly believe the developer has been caught. The fact that the Town staff and Board members have refused to address these disturbing rezoning notes that have been brought to your attention is very concerning. This leads me to believe that you either don't care to understand the details and implications of what is in the rezoning or worse, you have known all along what these details mean. Either way, your silence on the matter tends to indicate that you are just blowing us off to push this on through. We will remember in November, so I respectfully ask that you delay the vote for 30 days.

Glenn Yellico (Jacob Brunetto deferred time) said thank you for the opportunity to offer comments and for responding to the email I sent last month regarding the NDO. My wife and I and our children have been residents of the Town of Huntersville for over 18 years. We're originally from Long Island, New York and have friends and neighbors from various cultures, ethnicities, backgrounds and religions that are both similar to and different than our own.

With that as a brief background, I would like for you to consider this scenario. Suppose one of my Jewish neighbors operates a kosher deli, while my friend who is Muslim operates a halal food store. My family and I who are Christian decide to visit their stores and ask for a ham sandwich, but they politely decline due to their religious observances. Should my family and I think that the owners of those stores hate us just because they decline our request. Of course not, they're simply observing the laws of their religions.

My family and our friends and neighbors with differing religious and moral understandings have had discussions and even debates, but conduct them in a civil manner trying to understand each other better. None of us hate just because we have differing views and feel obliged to follow our informed consciences. Besides, in the scenario above my family can go elsewhere to conduct our business.

Ladies and gentlemen of the Town Board, although I think the NDO is unnecessary and should be tabled, if you decide to proceed, I request that you ensure there are explicit exemptions for people with sincerely held religious and/or moral convictions. To do otherwise sends the message that rather than holding public discussions or debates employing reasonable and persuasive arguments, you are attempting to force people to accept. This is like the tactics used by dictatorships of the 1900's pushing the ideology that might makes right. Know that the good people of Huntersville will not stand by idle.

Errol Genois (Mary Ann Turetsky deferred time) said in response to Birkdale rezoning text revisions, with respect to your response that a new hearing on the updated proposal for R24-11 will be unnecessary, I recommend that the Town Board reconsider and schedule a new public hearing. A new hearing will provide the essential discussion between the commissioners and the mayor to explain their specific positions on each issue. Research shows that the interaction between the public and the local town commissioners of various cities, Philadelphia for one, produced positive results for community development.

Your response to changes occur at the Town Board meeting without interaction with the public presupposes that the public will agree with all changes. The Birkdale residents, businesses and the community at large need another public hearing on changes to rezoning. The unilateral approach to change contradicts the logical need to react to the specific knowledge that the public recommend. Changes without public interaction that produce a community consensus will risk a wave of dissatisfaction with the new proposals.

The second response contradicts the process of decision making by saying that the applicant and the Town Board members can negotiate at the meeting, but citizens may only speak without the benefit of their own exchanges with the commissioners or from listening to the commissioners discuss their viewpoints. As a result, the Board decisions will not document the public knowledge of the facts. Appearing to disregard the public statements of facts of rezoning, the Board will miss an opportunity for stronger community agreement. A discussion of all factual statements from all viewpoints will create a final decision with a higher probability of community acceptance. On the other hand, a discussion that rejects the thick description of the facts will result in a noticeable feeling of community, hopelessness toward local government and a mistrust of community development.

In summary, a strong discussion process of all opinions on the issue of Birkdale rezoning will increase the degree of understanding of the final decision. It follows that each commissioner has a responsibility to convincingly assert the reasons for their individual votes. Simply raising one's hand to vote yes or no will not create a positive public opinion of the Board decision. A greater mutual respect for the decision making process depends on the commitment of the Town Board to open discovery of the best route for community development.

David Krug (Roger Mitchell and Derek Partee deferred time) said I own the outparcel at the eastern entrance to Birkdale Village. My tenants are JP Morgan Chase, VisionWorks, Nothing Bundt Cakes, Chipotle. As you've heard in previous meetings, I'm protesting the hotel portion of the rezoning because it would exasperate what's already a huge parking shortage and traffic congestion and it will put my tenants out of business. They totally rely on Birkdale Village for their parking.

Birkdale sold the outparcels with no parking, but that purchase price included the right to certain parking spaces in the common areas. I think I sent everybody the exact language in the declaration because there's been a big misconception that I own parking spaces. That's just not true. If any part of that parking lot in front of my building is taken, Jamestown will have breached the declaration.

On February 11 my legal counsel made a complaint to Jamestown and requested that we find some amicable solution and to this date they have not responded at all. The 125-room hotel at 80 percent occupancy would require 100 parking spaces, plus 50 parking spaces for the employees of that hotel, plus 50 additional spaces for the employees and the customers of the restaurant. Their plan shows they are going to build 91 parking spaces in the garage and they are going to remove 109 spaces in front of my building. That's a shortfall of 100 spaces. You guys can see that parking lot is full every day. Where are these people going to park.

Brian Richards said Birkdale plans to install a median at the entrance to Birkdale Village that will prohibit my tenants and their customers from entering at the current entrance. That means they will have to drive past their entrance, up to the intersection of Townley and Lindholm, turn left, go down Townley past the hotel, turn left again at the western end of that hotel and then drive down to the parking lot that is going to be eliminated. Without the hotel, my tenants' customers would still have to drive up Townley, but when they get to Townley they could turn left and go right back into the parking lot. That's an inconvenience. With the hotel, it's a killer. My tenants just cannot survive the lack of access, the loss of 109 surface parking spaces and the loss of visibility. They'll either not renew their leases, they'll default or they'll go dark, the building will be shuttered, they will lose their business and I'll lose the value of my building. Jamestown has no consequences because they don't own it. In fact, it would benefit them to have a shuttered building and then they could come to me and offer a distressed price. I don't know how anybody could vote to something that would destroy 10 Birkdale tenants' businesses and destroy my building.

Further about the parking, because that's what it's all about, 120 sq. ft. office building, my estimate is that's 120 cars plus 45 cars for the retail employees, that's 465 cars. One hundred fifty (150) one and two bedroom residences, that's 225 cars, plus 45 cars for the retail in that same building. That's another 270. One hundred twenty-five (125) room hotel at 80 percent occupancy is 100 cars plus 50 for the employees and another 50 for the restaurant employees and their customers. It's 935 spaces, where are they going to park.

Three hotels have already been approved in Huntersville, but not yet built. We are not a destination market. The same market would be shared with more beds. More supply doesn't mean more demand. It could very easily be oversaturation. I don't understand why you wouldn't wait and see if there's a market, see if it's needed. I know Jamestown said that theirs is going to be an autograph collection type hotel. First of all, I didn't see anything in the petition that requires that. Secondly, now the Hilton directly across the street is also going to be that same style. It's going to be full-service boutique hotel.

The current infrastructure is inadequate for its current conditions. Developers should resolve this first. At the public hearing Jamestown was asked if the zoning is denied would they make the improvements and add parking, including the ADA spaces that were taken away and they said no. The Planning Board, as you know, determined that this petition is not consistent with LU-5.1, 11.1, 11.2 and 11.3 because again there's not adequate parking, transportation and infrastructure and it does not fit the scope and the character of Birkdale Village. Please don't vote for this petition.

Nick O'Shaughnessy (Sharon Bond deferred time) said I know you've probably already decided on this deal, as Mr. Walsh had already stated that back in January at a meeting we had with him. But I want the

community to know what you are voting for tonight. You are voting for a developer who has not engaged in any community dialogue since the December 16, 2024 mandatory community meeting. You are also voting for a developer that is still pathetically trying to complete the construction of the brewery and the other box building in the center of the town. You're voting for a developer who has together with his legal counsel and Planning staff worked diligently almost like termites to chew away at the existing zoning restrictions of the HC conditional zoning district and replace them with new, less restrictive language.

Notably on March 3, which did not go unnoticed, but as Dawn Snow had said, you guys have not responded to our release of that information. They could now build buildings 100' high as opposed to 48' high. They could build them in any number of places because the language in Items 9 and 10 regarding the issue of subdivision and amendment allows the developer to either sell the whole project off with this little rezoning approval worth millions of dollars, That little piece of paper is worth millions of dollars and you're going to create that for this developer and you know how I feel about this developer, but I'm not going to be kicked out of the meeting.

If you approve this, the piece of paper is worth millions to Jamestown. They can sell the property off with future revenue projections and future value far in excess of what it's worth today. They have five years of vesting to even start that. They can subdivide the property as others have said without any form of rezoning or public input and sell those components to separate entities that don't have to conform to the zoning requirements of the larger parcel and they're not even obliged to tell each other. That's going to unglue the Village. It's going to be totally destroyed. It's going to become a mess. This is on you guys. You want to create a mess, go ahead, approve it tonight.

You should vote no for the soul of Birkdale Village. You should vote no to the developer who does not care one iota about the town and our community. You should vote no because it sets a dangerous precedent for future developers who could come into this town and bully their way through the town using local termites and trojan horses. Please vote no for your community.

Jaime Lane (Maureen Smith deferred time) said I have had the privilege of calling Lake Norman my home since 1983. Over the past four decades I have witnessed firsthand the transformation of our community from a quiet lakeside town, actually three towns, to a thriving hub of businesses, culture and opportunity. Through it all one thing has remained consistent, Huntersville's deep sense of community.

I have always believed that the growth and progress should be intentional, inclusive and beneficial to all. We are not just discussing a developing project tonight. We are shaping the future of Huntersville. Birkdale Village Phase 2, in partnership with Jamestown Properties, represents an opportunity to enhance what we have loved about our town while also addressing the challenges that come with success. Growth is inevitable, but thoughtful, strategic growth is what makes a community strong and sustainable. We have a chance to ensure that Huntersville's expansion is not just new buildings, but about strengthening our local economy, supporting local small businesses and improving the quality of life for our residents.

The project is projected to generate over \$212 million in annual employment benefits, creating opportunities across multiple industries. The addition of retail, office and residential spaces will bring millions in local tax revenue, helping fund essential services without placing additional burdens on taxpayers. Revitalized Birkdale will increase foot traffic for existing businesses ensuring that they will thrive rather than struggle and change economic landscape.

I understand that growth brings challenges, traffic, infrastructure and changing landscapes can make longtime residents feel unheard. As someone who has called this community home for over 40 years, I

deeply respect those concerns, however let's address them with solutions, not roadblocks. Growth means more people. It also means more investment and solutions. This plan includes two new parking decks with over 500 additional spaces and improved pedestrian pathways.

Traffic isn't just about Birkdale. It's a bigger issue tied to housing and workforce development. We need to create opportunities for people to live where they work, reducing long commutes and daily congestion. Huntersville's leadership is already addressing these issues and this project is a step in the right direction. This is not about overdevelopment, this is about enhancing what we already have, revitalizing Birkdale so it remains an economic driver and a beloved community space.

Change is difficult. It's easy to see a new development as something that disrupts rather than improves. But what if we looked at it differently. What if instead of opposing growth, we guided it. What if we worked together to shape the changes we want to see instead of allowing a fear of change to hold us back. I urge the Town Board, Jamestown Properties and all of us as community members to remain engaged in this process. Let's make sure the voices of long-time residents are heard while welcoming new families and businesses. We want our community to love where you live and we want to be a thriving, sustainable town, so I urge all of you to let's focus on unity, not division.

Since 1983, I've watched Huntersville and the whole Lake Norman area transform and through all that change people continue to choose this town as their home. Some have been here for generations, others arrived but we still have stake in its future. I ask you tonight, what is your vision for Huntersville. Is it a town that resists change or one that embraces smart strategic process. The evidence is clear Huntersville is growing and rapidly. Our population has surged from just 3,104 residents in 1990 to an estimated 66,814 people in 2025. A staggering increase over 2,000 percent.

Peter Romaniello (Edward Cecil and Christine Romaniello deferred time) said I want to focus on four topics that should be worth your final consideration. You've all talked about things like responsible development, minimizing carbon footprint, walkability and alternate forms of transportation within town.

Let me ask you, when is the last time any of you walked to Birkdale Village. Have you biked. Have you taken a city bus. The closest that any of you live to Birkdale Village is four miles. I looked it up. And the farthest is seven and a half miles away. None of you live within walking distance to the Village. If you were going to go to the Village in the middle of August or in inclement weather, can you get there easily or are you just going to get in your car and drive. Be honest, you're going to get in your car and drive. And most of you, six of you actually, live closer to Exit 23, so all of this traffic and congestion doesn't even affect you. NIMBY – not in my backyard, right. You have to care about the people where it's affected.

In the 2040 Plan the largest concern facing town growth was traffic and congestion at 63 percent. It stated that the traffic impact study conducted by NCDOT showed that by 2030 there would actually be 240 fewer trips in and out of the Village at peak hours. How is that possible if the number of cars just from employees at the office building and the hotel alone would account for approximately 400 cars. All you have to do is use your eyes and commonsense. No matter what happens with Sam Furr Road, the roads inside the Village can never be increased, never be widened or improved to accommodate the number of cars.

There's a reason we have a 2040 Plan. It prevents us from turning into Alpharetta, Buckhead or any other locations of Jamestown properties. And in that plan, it says it's meant to establish a framework for growth and development while maintaining the character and livability of the town that Huntersville residents hold so dear.

The land use regulations state that they must protect and enhance the unique quality of Huntersville's neighborhoods. Of all of the aspects of the 2040 Plan, the character and quality should be the most important things to protect. A town or a company or a person can be incredibly successful and make a lot of money, but if it loses its character and best qualities, is it worth it. When it comes to trust and accountability, are you going to trust the developer whose only concern is profitability and doesn't live anywhere near Huntersville. Are you going to put your faith in a lawyer and her people who are paid to influence your decision on behalf of that developer. Jamestown, as with all developers, is only concerned with bottom-line profit. I work with developers all the time. When you asked specifically if they would address parking if the proposal is denied, you were flat out told no.

They keep saying that they need to do this \$200 million project in order to pay for a parking garage. That's like buying an expensive dress so you have change for a pack of gum. And by the way, this parking solution isn't even going to be built for three years. It doesn't address anything now and the problem is now. They also get cute when it comes to details like stories instead of actual building heights. On Page 36 of the community report it shows the houses at two stories tall and the office building at six stories tall. But stories are not all equal. The houses are approximately 22' tall and the office building is over 100' tall. That's five times taller, not three times taller. To put things into context, the new Atrium Health building on Statesville Road is almost identical in size and scale to the office building that is proposed. Do you want to be hit in the face with that every time you drive into the Village and by the way that's only one of the four massive structures that are going to be built.

There are ways to make this work. As a designer I know this and fit within the 2040 Plan you do two 60' tall office buildings, get rid of the apartment building and just do the hotel. It's less maintenance for them because they don't have to maintain the hotel. They are just unwilling to look at alternatives that would fit the plan much better, which makes you question their motives. These are direct quotes from the commissioners at the dais – "I will work to attract projects that are innovative and help keep Huntersville's unique charm." "We have a 2040 Plan for development and I think it's best to stick to that plan as closely as possible." "I believe buildings should model what is currently constructed in the Village and developing buildings with lower ceiling height can offset the need to build buildings more than 70' tall in Birkdale Village." Were these just empty promises. Were we being lied to.

In the 2024 Cornelius election, I voted in it because we lived there at that point, every incumbent who ran while complaining about traffic and overgrowth ended up losing their election because they caused the problem initially. The reality is that no one is asking for this other than the developer and the people who are paid to speak on their behalf. If you ask people what Birkdale Village needs, it needs solutions to parking and traffic. Nobody says that it needs a massive office building, a hotel and an apartment building. If you destroy Birkdale Village, you destroy Huntersville. Choose wisely.

Suzanne Villar (Janelle Schmit deferred time) said for the second time in two years the Huntersville Board of Commissioners will vote on a rezoning proposal for Birkdale Village. I won't list my objections, you know them well. Tonight, I want to address a newer and more distressing problem.

For Huntersville residents who have followed this rezoning and these town meetings closely and thought you knew what was being voted on tonight, understand that when the commissioners raise their hands this evening, they are voting on something very different, something that was never presented to the public.

Most Huntersville residents don't realize that the rezoning proposal changed dramatically two weeks ago. Those of us who follow R24-11 everyday were stunned to discover that fundamental and substantial changes were made to the text of the site plan on March 3 just two weeks ago. This was after the

neighborhood meeting, after the public hearing and after the Planning Board hearing. This took place with no public announcement and no new hearing structure. These text changes were written by and for Jamestown and allow Jamestown to subdivide the Village with very limited restrictions on future development. And all of these changes will transfer to any company that buys property in Birkdale Village from Jamestown.

We initially assumed that this had happened without the Town's knowledge or approval, but we were wrong. We asked Town staff and the commissioners to halt the process and call a new hearing to present the extensive changes to this altered rezoning package to the public, but the response from both Town staff and the commissioners was that they knew the petitioner was making eleventh hour changes outside public view. They considered this business as usual and they are completely fine with this total lack of transparency. We've asked the commissioners to explain the benefits of the rezoning on numerous occasions. So far we haven't been given a single concrete benefit that would offset the traffic, parking, safety and density issues already discussed at length.

On the subject of parking, let me point out that the only reason parking is such an issue now is that NAP, Jamestown removed parking in 2021 without replacing any, all the while adding additional retail, food service and attractions that demanded additional parking. The parking problem was caused by the petitioner and is now their excuse for wanting to add even more density to the Village. This is a clever tactic if no one notices the game you're playing. But we noticed.

I ask the commissioners to vote to deny this rezoning proposal but moreover I challenge every Huntersville voter, listen carefully to the wording of the motions you hear from the dais tonight for any mention of the much promoted win-win outcome and ask who really will win. See if the petitioner puts any skin in the game that's in writing and enforceable. Empty promises don't do us any good. Note how the commissioners and the mayor vote, because approval will be irrevocable. Ask yourself if the vote improves quality of life, safety and property values for the taxpayers and voters of Huntersville or if the vote primarily benefits an owner who still hasn't completed two of the buildings that were permitted years ago. Remember what you learn tonight when you vote in your municipal elections this fall. Please re-elect any individuals that protect the interest of Huntersville residents and vote to replace any elected officials that sacrifice the welfare of our own citizens in order to enrich an out of state developer.

AGENDA CHANGES

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

CONSENT AGENDA

Resolution – NC 115 North Improvements. Commissioner Quarles made a motion to adopt Resolution for NC 115 North Improvements (HL-0056) Professional Engineering Services Contract. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Annexation Ordinance 2024-03 Amendment. The Board had previously approved this annexation ordinance on February 4, 2025. This is a contiguous annexation, but that ordinance contained a typo listing the non-contiguous annexation statutes. This updated Annexation Ordinance 2024-03 updates the

references from the non-contiguous annexation statutes of § 160A-58.1 to the contiguous annexation statute of § 160A-31.

Commissioner Quarles made a motion to adopt amendment to Annexation Ordinance 2024-03 for the contiguous annexation of the development referenced as Courtyards at Walters Farm. Commissioner Dumas seconded the motion. Motion carried unanimously.

Amended Annexation Ordinance attached hereto as Exhibit No. 3.

Annexation Ordinance 2024-01 Amendment. This annexation ordinance was continued from the May 20, 2024 meeting to June 3, 2024. It was approved at the June 3, 2024 meeting, however, the effective date of the ordinance was not updated to reflect the new date. The effective date of the ordinance cannot be before the adoption. This amendment updates the effective date of the ordinance.

Commissioner Quarles made a motion to adopt amendment to Annexation Ordinance 2024-01 for the non-contiguous annexation of the development referenced as Trails End. Commissioner Dumas seconded the motion. Motion carried unanimously.

Amended Annexation Ordinance attached hereto as Exhibit No. 4.

Downtown and Pottstown Stormwater Project Grant. The Town of Huntersville was awarded a Building Resilient Infrastructure and Communities Grant (BRIC) of \$150,000. Appropriate BRIC Grant revenue for \$150,000 for consulting services related to the Town's Downtown Area Stormwater Asset Inventory and Analysis Project.

Commissioner Quarles made a motion to recognize Downtown and Pottstown Stormwater Project grant. Commissioner Dumas seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R24-11 – DDRTC Birkdale Village, LLC. Brian Richards, Planning Director, entered his Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

To recap, the changes that have occurred over the last few weeks, of course we are here to hear the rezoning for R24-11 Birkdale Village. You can see we updated some of the slides here for the 150 multi-family units, the commercial office space, hotel rooms, and the deck parking. We've gone over the brief history in the past of how the Village has evolved, including the quasi-judicial hearing in 2022 for the closing of the Townley Road roundabout as well as the addition of the jewel boxes and the kiosks that are open and functional today and the last two jewel boxes are under construction right now. It did involve some closing of public parking along Birkdale Village Commons Parkway. We're well versed in the road improvements that are slated for 2026 and 2027.

As far as changes in the plans, the applicant did speak at the public hearing and at the Planning Board meeting some changes in heights. These are reflected in the plans that were submitted on the 3rd. You can see the parking decks are at 85' and 55'. The office building has been revised down to 100'. The multi-

family building remains at 85'. There was a discrepancy in the notes as well as the labeling for the hotel. The note said it was going to be 70'. The label said 90'. In actuality they are asking for 80' for that hotel.

Parking numbers have been updated. The existing parking at Birkdale is 1,931 spaces. They are proposing 2,487 spaces which meets the minimum code requirements. I won't go into all the details over the consistencies with the 2040 and 2030 Plans for the area. Staff is in support of this. I do want to mention since we've had several folks speak to note changes on the plan, I want to draw everyone's attention that these notes are not new. They have been in all three versions of these plans as well as in the previous rezoning in 2022. Note 2 did change slightly in wording. Its intent has not changed. Basically what that says is the 1997 development standards rule for all of Birkdale Village except for these three parcels where the presented plans are what would rule. If there are any discrepancies between these, the Town Zoning Ordinance will take precedent over those. So again, that's just a slight wording change between Versions 1 and 2 and 3.

Note 9 which refers to subdivision, this has always been on the plans even back to 2022 and as well as the 1997 ordinance that prevails this. If Jamestown chose to cut-off Lululemon and sell it to somebody, they could do that. They've been able to do that since 1997. They can do that today. They can do that tomorrow regardless of what happens tonight. They have to just follow the Town subdivision rules.

Regarding Note 10 the amendment for zoning. All that simply says is that if someone purchases a parcel, they are allowed to come in and request to have that parcel to be rezoned unless the business documents for Birkdale prevents them from doing so. That's been the case since 1997 and will be the case tomorrow regardless of your decision.

Commissioner Dumas said you answered some of my questions. I guess I'm just wanting some clarification and maybe to slow down on this part again just because there was so many questions on it. We heard Mr. Krug mention earlier that Birkdale sold him the outparcel that he now owns, so it would seem that this has always been allowed. So, nothing has changed in regards to that.

Mr. Richards said correct.

Commissioner Dumas said the process has always been that there's a community meeting, there's a hearing, and then there's tonight. In everything that we've worked on there have been multiple changes along the way and sometimes on the night of from the dais where we add things into the motion and take things out based on the presentations. We heard from several people that it concerned them that there was some changes. Was there anything different about this process compared to others.

Mr. Richards said no. In the 21 years I've been here that's the typical process. There's a community meeting, which the Town and the applicants get feedback from the community. There's a public hearing, again feedback is given, Planning Board makes suggestions. There's negotiation along the whole way. I have yet to see one plan that has not changed from application to vote. It's very typical. None of these changes....these are literally words. They're not any entitlements. There's nothing different in this other than literally some nomenclature in here about how they want to express the development standards, so I would say this is not a substantial change at all. This is very typical and it happens in every single zoning case.

Commissioner Walsh said there's been some talk here about the height of the buildings. Around town do we have other places in town we allow tall buildings.

Mr. Richards said we do. Down at Bryton you can go up to 13 stories. I think it's 180'. Town One as well down on Hambright Road which is a TOD. Even across the street here at the former golf range, that hotel is allowed to be up to 92' tall.

Commissioner Rivers said there was some talk about the median....there were some concerns. Do you mind just kind of elaborating on the traffic analysis report and how the suggestion of the median came about.

Stephen Trott, Director of Engineering, said the Town asked for the applicant to provide an extra traffic analysis along Lindholm to see what conditions would be like, because that's an area that would be outside of your typical TIA requirement for the Town. The analysis that the applicant performed indicated that there would be queuing from 73 back past Townley on your typical weekday PM peak hour and also on your Saturday typical afternoon peak hour. Additionally, I pulled a crash history from the area along here and there had been three crashes from the driveways between those two intersections in the past four years that a median could prevent, so that led to the recommendation for doing that. That area today is all within the public right-of-way, so if the Town chose to do a project to do that, then that's something that could be done today or in the future.

Commissioner Hunt said just to clarify, we could wait to do the median, correct.

Mr. Richards said correct.

Commissioner Hunt said do you agree that the Townley Extension wouldn't be necessary if Jamestown hadn't made all these changes.

Mr. Richards said if you are referring to the bridge over towards the office park, it's needed regardless of this project. When Birkdale was originally developed, as well as the Pizzagalli project, which is Rubbermaid, those three entities had a deal in place to install that bridge. Unfortunately, due to some state financing issues that never came to fruition, that bridge has been on and off the Town CIP ever since then, so in excess of 20 years. It's currently on the CIP and we are evaluating installing that. A lot of things that's going to help facilitate that is the Westmoreland connection through Cornelius, so a lot of folks will be able to come down that way and avoid Exit 25, so it is needed now with or without this project.

Commissioner Quarles said this might be for the applicant or Stephen. We hear a lot about 73 and the traffic. Where are we on 73 and is Jamestown in some type of battle or legal lawsuit in regards to the right-of-way.

Mr. Trott said couldn't speak on where the developers are on that, but NCDOT is currently working on acquiring right-of-way for the 73 project. They're current schedule is I believe a 2027 start to the project.

Mike Lant, Jamestown, said NCDOT is taking some right-of-way and they also are taking some permanent easements for utilities. They provided us a valuation of that property about four months ago. We've been evaluating it and the legal team has sent in something to the state acknowledging that we have a difference of opinion on the valuation, but the DOT has already taken the property as state law allows. They've taken it. They put the money in escrow, so basically whatever they have offered we are able to take today, but we've also done an analysis with outside consultants that show that their offer is a little low, so we are just going to go through that typical process with them.

Commissioner Quarles said with them taking part of the right-of-way do you know how much they will be taking. Will they be taking the trees down. If you are going into the entrance into Birkdale Village by the white parcel, will those trees be removed.

Mr. Lant said I have not seen a plan that shows that that's exactly what will happen. I've asked their consultant, their right-of-way agent, to give us an idea of exactly what is going to be demolished and removed so that we know what the valuation would be in order to replace whatever landscaping they remove and I got that answer from them.

Commissioner Quarles said I've heard the property owner of the white parcel say this business will be damaged. Is there a declaration for that parcel and if so, can you give me details.

Mr. Lant said there is a declaration for that parcel. I think I'd like.....Susan knows it better than I, if you don't mind me deferring to her.

Susan Irvin, Irvin Law Group, representing the applicant, said I do have some information about the declaration. It is a matter of public record, so I'll just share with you what the information and the declaration is. *Refer to PowerPoint attached hereto as Exhibit No. 6.*

This is the declaration that deals with that outparcel sale. There's a non-exclusive right that the outparcel owner has to share parking spaces adjacent to the building and in the two rows across the drive aisle and those are shared with Birkdale. The declaration says that the outparcel owner is not entitled to use any parking areas in any other part of Birkdale. The deed also references that declaration and shows a crosshatched area. This crosshatched area that you see here, the rows of parking that are adjacent to the building and then that one row of parking and then the two rows across the drive aisle. That is the area of shared parking that the outparcel owner has. There is no right to park on any other portion. I will say that here you can see that shaded.....the crosshatched area here shows the area that is the shared parking for that outparcel owner and the hotel construction here also shows that crosshatched area. That will not be removed as a part of the hotel construction, so these spaces remain. I also would just point out that the deed has a restriction that there are no more than three tenants on the outparcel property.

I worked on the Northcross declaration that Brian Sisson mentioned earlier. The purpose for those kinds of provisions in a declaration is that you don't want the outparcel owner to create parking problems for themselves by having more than a certain number of tenants. That is in the deed and this is an exhibit to the deed. Those are the applicable provisions.

Commissioner Quarles said seeing three tenants in a building.....that have four tenants in it, I personally find that very alarming. I know if I was one of those businesses, I would be disappointed. But I don't know if they know what's in their deed. I don't know if they know it's supposed to be three businesses versus four, but again in studying this I just wanted to bring that up and I just find it very alarming.

Commissioner Bergsman said our parking minimums, how is that determined.

Mr. Richards said those were determined back in 1996 when the Town created its ordinance. We found that those have served us well. Typically, what you don't want to do is overpark. You don't want to demand too many parking spaces. There's environmental implications which we all know being in a protected watershed that's very critical for us. It's also not a great land use. It doesn't generate tax dollars. It can eat up a lot of space quickly. Typically, what you find is when you get into lease negotiations that say a grocery store will demand five spaces per 1,000 sq. ft., where the Town's ordinance would only require one space for 500 sq.

ft. The market is going to self-deliver. In some of our zoning categories, which is not typical of other folks, we have caps, so in the TOD you have maximum of two parking spaces per 500 sq. ft. By having those minimums that are, I would say light, it allows folks to be flexible with their tenants and park appropriately. Walmart, as you know, is one of the smaller parking lots for a Walmart in the country. Again, it does get full at Christmas and Thanksgiving, but the rest of the year it's probably right sized.

Commissioner Bergsman said you feel for this project specifically the minimum parking spaces have been met.

Mr. Richards said they have, correct.

Commissioner Bergsman said I was just wondering if you could provide some examples of what is considered a substantive change to a rezoning request.

Emily Sloop, Town Attorney, said normally that's going to be if property is being added to the district that wasn't advertised for, so if the boundaries are increasing and property is being added, also if the density is increasing, that would also be considered a substantial change.

Commissioner Bergsman said do you feel this project contributes or detracts from the Town's goals for mixed-use development and activity centers that are currently in the 2040 Plan.

Mr. Richards said we feel that it does add to the quality of the town. It provides services that we do not have here in town. There's currently no Class A office space nor this higher-end hotel, so we believe this would be a value add for the town.

Commissioner Bergsman said on the hotel topic, because I know I've had some confusion, I think there's some confusion out there. I've heard across the street, Birkdale Landings, that's going to be a Hilton Garden Inn.

Mr. Richards said that's correct.

Commissioner Bergsman said that's not a boutique hotel.

Mr. Richards said correct. It's a select service hotel, so they do have light restaurant service so that you could get a meal at night, maybe some room service, but nothing to the same quality or level as what's being proposed at Birkdale.

Commissioner Rivers said I saw in the packet that was presented Birkdale's original plan back in 1999. Do you care to kind of elaborate or just give some brief history on that.

Ms. Irvin said I can give you a little bit of history on that. Our firm actually at the time represented the Birkdale owners and originally Forest City came in with a plan for Birkdale and Peter Pappas and the Crosland Group then later came and amended that plan. The amendment was the plan that you see now for Birkdale. That was one of the first mixed-use building developments of its kind and at the time there was a lot of opposition to Birkdale Village. It was a cutting edge concept and people were not used to seeing that, the typical grocery anchored shopping center or big box shopping center was kind of what you saw and that was kind of similar to what Forest City had brought in. But this was very different. There was a lot of opposition, but ultimately it was approved and it received the Global Award for Design at the time. Birkdale also received that same award last year for the improvements that they had done to reimagine and to bring

Birkdale up and elevate the level of Birkdale, so it's actually won that Global Award twice and I think that might be the only project that ever has. There were eight Global Awards awarded last year and only three in the United States and Huntersville was one of them.

Commissioner Rivers said in regards to this project, the location of the hotel, can we talk about the history of the previous plan with the hotel, how did that change, how did we get to the location that we are now.

Ms. Irvin said the original plan a couple of years ago was brought in that had a hotel at that first corner where Apple is now. In the course of making changes to the plan as a part of the community discussion, North American Properties removed the hotel in an effort to remove that height and some other things that were being objected to at the time. The hotel was then removed from the plan and I think the multi-family was also removed, so it was really just the office building and the parking deck that came to the board for approval ultimately, and that was denied. Because of that when Apple approached North American Properties as a tenant, they brought Apple in as a tenant and there are only two Apple stores between Atlanta and Raleigh. One is in Charlotte and one is in Huntersville, so bringing Apple in was a great benefit. But because of the fact that Apple is there now, the hotel cannot go there. The type of hotel that we're talking about is that autograph or AC Marriott type of level of hotel. It's an important hotel, so it does not want to be at the back of a parking lot or in kind of the back of the project. It's a special hotel. It's a place where people go to have an experience, so it's not the kind of hotel that would locate anywhere else really on the property. There are also no build easements in the parking areas for tenants such as Apple, because that is one of those things that Apple requires. You cannot build anything in their parking lot. But the main thing is that at the entrance is where that type of hotel wants to be. To get that type of hotel you need to offer this and I will say also the Class A office building is looking for a hotel like this. Having a hotel like this really elevates the Class A office tenants that you're going to get because they like having that hotel.

Commissioner Hunt said would you be willing to build out an additional level on Parking Deck B.

Ms. Irvin said the proposal is for four levels on Parking Deck B and the petitioner would agree to make that a five-level deck. One of the things that we would like to do, though, is still retain the option to add two levels at some point in the future. It's possible at some point in the future it could be the same number of levels as Parking Deck A. As far as making another commitment to do another level, they would be able to commit to a fifth level, which is 51 additional spaces for that fifth level.

Commissioner Hunt said that would be a total of how many total spaces.

Ms. Irvin said the number of spaces now in Deck B are 291, so that's 322. The total net new goes from 556 to 607.

Commissioner Hunt said can you tell me how many small businesses and franchise owners are in Birkdale.

Francis Bond said we have about 50 percent of the tenants that are either hyperlocal business owners or local owners of national franchises on property. I know there's always a lot of talk of nationals and not having a community interest. Fifty percent is a really great mix, especially for this geographic location and this density and so I think that's something that we're really proud of. It's something that I've said in other meetings, so not to belabor it, but having kind of this really community focused hub is really important to us from a placemaking standpoint. It's really what we pride ourselves in doing across all of our developments. I think one of the things I would like to drive home here relative to the local component is these two, well everything, but specifically the hotel that there's been so much discussion of, you're bringing new people, multiple people every day. It's not just the same people who are coming in everyday for the office or the

same people who may live in the residential. You're bringing new customers every day who are new customers also to those local businesses. In addition to that, what we already do on property, we have monthly makers markets. One just started this month and goes through October where we're bringing in all of those different tenants and local fairs. We're having all of the events – we had St. Patrick's Day this past weekend. The St. Patrick's Day celebration hugely popular but we surveyed all the tenants. We fortunately have a lot of technology in place and we were able to show that those events drive traffic to all of our local tenants. All of them had an uptick on Saturday when we had this event, so there's a reason we do these events and the reason we really support our tenants and want to drive everybody's success.

My one more point would be just the incubation component and something we do across a lot of our developments is provide incubation space, so we do have a few success stories here but some of the kind of smaller boxes that you see that rotate through, those are for local businesses to incubate. Maybe they're an online business or somebody who hasn't had any kind of brick and mortar. Those are spaces where a tenant can kind of come in and get their feet under them and figure out if brick and mortar works for them, but every time those are local businesses.

Commissioner Hunt said some people have expressed with the buildings that have taken a while to be completed, they mentioned Suffolk Punch for example. Can you talk about some of the difficulties there.

Ms. Bond said I know there's been concern with Suffolk Punch. I know that's come up a few times. That is not something we as a landlord are building out, so in typical retail process we provide a space for a tenant, the tenant comes in and builds out. They hire their architect, they hire their own general contractor to come out and build out their vision of what the space is like. We have been trying to support the tenant. We go to weekly meetings with them. That is not something that we specifically currently have rights over that process, but we are working with that particular tenant. I could give a really great example of a tenant who's doing great like Sweetgreen. They are ahead of schedule, but same thing, we provide them a space and they have their architect, they are responsible for their own permitting and their own contractors. They come in, build it out. We support them along the way and they open.

Commissioner Hunt said can you talk about the economic development numbers you shared in your presentation and how you came up with those numbers.

Ms. Irvin said I'm going to take that one because our firm, but not just our firm, cities and towns and universities and colleges all over the country use a program called IMPLAN and something that is interesting is IMPLAN is located here in Huntersville. It started out as a small company, but it has become a very large company and operates throughout the country. IMPLAN analyzes the impact of development in the regional economy and it can also be hyper localized to specific zip codes and our IMPLAN numbers are hyper localized to Huntersville, so we are able to use that program to analyze the economic impact just to Huntersville. The way it works is you input different factors that are related to the development – construction costs, employment types, new residents, property taxes, all these factors and you input those into this program and there are different formulas that calculate different impacts. They'll calculate the employment impact, the economic impact, the construction, household income, household spending. That's kind of how you evaluate the economic viability of a project through the IMPLAN program. That's how we came up with those numbers.

Commissioner Bergsman said I wanted to kind of make sure in regards to Deck A that is something you are committed to building first.

Ms. Irvin said that's correct.

Commissioner Bergsman said I know at the public hearing I believe in your presentation you had talked about the attainable housing units and the willingness to provide 10. For the audience who might not be aware, the Town recently adopted an attainable affordable housing policy and it sounds like Jamestown is willing to provide 10 units towards that. Are you willing to offer those in perpetuity.

Ms. Irvin said one of things I wanted to do briefly was just talk about who would be living in those attainable units. We have a slide here that talks about first responders, nurses, teachers, police officers, social workers, retail workers, town employees and entry level professionals. All very important community members live in those units and the attainable units are available or offered to people with incomes between 80 and 100 percent of AMI and the idea is that these rental rates are based on the resident spending no more than one-third of their gross income on rent and utilities. It is a great way to provide people with the ability to live where they work. The 10 units that are being offered, we had originally discussed a 15-year attainability period. It is very unusual for anyone to be able to do attainable housing in perpetuity because that is a requirement generally of any capital partner or any third party lender or pretty much any investor. In this case we have spoken with Jamestown and their internal capital partner. They will be able to self-fund, so they are willing to make these 10 attainable units in perpetuity. It's very rare. In fact, I've never seen it.

Commissioner Bergsman said I know we have a few other rezonings that when they were approved included attainable units. Do we have any that have been offered in perpetuity. I know most come with a fixed timeframe.

Mr. Richards said there is one and that is the Town One project and that is to meet the harmony requirement from the state, so they have two units that will have to be in perpetuity. That's the only one in town right now.

Commissioner Bergsman said with the office building coming after Parking Deck A, it seems like one of the current retail spaces there is Barnes & Noble and I know across the country Barnes & Noble is in many places decreasing their footprint to smaller sizes. I happen to be in Barnes & Noble all the time. I am just curious from Jamestown what you are doing and not just for Barnes & Noble but for other businesses that are in Birkdale to decrease the impacts during the construction period.

Ms. Bond said I would say we are quite familiar with construction and it is disruptive and can be very disruptive, but we work incredibly closely with all of the residents and it's not just something at the beginning or at the end, it is a consistent, usually weekly, situation where we are reassessing everything. We've come up with a plan in terms of minimizing the impact to parking to staging, doing just in time deliveries, maximizing the area in terms of not taking anymore of the actual footprint of where any of the other buildings are going, minimizing staging area, all of that in a really tight area. We're used to working in really urban settings with postage size stamp construction sites, so I would like to say that we're incredibly familiar with that and mitigating that and making sure that our tenants are successful through that process both with visibility, sometimes it's additional marketing campaigns or additional events, but we have that commitment to our tenants, we want them to be successful. We're not successful if they're not.

Mayor Clark said on that same subject line of the construction and the impact on the construction. You mentioned that you had a plan for the construction staging. How is that going to be executed, because I recall when Apple was being built-out their containers took up a large amount of parking. It came right at the holidays, too. How will that be prevented.

Ms. Bond said in a phased approach which we've committed to building that Parking Deck A first. That means it needs to be demoed and then built back. It is in that same footprint, which is a good thing, but the intent would be to utilize the space where the office would go during that construction for staging of that site and then you kind of domino down, then again the two footprints of the office and the hotel, that footprint is what is being used as the majority of that staging. There's an initial period where you have to get up a floor or two before you can start staging inside of the footprint and so there is a temporary period of time where they're staging some of the other areas not different from when we have the ice skating rink and we need additional chiller equipment or we take that down. There are a few different areas onsite where we have had success staging those areas for short periods of time and so that is our intent.

Mayor Clark said let's talk about the hotel and the parking that will be underneath the hotel. Will that parking under that hotel be designated for guests only. Will it be charged.

Ms. Bond said it will not be charged, it will be public.

Mayor Clark said the entirety of the parking at the hotel will be public parking.

Ms. Bond said correct.

Mayor Clark said lastly, as you know there will be a pedestrian bridge coming across 73. There will be some right-of-way issues. Is Jamestown willing to donate that right-of-way so that we can get that bridge built.

Ms. Bond said we are. We've agreed to commit to donation of that land.

Mayor Clark said do you know what is the hold up with Suffolk Punch and what needs to be done to get that construction out of the way in the event that more construction starts.

Mr. Richards said I can talk about the start of it. I can't speak to the construction process right now. It did take well over one year to get that permitted. It was a very unique structure, something that Mecklenburg County had not dealt with before, so we helped them through many meetings to design a very unique building and they had to work with the fire marshal and different agencies to make sure it was permitted correctly, so it took well over one year for that to even get its permit to start construction and then they can speak to the construction that's going on today.

Commissioner Dumas said we heard earlier a comment about approval of this allows for other pieces of the development to be added.....like in the future they'd also be allowed to go up to that level of height. I believe that was something I heard earlier.

Mr. Richards said no, so the heights of these structures does not apply to anything else.

Commissioner Dumas said in the future they can come back to the board for approval.

Mr. Richards said for example, if Lululemon wanted to go tall they would have to come back through our whole public process.

Commissioner Dumas said when it comes to the hotel there was an email and I will say my apologies, we got so many emails I really didn't reply to many over the last few weeks. It was a lot. I promise you I read them all, but it was a lot. At some point something came up about the full service hotel and what does that

actually mean. It's not in the plan that it's going to be an autograph, but it's not specifying and requiring autograph, so what does full-service mean to you.

Ms. Bond said to us that means a food component that offers three meals a day, so breakfast, lunch, dinner, not just breakfast or lunch or dinner. Typically, that is room service, offering a fitness component, nice lobby, a variety of different amenities, sometimes that's a pool, sometimes it's different things, it depends on the brand candidly. It's having that kind of elevated level of experience.

Commissioner Dumas said my other question is about the Townley bridge. I was curious if you guys are planning or able to contribute to that.

Ms. Bond said yes, we can commit to a dollar amount - \$2.5 million.

Ms. Irvin said I've been in meetings with various in-house counsel groups and I want to just clarify that a little bit. Five hundred thousand (\$500,000) of that \$2.5 million would go toward the pre-construction costs associated with the Townley bridge. That can be anything from design to studies, permitting. The idea is that first half a million would happen sooner before construction begins. Once Parking Deck A starts construction, which would be once that building permit is pulled for Parking Deck A, that means that they have funding for that project. They have the funding for the larger amount. They would commit to be obligated to reimburse the Town for \$2 million of the construction costs of the bridge once they have that funding. If there's anything left over from the \$500,000 in the pre-construction phase.....so the pre-construction phase would come before that first building permit for Parking Deck A. The \$2.5 million is in like a two part.....it's not just for the bridge construction. It's to get it off the ground with designing, permitting and all of those soft costs that happen first and that's done essentially right away, as soon as the Town is ready for that. The larger number, the \$2 million number, that's the number that has to be funded as part of the project and that funding occurs when the first building starts construction, which would be Parking Deck A, because they are committing to do Parking Deck A first. I just wanted to explain about the \$2.5 million.

Commissioner Dumas said do we have an estimate for how much the Townley bridge.....we heard numbers from folks here earlier. I just would like to clarify.

Mr. Trott said we did a feasibility level estimate of what the Townley Road project or bridge project would cost and our range is between \$7.5 million and \$10.5 million.

Anthony Roberts, Town Manager, said I will say that we are putting \$9 million in the CIP. It used to be \$8 million. In the CIP that you'll see during this budget process it will be \$9 million.

Commissioner Dumas said I want to thank you for that \$2.5 million. I think that's much more generous than the original offer with the previous board of \$1 million. Personally, though, I don't think it's enough. The bridge is going to cost we're saying in the CIP \$9 million. We have to move forward with it largely because of the traffic and congestion in Birkdale. It's going to cost the taxpayers that money to build the bridge. Is there any room for a larger contribution.

Ms. Bond said we've discussed this internally quite a bit and that is our current cap, but I'm not the person making that decision and the decision has been made that that is the ceiling from our side.

Commissioner Quarles said I want to thank you for the \$2.5 million because it's definitely far greater than what was offered when they negotiated last time. We know that one commissioner negotiated \$1 million so

that's \$2.5 million less that will not be taxed by taxpayers. But you just agreed to add an additional level for parking, which is great because it helps with the parking situation. What is the estimated cost to Jamestown for that.

Ms. Bond said typically with this type of parking deck structure each space is about \$35,000 to \$40,000, times 51.

Commissioner Walsh made a motion to approve Petition R24-11, Birkdale Highway Commercial Conditional District rezoning, to rezone approximately 12.36 acres at 8725 Townley Drive from Highway Commercial Conditional District to Highway Commercial Conditional District. In considering the petition, it is consistent with the following implementation goals:

Policy LU 2.1: Higher Intensity Residential Use

Policy LU 6.1: Mixed-Use Development

Policy LU 6.2: Commercial Uses encouraged in Town Core or specified in Small Area Plan

Policy LU 7.1: Require all new development to adhere to specified Design Standards

Policy LU 8.1: Emphasize Form and Flexibility in Development Regulations

Policy LU 8.2: Encourage the Achievement of Higher Design Standards

Policy EV 1.2: Focus Economic Development in Areas that Support Growth

It is also consistent with the Huntersville 2040 Community Plan. Approval is conditioned on the following:

1. Office Building
 - Maximum height will be 100'.
 - Architecturally similar to the tiered building shown in the plan set.
 - Sidewalks will be built 10' wide.
2. Hotel Building
 - Maximum height of 80'.
 - Can have up to 125 rooms.
 - This will be a full-service hotel, similar in quality to an autograph or AC by Marriott.
 - Sidewalks will be built 10' wide.
3. Multi-Family Building
 - Maximum height of 85'.
 - Up to 150 units.
 - Petitioner will provide 10 Attainable Units as part of the project, in perpetuity.
 - These units will not exceed 100 percent of the AMI as published by HUD for the Charlotte-Concord-Gastonia NC-SC HUD Metro FMR Area.
 - Annual Verification Reports shall be submitted to the Town to confirm AMI.
 - Sidewalks will be built 10' wide.
4. Parking Deck B
 - Petitioner to add another level for a maximum of five levels.
 - Petitioner has the option to build two additional levels.
 - The total number of spaces with this deck will be 2,538, which is 607 net new spaces for the entire project.

5. The construction will occur in the following Phases:
 - The space currently occupied by Barnes & Noble will be demolished.
 - Staging for the demolition of Parking Deck A will be in that spot.
 - Parking Deck A will be demolished.
 - Parking Deck A will be built.
 - Parking Deck A will be fully operational before any additional parking spaces in any parking areas can be used to stage construction equipment for the construction of the Office Building and/or Hotel.
 - Construction of the Office Building and/or Hotel can commence.
 - The space currently occupied by Dick's Sporting Goods will be demolished.
 - Staging for the demolition of Parking Deck B will be in that spot.
 - Parking Deck B will be built.
 - Parking Deck B will be fully operational before any additional spaces in any parking areas can be used to stage construction equipment for the multi-family building.
 - Construction of the multi-family building can commence.
6. Non-Exclusive Parking for the outparcel along Sam Furr Road will remain in place unless an agreement with the owner can be reached.
7. Parking in Birkdale, including for the new hotel parking deck, will remain open to the public unless otherwise reserved for the multi-family residential units.
8. The Townley Road Bridge project is on the Town's current Capital Improvement Projects list.

Petitioner will provide the Town with \$2.5 million in funding towards the costs of the Townley Bridge project. Up to \$500,000 of the funding may be used for any pre-construction costs of the project including, but not limited to, studies, design, and right-of-way acquisition. The funding for the pre-construction costs will be paid to the Town on a reimbursement basis upon submission of paid invoices.

Should pre-construction costs not amount to at least \$500,000, the difference between the actual pre-construction costs and the committed \$500,000 of pre-construction costs funding may be used towards the Townley Bridge project's cost of construction. The remainder of the agreed upon funding may be used for the Townley Bridge project's construction costs and costs incidental thereto and will be paid to the Town on a reimbursement basis upon submission of paid invoices.

Reasonable efforts will be made to execute the funding agreement between the Petitioner and the Town, memorializing the terms of the agreement by 05/15/2025, but in any event no later than 09/01/2025.

Petitioner's reimbursements for construction costs of the Townley Bridge shall not commence until Petitioner has obtained the permits necessary for the construction of the parking deck, referenced as Deck A in this rezoning plan.

Notwithstanding the foregoing, if the Town hasn't commenced the construction phase of the Townley Bridge project within eight years of the Petitioner commencing construction of Deck A, Petitioner's funding obligation for the construction costs of the Townley Bridge project, as described herein, shall automatically terminate.

9. Petitioner shall dedicate right-of-way necessary for the pedestrian bridge that will be built over Sam Fur Road (NC 73), which is part of the NCDOT NC 73 widening project.
10. All additional outstanding Planning Staff comments shall be addressed.

With these conditions, it is reasonable and in the public interest to approve Petition R24-11, because it is consistent with the envisioned uses and development pattern set forth in the Huntersville 2040 Community Plan.

Commissioner Hunt seconded the motion.

Commissioner Walsh said I'm in complete support of the rezoning and all the new life that it will breathe into Birkdale Village. Birkdale Village is the crown jewel of Huntersville. It attracts millions of visitors a year and acts as a place for our local residents to mix and mingle, shop and play and is the largest contributor to our tax base. For this Board to ignore the next phase in its evolution would simply be shortsighted. Change is hard for some people and I get that. This board has shown that it has vision to do the right thing. An approval this evening is the right thing. Our responsibility as the board is to do what is best for the 70,000 residents who call Huntersville Home. It is also our responsibility to follow our blueprint for growth which is our Huntersville 2040 Community Plan. An affirmative decision tonight means this board had the vision to take the next step to make Huntersville an even better place to thrive.

Commissioner Dumas said one thing I've learned since serving on the board is that if we deny a rezoning, developers will often move forward with whatever version they are legally allowed to move forward with. This means as a town we lose the opportunity to negotiate for what we truly need. For example, a previous zoning request for Birkdale was denied yet NAP still proceeded with significant changes without concessions in return. At that time, if I remember correctly, they had proposed widening entry and exit points, adding turn lanes, increased parking, a contribution toward the bridge, but when the rezoning was rejected those improvements were lost. If this project is denied Jamestown can still proceed with an office building by right. But what would we get. Will parking be added.....maybe for the office building. We won't get help with the bridge, so the question becomes what is in the true best interest of the town. I really actually like the project. I liked the project when it came to the previous board. I don't have any issues with the designs or building heights as we've heard from others. While I originally questioned whether or not we need office space, I do now believe Class A office space is valuable and needed in Huntersville. We've heard from several small business owners and managers in Birkdale that have expressed support for this office space so that they can get lunch traffic. I worried that the parking wasn't enough to supplement the additional employees that we've seen added with the hotel and with the extra restaurants we've seen in the area. But I'm satisfied with the additional parking that they've come out with and that they've added the extra level in the parking garage that they offered today. I'm also in favor of a boutique hotel. Our community deserves to have a nice place to hold events and host visiting family and friends. However, when this project first came to us, I was not aware that the outparcels were not owned by Jamestown and I have major concern with the hotel location. I don't see how the businesses in that outparcel won't suffer and I just don't think that's fair. I'd like to see ideas for other locations for the hotel. My preference would be to move forward with the project but postpone the hotel at this time. Without that and with just \$2.5 million on the bridge, I would be a no.

Commissioner Hunt said just to recap, we're getting \$2.5 million for the Townley project, 10 attainable units in perpetuity, it's our largest tax producer according to our Town audit. Birkdale went from being the third largest tax producer in 2014 to our largest tax producer in 2024. This illustrates that they are continuing to invest in the town. My colleagues and I talked to residents who are in support of the project and those who

are opposed to the project. For those who are opposed we heard subjective concerns and objective concerns. For the subjective concerns like the aesthetics or building height, there are people who like the aesthetics and those who don't, so we can't find solutions for that. With that in mind, I turned my focus to objective concerns. I'm going to share what we heard from residents and what we did about it.

You wanted more parking. The applicant is remodeling Parking Deck A first. They will build an extra level to Parking Deck B than originally offered with net new spaces of 607. You wanted parking enforcement in your neighborhood. Once we heard this concern, we asked Police to start enforcing the parking restrictions where applicable. It ticketed drivers who were parking on both sides of the street where that was prohibited. In our pre-meeting we explored resident permanent parking. We will continue working on this solution to ensure that your neighborhood is safe and easily passable for you and emergency vehicles. You wanted easy access to the outparcel with Nothing Bundt Cakes, Chipotle, etc. We can wait to build the median so visitors to the outparcel can still have easy access. Hotel patrons will look out their front door and see a place to eat and have dessert and this may actually help with business. You wanted more security to ensure that Birkdale is safe for residents and patrons. Jamestown is hiring more security. You wanted a phased in approach. Jamestown is building the parking deck first to alleviate the parking pains. They'll move on to the other parts next.

I have some additional thoughts I'd like to share as well. I personally prefer redevelopment to suburban sprawl. Some have suggested that the applicant should acquire land in another part of town with less density and build there. Not only can we not compel them to do that, but I'd rather see growth be concentrated in areas near major thoroughfares and in areas that are already developed. Jamestown is committing to adding more parking, but it's worth mentioning that parking minimums are going away around the country because they're recognized as poor land use. People are finding other ways to get around and that's okay. Apartments are not simply for people passing through the town and they are not havens for crime. People live in apartments for any number of reasons, but it's important to recognize that many offer resort style living without responsibility. They are just as expensive, if not more so, than a home mortgage. Jamestown took something that is losing popularity around the country in the concept of malls and making it popular and profitable. They're diversifying the offerings to further activate the area and bring in more people to patronize the small businesses and franchise owners operating in Birkdale.

Over the course of this process, we heard from several small business owners who are in favor of the redevelopment because of the daily increased foot traffic. I would be remiss if I didn't point out that saying no to development isn't always realistic and it's not managing the growth, but dismissing it. When the last board voted no on the proposal for technical and procedural reasons, it didn't solve the issue of parking and it didn't make people stop coming to Birkdale. I understand the frustrations of congestion and change but saying no doesn't automatically make anything better.

Lastly, I appreciated talking with residents who wanted to have respectful conversations and a meaningful exchange of ideas. Please understand that we are listening and we have listened, but that doesn't mean that we agree. That's an important distinction. We need to be able to have conversations with each other without casting aspersions on us or staff. We need to be allowed to disagree without speculation on our integrity, especially when each of us has asked questions or directly stated why we arrived at this decision. Staff and the Town Board are not some far away force that you can't get on the phone, as I talked to many of you on the phone or met with you in person. We could run into you at the grocery store or on the greenway because we are your neighbors. Let's work together to embody why Huntersville is a great place to live and treat each other with grace and kindness.

Commissioner Quarles said this is the most controversial rezoning request we've had. I've met with some who are opposed as well as some who are in favor of the rezoning. I've met with small business owners in the Village and I've stopped people along the Village, on the streets. I also, while in the Village, talked with an employee who was dusting off the bench by Barnes & Noble and Red Rocks. I also talked with quite a few people who are Huntersville residents, but do not live in the Birkdale area. Lastly, I met with a couple of our former board members. I wanted to meet with another, but that member chose to come speak at the podium and send us intimidating emails. I met with a couple of state elected.

In addition, for a month I drove up and down 73 as well as inside the Village and the Greens three times a day at different times each day. It was said denying the pending application should be an easy one to decline. That would be easy if you were not committed to gathering discovery. This rezoning required a lot of reading, talking, homework. Serving in Desert Storm taught me to block out distractions when needed. Definitely this was one of those times. I thank those who chose to meet with me. You know that I will meet with anyone and I refuse to meet via email, text and definitely not social media. I will not waste my time to engage with anyone who refuses to meet with any town leader then live an illusion that they are an investigative journalist.

Since there were some quotes tonight, when I ran for office, when the application to rezone Birkdale was first presented two years ago, I was not 100 percent in favor of it. I also didn't know the things I know today about the rezoning. I did say I was in favor of Class A office space and some of you may have the little paper that you are passing around. My exact words were as a proponent to bring in more tax dollars that can be used to help speed up our road construction and traffic issues, I think a Class A office space would be beneficial because they rent to businesses at above average cost. I said that I did not think the apartments needed to be built at that time.

When my colleagues and I campaigned, workforce housing is what we said we would bring to this town for our police, firefighters, Veterans, teachers and other workers who work here. I was asked about building height and I gave an option that could be an offset. I'm in agreement now and apparently some of those who opposed that then when I participated in their questionnaire are also in favor of the height increase as well, especially since they are okay with the increase of height for the building parking lots and parking decks. I do believe that the building should model its current construction. This proposal is not asking for that change. The two white parcels, as well as the building on the outside of the Village have a different look than those inside the Village.

Listening to the residents is something that we were told we need to do. Some say we should listen to our constituents and property owners in this matter. For the constituents who are in favor of this rezoning were we only to listen to you. For the constituents who opposed this rezoning, were we only to listen to you, or should we have listened to the small business owners in the Village. Some of the small business owners told me that in addition to being a small business owner in the Village, they are also residents of Huntersville. I learned that 50 percent of our small business owners in the Village are actually Huntersville residents. I did not meet with one small business owner who was 100 percent against the rezoning. What I was told was this is our livelihood and we have a family to feed and to support and employees who need their job. I questioned what constituents and property owners were you referring to. We listened to residents. I talked to one resident who said that he was okay with his property tax being raised.

When I met with the residents, I gave pros and cons of the rezoning. I asked what was most important to them congestion, parking, height of buildings or having your taxes raised in the next few years. Someone mentioned smart and reasonable and that was said tonight. Asking for nearly \$3 million that will not be

passed on to our residents so we can hire more police, fire, money for our waste management and road infrastructure, I believe that is smart and reasonable.

Destination – many have said you moved here for the small town feeling and so did everyone else who was attracted to Huntersville for that same reason. Now you see what happens because of that, growth and development. Around the same time in late 1990's, early 2000's there were rezonings for two farms for major developments going on at the same time. Those residents were not happy. Those areas that were once being rezoned from farm are now called Birkdale Village and Northstone. Huntersville has almost tripled in population since then.

Huntersville is the second largest town in Mecklenburg County and that didn't just happen. Huntersville is 17 to 25 minutes from a major airport, three connecting interstates and then there's Lake Norman. So, no, Huntersville is not the small town it used to be. North Carolina is the fourth fastest growing state in the country – California, Texas, Florida and North Carolina. I was in a meeting this past Friday with one of our state legislators and he said the state leaders' goal is to be the fastest growing state in the country. North Carolina has one of the lowest corporate tax rates, but what I was told by our leaders in Raleigh being No. 4 and in the Top 5 is not good enough. So, what are they doing, they are offering zero percent corporate tax to attract more companies and lowering state taxes to lure in more people. If you don't want growth and development in North Carolina, the only place you can go to is a place where nobody wants to be.

A few weeks ago, Commissioner Walsh and I were in Raleigh. We were talking to a commissioner from Havelock and he said they are busting through the seams. They have 17,000 people and people complain because of the growth. Birkdale Village is a popular destination. It's a jewel, it's a magnet, it's a regional place that welcomed millions of visitors last year. Visitors have mistaken and thought Birkdale Village was our downtown. Birkdale Village is not our downtown and it's not a private community. It is for all the residents of Huntersville and those who want to come to visit.

Somebody sent an email saying that Huntersville is just another suburb if it didn't have Birkdale Village. It is one of the major factors that makes our town different from Denver, Cornelius, Davidson, etc. We have an obligation to prove that and I agree. I think the way we do that is not allowing it to dry up and become the hood where thugs hang out or like a couple of people have said it's turning to be. No skin in the game, my words have been used against me, compromise and who will win. This is where the transparency is not going to be comfortable to some. I know that only of the previous elected action on one of the previous elected asks now for skin in the game.

Jamestown is committing to \$200 million in our town. This development is expected to generate an additional \$200,000 in property tax that will not be passed on to our residents and \$212 million annual employment benefits, \$2.5 million for the Townley bridge. The developer will have additional security, and we have attainable housing for our police, fire, teachers, and local workers.

I was recently accused of taking credit for what the former board did. Some of them gave into pressure and intimidation and did not put the residents first, so I chose not to play politics like some of them did, so I will not take credit for what the former board did.

Smart growth – this decision is not about today. It's about getting ahead of the future. Many of us have children and grandchildren and may want them to stay here and raise their family in this great town. Of the Top 25 municipalities in this state, Huntersville has the lowest personal property tax rate than all of them. If we do not invest in our community then the cost of our children will be too much for them to live here in the future. Growth is inevitable and there is no plan for it to slow down in North Carolina. Someone has to

pay for the services for the growth, the taxpaying citizens or the business. You make the call. In my decisions I weigh all factors. I know that I can't please all the people all the time, however I am committed to trying to please most of the people most of the time. I will stand with courage and I believe I will do what is the right thing to do. It is humanly impossible to please everyone and comments after tonight's vote will definitely prove that.

Commissioner Rivers said first I want to take this opportunity of thanking everyone who has come out, those who have spoken out whether it was opposed or whether it was in favor, whether you were a business owner or whether you were a resident. We've heard from each of every one of you and although we may not have been able to respond to each and every email, we have read every email while navigating through this process of ensuring that we, the Town Board, make the best decision possible for the entire town of Huntersville.

We have seen some oversights. We have seen some things that have been questioned. However, it is our civic duty to ensure that this project is considered and looked at fairly and in its entirety. Rezoning in most cases are not always welcome and when the original Birkdale Village vision was introduced it was not accepted either. Growth is happening. It was happening then and it's happening now, more rapidly within the town of Huntersville. The town in which we live in is attractive and it is attracting businesses and residents.

Change is a hard concept to grasp because it is unknown. With change comes wins and losses. This has been a hard decision and after weeks of meetings and gathering of information my decision will be based on facts. With that being said, I am voting in favor of this project. We must look forward to what's ahead and embrace our town's growth.

Commissioner Bergsman said mixed-use development and activity nodes like Birkdale help create more vibrant, connected and economically strong community. When Class A office space is combined with commercial and residential it helps reduce the number of car trips people need to take in their daily life. This is one of the reasons why I am voting in favor of the Jamestown Rezoning Project. With that said, I do hear you and I know traffic and road conditions are a major concern and I share that frustration.

North Carolina is one of the fastest growing states in the country and our infrastructure is not keeping up. This is a serious issue. That's why we also work with the League of Municipalities along with other towns and will continue pushing state leaders in Raleigh for more funding, better road maintenance and a real investment in our aging and lagging infrastructure. I know that parking has also been a big concern. This project brings one seven-story parking deck and one five-story parking deck. We're used to pulling up right in front of shops and stores and if we can't, it feels inconvenient. Even if the walk from a centralized parking deck to Chipotle would be the same distance as crossing a big box store's parking lot. If we, and I do include myself in this, those who are able-bodied are willing to walk the length of Target or Walmart to grab a few items, I think we can also walk the same distance to support local businesses, the places that make our town unique – to pick up a red velvet bundtlet from Nothing Bundt Cakes, to grab one of Nanny's pecan pies from Buttermilk Sky, to shop for a baby shower gift at Airlie Baby instead of Amazon, to sit down at Brown Bag Seafood with a few friends and have one of my favorite blackened fish sandwiches knowing that I'm supporting a small business.

I know that growth and change brings strong opinions and I respect that. The people who care the most about this community are the ones who live here. We may not always agree on the best path forward, but I truly believe we all want the same thing, a thriving, welcoming place to call home. It can be easy to assume the worst about people, especially in a world where cynicism spreads faster than facts. But I'm here for the

same reason you are, I care about this town. I welcome respectful debate because that is part of a healthy democracy. I work to secure the best possible outcomes, not for profit, not for kickbacks as some have alleged, but for the people who share this town with me. Sometimes that involves making decisions that are portrayed as unpopular. All I ask in return is to remember that we are all at our best when we assume good faith in our neighbors. I have heard from many of your neighbors in Birkdale Greens who do support this project. We may have different visions of what is best for our town, but we all want it to succeed. Let's keep that in mind as we move forward.

Mayor Clark called for the vote to approve Petition #R24-11.

Motion carried 5 to 1, with Commissioner Dumas opposed.

Mayor Clark called for a 5-minute recess.

The Board reconvened.

Environmental Sustainability Committee Appointments. Consider appointing three members to the Environmental Sustainability Committee due to two expiring terms and one resignation.

Mayor Clark called for nominations.

Commissioner Rivers nominated Jeremy Shook, Padma Priya Jayaram and Tim Sanborn.
Commissioner Walsh nominated Jeremy Shook, Padma Priya Jayaram and Tim Sanborn.
Commissioner Dumas nominated Jeremy Shook, Padma Priya Jayaram and Diane McLaine.
Commissioner Hunt nominated Jeremy Shook, Padma Priya Jayaram and Diane McLaine.
Commissioner Quarles nominated Jeremy Shook, Padma Priya Jayaram and Tim Sanborn.
Commissioner Bergsman nominated Jeremy Shook, Padma Priya Jayaram and Diane McLaine.

Mayor Clark said we have a unanimous for Padma Priya Jayaram and a unanimous for Jeremy Shook. We have a tie for Diane McLaine and Tim Sanborn. I will add my vote for Diane McLaine.

Commissioner Hunt made a motion to appoint Jeremy Shook, Padma Priya Jayaram and Diane McLaine to the Environmental Sustainability Committee.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

Parks and Recreation Commission Appointment. Consider appointing one member to a three-year term expiring 12/31/2025 to the Parks and Recreation Commission due to a vacancy.

Mayor Clark called for nominations.

Commissioner Rivers nominated Sharon Correll.
Commissioner Walsh nominated Sharon Correll.
Commissioner Dumas nominated Sharon Correll.
Commissioner Hunt nominated Sharon Correll.
Commissioner Quarles nominated Sharon Correll.
Commissioner Bergsman nominated Sharon Correll.

Commissioner Bergsman made a motion to appoint Sharon Correll to the Parks and Recreation Commission.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Resolution – Disband Huntersville Ordinances Advisory Board. Emily Sloop, Town Attorney, said this item is in relation to a previous Board request that the Legal staff carry out the necessary steps to disband the HOAB.

Commissioner Quarles said before I make the motion, I want to thank each person that was part of the Huntersville Ordinances Advisory Board. Your services were very well appreciated.

Commissioner Quarles made a motion to approve the Resolution disbanding the Huntersville Ordinances Advisory Board.

Commissioner Walsh seconded the motion.

Commissioner Bergsman said I wanted to thank everyone who is currently and who has served on the HOAB. I'm not supporting this at this time mainly because I had hoped that this would happen concurrently with some other things that we had discussed.

Mayor Clark said I also would like to thank all the former and current members of the Huntersville Ordinances Advisory Board. We appreciate your time and dedication to the Town, and we hope that you will rejoin another committee in the future when we determine what that looks like.

Mayor Clark called for the vote.

Motion carried 4 to 2 – Commissioners Rivers, Walsh, Hunt and Quarles in favor; Commissioners Bergsman and Dumas opposed.

Quasi-judicial Hearing – Petition #SUP24-02, Merancas Fire Training Facility. Conduct a quasi-judicial hearing on Petition #SUP24-02 Merancas Fire Training Facility for a Special Use Permit at 11700 Old Verhoeff Drive (PIN# 01720101) for a fire training facility with a burn building.

Jesse James, Principal Planner, entered Staff Report into the record for SUP24-02.

Mayor Clark said this is a quasi-judicial hearing on the application submitted by the Merancas Fire Training Facility. Quasi-judicial hearings are evidentiary in nature. Only parties with standing, including the applicant, property owner, local government and individuals who can show they will suffer special damages have the right to participate fully in the hearing. Special damages must be particularized, separate and distinct from the damages to the public at large. Special damages are fact specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing. Parties may present evidence, call witnesses and make legal arguments. Other individuals may, but are not required to be, allowed to speak as witnesses, however they will not be allowed to participate fully as a party such as by questioning other witnesses or by calling other persons to testify. Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions. Certain topics require expert witnesses, including projections about impacts on property values

and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert opinion is insufficient to establish the existence or non-existence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material and substantial evidence in the record. Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant and vague evidence, non-expert opinions as to something that requires an expert and non-accepted hearsay evidence will not likely be competent evidence. Material evidence is evidence that shows the standards will or will not be met. Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation of substantiated fears of the community or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented. Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material and substantial evidence in the making of its decision. The Board will recognize the applicant as a party, as well as the property owners, if different than the applicant. Other persons who believe they have standing to participate as a party may come forward at this time and briefly explain why they believe they have standing to participate so a standing determination can be made. However, if you do not wish to participate as a party, please wait to come forward until after we have identified parties with standing.

Amy Dominov said I'm with Clark Nexsen Architects representing Central Piedmont Community College.

Emily Sloop, Town Attorney, said you represent the applicant, correct and you'll be a witness.

Michael Berkowitz said I'm a certified general appraiser and I'm here for the findings of fact for the Special Use Permit.

Jeff Smith said I'm with Thomas & Hutton Civil Engineer that helped prepare the plans.

Jeffrey Connors said I'm an air quality meteorologist supporting the applicant.

Jonas Gilbert said I'm with AECOM. I help support the air quality findings.

Jeff Richardson said I'm the Chief of Training for Charlotte Fire Department.

Mayor Clark said will each party with standing tell me the witnesses they intend to call, if any.

Ms. Sloop said I believe they're all serving as witnesses.

Mayor Clark said are there any other persons who don't qualify to be a party, but who would like to testify, please come forward if so.

No one came forward.

Mayor Clark swore in Jesse James, Brian Richards, Stephen Trott, Amy Dominov, Michael Berkowitz, Jeff Smith, Jeffrey Connors, Jonas Gilbert and Jeff Richardson.

Mayor Clark said the parties to this case are entitled to an impartial board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with affected person. Does any Board member have any conflicts of interest to offer at tonight's meeting.

No Board member had a conflict of interest.

Mayor Clark said parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is a communication about the case outside the hearing that may be email communications as well as conversations with parties, staff or the general public. Does any Board member have any ex parte communication to disclose.

No Board member disclosed any ex parte communication.

Mayor Clark said based on the disclosures we've heard from the Board concerning partiality and the ex parte communication, does any member of the Board or any party to this matter have an objection to the Board members participating in this hearing.

There were no objections.

Mayor Clark said I'd like to call on our Planning staff to present their report.

Mr. James said SUP24-02, I will enter my Staff Report into the record again. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

We've already gone over the first slide that talks about the criteria for Special Use Permits. I won't belabor that any further. I will talk about why a Special Use Permit is needed for this particular case. Article 9.24 within the district they are looking to rezone to calls on any use or development that causes smoke or fumes needs to have a Special Use Permit, so that's what 9.24 addresses with environmentally sensitive uses not expressly permitted. The applicant burden evidence requirements of Section 11.4.10, those are the two sections I'll be diving into.

Just real quick the context of the area development of the proposed site is there on Verhoeff Drive and Old Verhoeff Drive and Statesville Road and you can see at HFFA up to the north, the daycare also I guess it's northeast, but north would be the daycare, another CPCC facility to the south and the park there across the street.

The proposed site plan that is attached to the SUP, we'll be going over this in the rezoning as well. Everything is compliant, however they have asked for modifications for buffer yards and we will get into that in the rezoning. They do meet the intent of the buffers within that proposal of screening the site internally and they also have security fences around the interior of that development.

These are just some of the elevations submitted showing that buffering of the site and the building along the front that also buffers the interior. Going into Article 9.24, that is the article that required a Special Use Permit. Some of the questions involved in that, adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the location of buffers or screens, again the buffers are adequate for screening of the interior of the site and the applicants did submit an air quality study by AECOM to analyze the smoke content and found that the levels are acceptable.

Number two under 9.24, any areas of the site which may present a danger to residents, their children, pets or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert....said danger fencing shall be installed on the interior of any buffering screen. They do have that security fencing like I alluded to before.

Vehicular access to the proposed use will be provided by way of road sufficient size to accommodate generated trips and vehicles typically associated with the use. A use considered under the standard of this Special Use Permit process shall not be assessed through a residential neighborhood nor a residential local street. They meet that.

Old Verhoeff Drive is a commercial street to commercial street standards.

Diving into the applicant burden evidence that any Special Use Permit has to adhere to. Number one, the special use will not materially endanger the public health or safety, so the fire and building codes will be met through the review process for Mecklenburg County. The fire has no plastics, liquid, fuels, furniture or other petro-based items. They are burning organic materials like wood pallets and straw bales only. They provided an air quality impact study from AECOM that said the thresholds would not endanger public health.

Number two, the proposed special use will not substantially injure the value of abutting properties or it constitutes a public necessity. They did provide evidence from commercial real estate appraisal and real estate consulting firm, T. B. Harris, Jr. & Associates and they evaluated the study area in comparison to other fire training facilities in North Carolina and found that the proposed use will not substantially injure the value of adjacent or abutting properties.

Number three, the proposed special use will be in harmony with the area that it's located and in general conformity with the comprehensive plans and applicable small area plans. As we'll see in the rezoning report, it is consistent with the Community Plan EV-4 and 4.2. It supports education and workforce training.

Number four, the proposed special use will comply with all lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district. It does comply with all those standards. We'll get into that in the rezoning as well. They do have one buffer with modification that would be approved at the rezoning level, but it does meet the intent of that buffer.

Number five, the proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a Special Use Permit. That dives into the previous ordinance requirements and they do meet those standards.

Staff finds that the special use application does meet the requirements for approval for the proposed fire training facility based on the above findings of fact. Staff finds that the evidence provided by expert witnesses to be credible and pertinent to the requirements of the Zoning Ordinance.

The applicants do have a presentation that they would like to enter into the record. *Applicant PowerPoint attached hereto as Exhibit No. 8.*

Amy Dominov said I'm a senior architect with Clark Nexsen. We have the special privilege of presenting this for Central Piedmont Community College tonight for the benefit of the surrounding community. I want to go through these slides quickly to make sure that we address any and all questions that may come up regarding this proposed use of this facility because I know this is slightly different than what folks may be

used to seeing in the area and what's accommodated here is of technical nature. Just for the project introduction just to reiterate Central Piedmont Community College is seeking approval to construct a two acre fire training facility. Two acres is the minimum requirement. There are standards for this by the insurance office that could feed into essentially, and we'll talk about this in a second, the requirements for setting the ISO class of any particular fire district, so this is required for them to provide training facilities, provide specific types of training facilities and a certain dimension of training facilities. That two acres is actually a requirement and we are able to meet that with this five acre site. This is a regulated permanent facility. I want to make that clear. This is a permanent burn structure that we're proposing for this site and building, that is different than sometimes the fire districts will elect to use an old home or something like that, that has a different set of requirements, which is enforced by the office of the State Fire Marshal. I want to make it clear, this is a permanent facility, a permanent structure which will be used to burn Class A materials.

Obviously to engage interest in firefighting and support local departments, Huntersville, Cornelius and Davidson have had input on this project and will be using this facility since it will now be closer to home which is another point that we wanted to make. We want to do some effort here to reduce taxpayer cost required to drive apparatus they need to use for training outside of the community to Charlotte, to Gaston County, to another facility that meets the requirements of the ISO standards to provide that training.

Again, just to reiterate we have 5.28 acres that we are using to provide the minimum 2 acre site for the ISO training facility and this site is very close to the existing Merancas campus so we want to make sure that it has some integration with the existing campus.

The site itself, I just want to go over the features very briefly. The parking lot accommodates 40 folks that will be able to park in this zone. The classroom building that's along the main frontage for Verhoeff provides screening as well as just main interior training facilities as well as decontamination facilities, showers, laundry facilities for firefighter turnout gear.

The training tower and the burn tower in the center of the site are kind of the main features of the facility. The training tower is what's called a cold tower, it's not burnt. It's used for repelling, shaft engagement exercises, ingress and egress training for the firefighters and other types of facilities like that. The burn building as you see kind of on the bottom corner of the site, that is a smaller two-story residential structure. It's meant to accommodate as I said Class A fuels which will largely be pallets and straw. That is what they will burn in 4'x4' cribs you can call them. Inside, concrete block rooms that will be used for that facility. Up at the top of the site you see we have several storage sheds. Those will be shed type structures that will be buffered and screened, as you can see by the evergreens along the buffer areas of the north side of the site plan. Those will be used to store those fuel materials for training.

We want to just quickly address the applicant burden questions and make sure that there are no additional questions from staff here. The first one, of course, is the proposed special use will not materially endanger the public health or safety. Again, we will follow required North Carolina codes and standards. The office of the State Fire Marshal enacts training enforcement especially for these live burn training evolutions. There are required standards that they had to follow, procedures that they have to actually log in and we have Chief Richardson here from Charlotte-Mecklenburg Fire to speak to that in a moment. The fire training will adhere to the NFPA standards. There are requirements that we, of course, need to follow, codes that we need to follow when fire training is enacted to ensure the safety of staff and trainees. And then as well the buildings themselves will meet all required building and fire codes in terms of egress, size and doorway widths and those types of things.

Live fire training, the protocol for this is really that burn days are scheduled within limited portions of the year, so only about 70 to 75 burn days will occur on this site per year. Again, this is a regulated practice that is administered by trained staff. You have to have a certain number of hours in order to be a trainer for this type of procedure to occur. Burns have to occur during nighttime and daytime. We need to simulate what would happen in a real fire to make sure that the trainees have the right comportment during those events.

Burns occur on weekdays and weekends. There is no specific timeframe. It's based on not only Central Piedmont's requirements for their particular classes, but as well as the individual districts what they will need for scheduling these burns and trainings around their own schedules. And again, only Class A materials will be burned with pallets and straw bales.

This just shows a video of a very similar looking building and what happens in this facility. As you can see the Class A materials are being burnt. At some portion of this video they will go in and start to attack the fire. You will see steam starting to come out through the windows, but the smoke is very minimal. It has to be a controlled burn exercise and be within the temperatures. As you can see, they are starting to treat that fire.

At this time I would like to have AECOM Jeff and Jonas come up and speak to the air quality impact study that was performed for this particular site.

Jeffrey Connors, Leominster, MA, said air quality impacts associated with the project were evaluated to determine if there would be a potential to adversely impact the local community. Emission rates were first quantified for the project with a focus on fine particulates, less than 2.5 microns in diameter and other potential hazardous air pollutants. Dilution of the emissions from the release point to nearby receptors was quantified with air dispersion model. The impacts of the result in concentrations of PM 2.5 and HAPS were then compared to national ambient air quality standards or Mecklenburg County air pollution control ordinance acceptable ambient impact levels, which are similar to those that have been adopted by the North Carolina Department of Environmental Quality State Toxics Air Pollutant Guidelines.

The emissions of both criteria pollutants, in this case PM 2.5 and hazardous air pollutants are very low and below, as indicated on the slide, any state or federal permitting thresholds. After quantifying the emissions, we conducted an analysis using a dispersion model to measure the amount of dilution of the emissions that occurred from the point of their release. The model that we chose to use in this case was AERMOD, which is a USEPA and Mecklenburg County recommended model for air dispersion modeling and is used routinely for impact assessments required for permitting large sources, including power plants, refineries and paper mills. AERMOD takes emissions, local meteorology and receptor locations to approximate modeled concentrations from an emission source. Wind, temperature and atmospheric stability and source receptor locations all contribute to the amount of dilution or dispersion that occurs from the release point to the receptor locations.

Some of the results from our analysis are shown on this slide. We first will look at results for PM 2.5 on a 24-hour average basis. The receptors that we included in our study included the Phoenix Montessori School, Statesville Kindercare, residents at the Sweet Briar Rose Court, Huntersville Family Fitness & Aquatic Center, Central Piedmont Community College, Huntersville Recreation Center and Huntersville Athletic Park.

When we're evaluating model concentrations compared to national ambient air quality standards, it's important to first understand the baseline or existing condition relative to air quality. For this we utilize a 24-hour PM 2.5 concentration from a nearby monitor located at Friendship Park, approximately 7.5 miles south/southwest of the project site. The baseline concentration of PM 2.5 reflecting the 24-hour averaging

period was 55 percent of the national ambient air quality standard. There's an example bar chart shown on the lefthand part of this slide which is then repeated for each of the modeled receptors on the main image of the slide. The bar chart shows the highest 24-hour average modeled concentration in blue from the project along with the existing baseline condition in green and then the total of the two values. All these values are relative to the percentage of the national ambient air quality standard for PM 2.5.

As you can clearly see on the bar charts at each of the sensitive receptor locations, the project contribution is far less than the existing condition and when you add the two together you're not really changing much of the air quality in the area associated with the project.

This next slide looks at PM 2.5 as well but instead of a 24-hour averaging period, this is an annual averaging period. In this case the existing condition from the same monitor is almost fully taken up by the existing condition is almost 100 percent of the NAAQS. EPA just recently lowered that standard from 12 to 9, so counties and states are working to lower those values and come into compliance with that standard. What's notable on this slide is the relative contribution of the project being less than 1 percent in any of our modeled receptors compared to the NAAQS and the existing condition.

The last set of results I have here is for the hazardous air pollutant that had the highest emission rate and that was Formaldehyde. Relative to the 1-hour acute ambient impact level of 150 micrograms per cubic meter, the percentages on this chart show essentially the relative contribution of the project compared to that 150 microgram per cubic meter threshold. Essentially the key takeaway from our study is that the emissions from the proposed project are low and the air quality impact assessment confirms that the project will not result in any air quality exceedances, therefore not proposing a threat to public health and welfare.

Commissioner Walsh said everybody up here is a lot brighter than I am, so I'm going to ask a question. Would you go to that site and set off something and that's how you determine these various monitoring.

Mr. Connors said we estimated emissions based on the project design, how much material they plan to burn, used emission factors to quantify how much PM 2.5 and other hazardous chemicals were coming from the burn of the straw and the pallets, and then we used a computer model with historical meteorological data, 5 years, to simulate the dispersion based on wind direction, so in this case it's local meteorology from Charlotte Airport, so very representative of the area and so the model calculates the dispersion of the emissions and what the result in concentration is at those receptors.

Commissioner Bergsman said a few slides back when you were talking about like kind of the dispersion of particulates, I'm just curious, is that influenced at all by weather variables like humidity and stuff like that.

Mr. Connors said the dispersion itself, typically not. It's mostly atmospheric stability dependent which is highly correlated with the speed of the wind, the time of the day, stability. Think about a boiling pot of water. The more you heat that boiling pot of water you get convection, so atmospheric stability is the same way, as the ground heats the atmosphere kind of bubbles in that fashion creating more dispersion. A lot of times you get better dispersion during the day when it's windier and more convective than you would say at night when you lose that heating component and the winds die down a little bit. They all play an integral role. There are some that are more important than others, but primarily it's wind speed, the effects of solar insulation and temperature are probably the three biggest variables.

Ms. Dominov said proceeding on just to close out our selection of items for item number one on this list is just notification of scheduled burns. We did hear some concerns and when we talked to the Planning Board

just about how we would notify surrounding neighbors. Central Piedmont will be posting on their website or social media site in accordance with requirements, especially from the State Fire Marshal, as required for notification. There are certain types of trainings that do require public notification and as well as just for local information just so folks will know when these burns are occurring if they are seeing smoke.

Commissioner Walsh said you had mentioned Piedmont, but will we tie into Huntersville, like Ethan over in Communications, because it's here.....so you tied into it.

Ms. Dominov said to speak to question number two, as we've already mentioned we took a look at an impact study for adjacent property values to ensure that this new project would not substantially injure those values. Here to speak is Michael Berkowitz who is with T. B. Harris Jr. and Associates who has studied the impact on the local area based on other similar projects.

Michael Berkowitz, Concord, NC, said for this assignment I was engaged to provide an impact study of the proposed development. From an appraisal perspective I provided a quantitative and qualitative analysis that's included in the report. I would ask that that report be part of the record as evidentiary. *Refer to Exhibit No. 9.* Also, I contacted tenants including a dentist office that was adjacent to one of these. I narrowed it down from 39 facilities to 16 because I understood the burn building was a consideration, so the 16 that I did more thorough investigation had a burn building. One is down the street from a hospital, which I found interesting. As I looked into these, there were also the ones that I used for quantitative analysis were residential properties that were adjacent and then subdivision that was further down in the same subdivision and use that as quantitative analysis.

Based upon the anecdotal evidence, the qualitative analysis, the existing buffering and the proposed development, it's my professional opinion that this development as proposed will not substantially injure the value of adjacent or abutting properties.

Ms. Dominov said I will note that all of these reports that we have just presented have already been supplied to the Town, so those are public record at this point.

Ms. Sloop said do you want them to be included in part of the evidentiary hearing record, correct.

Ms. Dominov said correct. We would like to address the second component of this question just because it is the opinion of the team that this also constitutes a public necessity and we will try to endeavor to show that in several ways. The first is that this is a required facility as we mentioned. Training is a required component for active firefighters as well as those that wish to be firefighters. It addresses safety and preparedness. Firefighters can practice and hone skills so they're ready and prepared for real life emergencies that aren't controlled. They prepare those skills and they are ensuring that they are complying by the national standards for use of their equipment, for use of their scuba equipment and other types of equipment.

As they go through these firefighting activities, it reduces the community risk. These firefighters are more ready to engage and fight fires in their local community as we're designing facilities that more closely address and situations that more closely address the surrounding community and what that is like. Adaptation to new challenges, different types of training can be proposed for these different types of facilities that we have on site. As these technologies evolve, we can stay updated with the latest methods and equipment.

Public service infrastructure – firefighters are required to complete a number of annual training hours. We have mentioned this before. Currently, Huntersville, Davidson and Cornelius drive 30 minutes to an hour to conduct this required hands-on training at an approved training facility. To conduct this training it costs additional dollars to backfill the fire stations while that personnel and apparatus are out of their area. There is additional costs for the wear and tear on the apparatus as they are driving those long distances – maybe it's 20 miles to go to Charlotte to go to the facility on Shopton Road and that apparatus now is not available directly in the district where it needs to be located.

As well I want to mention and this will come in the next slide, fire departments are given scores by the Insurance Services Office, that's ISO that you've seen us mentioned before, that rate the level of compliance and ability to protect the communities they serve. Live fire training is part of that and you're scored on this and that score directly affects the community fire insurance rate that is passed on to the local community. ISO, again they're given these scores to rate their level of compliance and ability to protect the communities that they serve. This proposed facility we are developing it to provide all of the necessary ISO training features that are required to meet the points on those ISO requirements. ISO is handled by the Office of the State Fire Marshal under the Department of Insurance. In North Carolina the better the score, the lower the premiums in terms of insurance. To speak to the requirements of training and what occurs during live fire training I do have Chief Richardson from Charlotte-Mecklenburg Fire here. He is in charge of the facility where these items occur on Shopton Road.

Chief Jeff Richardson, Mooresville, NC said for many years the Charlotte Fire Department, like all the other fire departments in the county, rely on a partnership with Central Piedmont Community College to deliver our training programs. I was asked to speak briefly about the impact of having a dedicated training facility. The ISO looks at training in two primary areas – initial training and then annual continuing education. While there are numerous benefits to having a training center, the two most impactful are quality and consistency. Our fire academy has burn structures that allow us to train both recruits and incumbent firefighters in live fire conditions. The quality of our programming is as realistic as we can replicate short of an actual incident.

Our recruit training program is centered on consistent delivery. Each recruit class completes several evolutions in the same facility under the same conditions multiple times. This happens every recruit class and ensures new graduates receive training that is consistent with other firefighters serving in the field.

All our members complete at least 18 hours of facility training each year. Again, the facility helps us deliver realistic quality training in a consistent manner over several days. This initiative alone helps the Charlotte Fire Department to capture 35 percent of the credit in ISO's training category. The facility that is proposed will serve many organizations who depend on each other every day. The consistency that a training facility provides will enhance these organizations' ability to work more efficiently and improve the quality of their initial and annual continuing education.

Commissioner Rivers said I know that there was a mention of the facility on Shopton Road. Is that the only training facility in Mecklenburg County.

Chief Richardson said to my knowledge, yes.

Commissioner Quarles said I know the classes change as far as size with recruits. Where's the average participant as far as recruits when they get to the burn stage of the training.

Chief Richardson said I can speak from our organization. Our recruit classes can fluctuate between 16 to 24 people. We have done groups larger than that, but typically somewhere mid-20's is a good number.

Ms. Dominov said next I'd like to speak to question number three, just that the special use will be in harmony with the area in which it is located. I will try to go through this a little bit more rapidly, because a little bit of this is repeating what Mr. James has already presented.

Of course, in the 2040 Comprehensive Plan there were some identified issues – lack of connectivity with roadways which can hinder response times for first responders, keeping up with the growing population of the Town of Huntersville as we move forward and increasing demand, of course means that we need to increase response. The fire district here, it was noted it has the second highest call volume in the region. That is pretty impressive. As we move forward to try and address those, the items that we want to ensure we hit is encouraging workforce training as was already mentioned, supporting these efforts for Central Piedmont Community College that was listed in this EV4.2, work with partners to maintain public facilities and quality municipal services. We definitely feel that this project will help bolster those requirements and plan for long-term personnel facility and equipment needs of the fire department. We are definitely trying to maintain that quality of level for the fire department.

Just to speak to the traffic impact, the census on the site during an average day, as you heard Chief Richarson mention, training communities are relatively small for each of these classes. The maximum will be about 50 occupants on this site. Any further would probably be unsafe, so with that being said a traffic impact was not required.

Just to go over again the brief context of the surrounding area. Above us we have the Aquatic & Fitness Center, we have Kindercare daycare that's sort of north of the site. At the south of the site is the CDL training facilities already existing for Central Piedmont Community College. And, of course, to the south and west of the site is I-77.

Just to speak to what the site will look like and what those buffers have been developed to show, so the existing buffer along Statesville Avenue as you can see where the existing trees were indicating that that will stay, so that is already at the 80' level and we can talk about that a bit more briefly as we get into the rezoning petition but you can see the kind of main anchor building at Verhoeff and Old Verhoeff is the classroom and training building that's meant to sort of screen the rest of the site and provide some harmony with the existing buildings that Central Piedmont Community College already has on the Merancas Campus. The drill tower is central to the site. I want to mention that all of these facilities are 42' or less, so these meet the existing zoning requirements for height.

Just to show another view of site, this is the entrance facing the Aquatic Center on Old Verhoeff Road. You can see there's free entry into the site and to the parking lot area, but that the remainder of the site and the training facilities themselves are screened with a privacy fence that's non-climbable. This is just an initial view of the classroom building from the street. We're using brick materials and a little bit of wood toned metal panel in order to try and get some kind of creative incorporation of the existing Merancas Campus themes and language. Again, from the corner of Verhoeff/Old Verhoeff. And then the height of that building, we're really trying to keep it in more of a residential scale. This is a single-story building anchored by a large classroom space on the end that is 24'4" in height as from average grade and the remainder of the structure really will maintain other types of facilities such as I mentioned the laundry facilities, decontamination facilities, storage facilities, as well as locker and restroom facilities for trainees.

The existing campus buildings kind of keep with this theme and a light toned brick with the neutral tone palette really being the theme. The proposed site plan, again the interior buildings are more buffered from the street so just to show some of those buffer views, these are rendered examples of how that buffer will

appear from various points along the street façade, so as we're driving up Verhoeff Drive at the main entrance if you are looking from the aquatic center, this will be the view from the Kindercare daycare which will show that kind of more dense screening as we get to those storage facilities which would be beyond this point.

Burn building examples, so the construction of these will be a concrete structural frame with concrete block interior panels to be used as a permanent burn facility. The cold training tower will be of similar construction, however this is not a burn structure.

Lastly, to questions numbers four and five to comply with the lot size yard, we will touch on this a bit in the rezoning, but I'd like to call Jeff Smith who is with Thomas & Hutton to speak to the civil engineering aspects of the project.

Jeff Smith, Charlotte, NC, said I will try to keep this brief. You've seen a lot of the visuals on the site plan. We've worked closely with staff and the design team to make sure that all setbacks, all buffers that you just heard about, sidewalks, driveway entrances, everything meets the proposed zoning. The site will be secure with a perimeter fence and it will be closed at all times during training and after hours as well, so there's no chance for anybody getting on the site. Vehicle access will be from Old Verhoeff, centered in the middle of the block to provide access both to Verhoeff and out to Statesville. Kind of back to the buffer, in addition to just a typical buffer that you see, it's an enhanced buffer with a lot of evergreens to provide additional screening.

Ms. Dominov said thank you all for your time. At this point I want to conclude our presentation on the architectural aspects as well as training aspects for the new facility. We see that as an integral part of the community here in Huntersville as well as the service to surrounding communities to provide a central point for training to the local community, local firefighters as well as hopeful firefighters.

Mayor Clark said parties with standing have an opportunity to offer a rebuttal or closing argument. As a reminder, please focus your response on legal arguments or new or clarifying evidence. Please avoid mere repetition of the evidence we have already heard. Would you like to make a closing argument, applicant.

Ms. Dominov said not at this time. No further comments.

Mayor Clark said does the Board have any more questions for the parties or witnesses before we move on to deliberation.

There were no questions.

Mayor Clark said hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation. The evidentiary hearing remains open so the Board may ask clarifying questions if needed. As a reminder, this Board is tasked with deciding if based on competent, material, substantial evidence presented at the hearing before this Board, if this proposal meets the applicable standards. If the applicant meets their burden of producing competent material and substantial evidence that the standards in the ordinance will be met, the burden shifts to other parties opposing the application shown by the competent, material and substantial evidence that the standards in the ordinance will not be met.

If conflicting evidence as to a standard is presented, the Board will weigh the evidence and determine which side's evidence is more credible and reliable. If the applicant does not meet their burden of proof producing competent material and substantial evidence that the standards in the ordinance will be met, the Board

must deny the application. The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred at the Planning Board level, including the Planning Board's recommendation, is considered evidence that you can use to base your decision on, however, the Planning Board's recommendation may be useful to the Board in identifying issues that this Board may want to consider and evaluate based on the evidence that was presented at the hearing before this Board. Is there a motion regarding this request.

Commissioner Dumas made a motion to approve Petition #SUP24-02, a request by Central Piedmont Community College for a Special Use Permit for the accessory use of "Other Environmentally Sensitive Uses Not Expressly Permitted." In considering Petition #SUP24-02, we the Town Board, find that the request meets all the required specific and general criteria for granting a Special Use Permit as outlined in the Zoning Ordinance Articles 9.24 and 11.4.10. The Town Board grants #SUP24-02 and incorporates staff's findings of facts in Part 3 of the Staff Report for the standards to grant #SUP24-02.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Mayor Clark said staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision.

Petition #24-10, Merancas Fire Training Facility. Petition #24-10 Merancas Fire Training Facility is a request by Central Piedmont Community College to rezone approximately 5.28 acres located at 11700 Old Verhoeff Drive from Neighborhood Residential and Campus Institutional to Special Purpose – Conditional District.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

I won't go into all this in too much detail since we've already looked at the site and the zoning and everything at previous meetings. We'll talk about the site plan a little bit more. Again, the one modification request is for the variable buffer around the site. The required buffer is 80'. The variable buffer is 33' to 77' and as the applicant alluded to before there is an enhanced buffer in those areas that are not 80' with evergreen, variety of shrubs and trees.

In considering the proposed Rezoning R24-10 Merancas Fire Training Facility, staff does recommend approval with the modifications. It is consistent with EV-4 and PS-3 and is reasonable and in the public interest to approve.

The applicants do not have a presentation for the rezoning, but obviously they are here for any questions.

Commissioner Rivers made a motion to approve Rezoning Petition R24-10 Merancas Fire Training Facility with the following conditions: (1) A Special Use Permit is obtained for this project; (2) the modification request for variable buffer widths and the position of the main building for frontage on the proposed site plan are approved; (3) all outstanding staff comments shall be addressed.

The Petition is consistent with Policies EV-4 and PS-3 of the 2040 Community Plan. It is reasonable and in the public interest to approve the petition in order to provide a local training facility for emergency services personnel and reduce associated travel and backfill costs.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Walsh said I would like to give a shout-out to our Board Attorney, Emily Sloop. One of her main duties is to keep this group of misfits up here at the dais in our lanes as we perform our duties as commissioners. That by itself is a daunting task. She must also deal with all facets of town government and our staff. She often finds herself performing the unenviable task of having to play Ms. Grinch to those on staff trying to slip contracts and other documents past her watchful eyes. While saying no wins her no popularity contest, it's sometimes necessary. So, Ms. Sloop, on behalf of a grateful board I want to personally and collectively say how much we appreciate you. Your contributions to this board and our town will continue to make Huntersville a great place to thrive.

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

Approved this the 20th day of May 2025.