

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**July 15, 2025
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on July 15, 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

- Roadway resurfacing projects have started on Town-owned streets in several neighborhoods around Huntersville. Work began June 30 and will last through the summer.
- The Charlotte Regional Transportation Planning Organization is accepting public comments on the 2055 Metropolitan Transportation Plan through July 19.

PUBLIC COMMENTS

Amy Hallman (Lee Hallman deferred his time) said I live in Sherwood Forest. I am here because I have a property within 250' of the rezoning petition at 106 Gilead. I have received notice about it. I've been pretty vocal in working with the family that lives next door and I've talked to North State and tried to speak with some of you. I actually spoke at the public hearing.

Thank you for removing Option B whoever removed it. Thank you for understanding that the two options are not the same – not in any way. It was very frustrating to hear an elected say that they were. I really do appreciate that very much.

Thank you for working on the tree save. I want to remind you that this is the work of Rachel and the Ingalls' as staff told them not to do that, that the trees just couldn't be saved. I appreciate them going above and beyond to try to save those three trees.

I'm true to my word that I said I would support this project as long as the Ingalls get what they ask for. They live next door. Originally the two houses were from one family, so it made sense that they were together and that they were so close together, so that's what I'm here to speak on about buffers. I am not against the project. I'm not screaming about the project, but I do believe the Ingalls need to be supported in what they want.

The buffer is a real issue. This is a point on which North State really needs to concede, not the Ingalls. Think about this, that issue and we are quiet, possibly even happy. That would be amazing if we could get there without the buffers.

The ordinance which was changed specifically in response to explosive Town Center downtown development in 2022, not sometime long ago, the ordinance should not be ignored the first time it is challenged. The HOAB, the Planning Board and the Town Board approved it at 40'. Is there a middle ground. Absolutely there is I'm sure, but it's not 10' and it's really not 20'. The word undisturbed should mean undisturbed and as I'm told that there's some discussion about what that means. If Emily has taught us anything and she's taught us a lot, it's that if the word is not explicitly defined, it's the most obvious definition that applies, so somebody shouldn't have to call and say what does the word undisturbed mean. It should not mean sometimes disturbed or partially disturbed. It's undisturbed.

Based on signals, you're going to vote for this and you're going to approve it. But please, I'm asking you to make sure you leave nothing to assumption. Spell out everything. For example, who's watching over this. Please don't make the Ingalls be the ones sitting on their porch making sure the trees aren't getting run over by bulldozers. If staff had a question, I suggest they come to all of you, not just the motion writer. What happens if the trees aren't saved. What happens if there's an accident. Those are the kinds of things that I want you to be prepared for when you say yes, please bring it.

I will add that before word of the potential additional parcel was addressed and while staff has told you that would be a separate rezoning, the horse is out of the barn at that later time and I do not want you to commercialize Sherwood Forest further and I'm saying that to whoever needs to hear it. I know at least a couple of you are like oh my gosh it's here again, but I actually have property within the limit and I got the notice and I appreciate Commissioner Bergsman reaching out to me to ask my opinion. I know that's not everybody's favorite thing to do and I really just do appreciate that.

We look forward to the commercial parts, especially a restaurant and the improvements that will be made to the already outstanding 760 Craftworks. We do not want the Ingalls to feel encroached upon and we will not support an extra road that just commercializes Sherwood Forest. Rachel has done an outstanding job helping North State and I hope that everything that she has worked hard for them to get done in our downtown, that they will stand behind her and make sure that it gets done because she has really put herself out there.

Jerry Ingalls (Rachel Ingalls deferred her time) said we're here to address a rezoning and I want everyone to understand we're not opposed to this rezoning. We're opposed to this iteration of the plan. I'll try to specify that as we're going along. We would welcome additional retail downtown.

First, let me tell you a bit about why we are concerned. We are a large family. If we all get together, there's 38 of us and that doesn't count the boyfriends from the eight grandchildren who are getting into that age. We have no desire to sell and move. To sort of paraphrase Mark Twain, rumors of our imminent departure are greatly exaggerated. We're not going anywhere. That's number one.

Number two, we tried. We have met five times with representatives from North State – two public meetings and three personal meetings. Each time we come away from the meeting thinking we've come to a meeting of the ways and each time there's something that's just not quite right when we see the plan. They have never sent us the plan. We get the plan from staff and when we get it, there's something wrong.

Count the first meeting way back a year ago. We met with two principals in the company. They told us what was going on and we were fine. We asked them how many units and they said 27. Imagine our surprise when we finally got a copy of the plan in March, there were 55. Even that's okay, that's not a problem. We don't have a problem with that. What we have a problem with is what that entails. Quite frankly the last time we met with them was June 19. We came to an agreement – a 20' buffer between our house and their building. When we get to the parking lot, we even agreed to allow a 10' buffer until we got the plan and the 20' buffer became 15'. I'm talking about undisturbed, coming back to Amy's comment. The 10' buffer, that was fairly interesting since they were taking down trees that were within the 10' buffer. I think that's not kosher.

Here's what we're suggesting. I have sent the Board a copy of their Page 4 which shows that they want to take down trees within the 10' buffer. We don't want that. There are not the seven trees that are on their diagram. There are 20 full grown trees in that buffer. What's going to happen to those trees. We have come to the conclusion that we have to ask the Board to set a 20' undisturbed buffer between these two properties to run the length of the common boundary. After all, 40' is required by the ordinance, so 20' should be no problem.

We'll end here with three questions. Why are you so intent on ripping out an existing green buffer only to replant it. There are like 20 trees within 10' of our property line. You're going to rip all that out. I walked out on our back porch before we left for here and looked at the house next door. I couldn't see it because of the trees. You're going to put in, and I quote, 2" diameter, 8' to 10' tall saplings 40' apart. We've seen that before. I can look out my front window and see what's on the west side of the first phase of this. Take a look if you'd like.

Second question, why not design a building specifically for this site. This building isn't for this site, I can promise you that. The building has a footprint of 165'. The lot is only 217'. That doesn't fit, not with a buffer. You were counting on it not being a buffer. Why not give your architects the freedom to do what they do best – design a building that actually fits. I've never met an architect that wasn't creative. Allow them to be creative and design a building that fits on this lot.

Final question, do you know the definition of undisturbed.

AGENDA CHANGES

Commissioner Walsh made a motion to add Item 10.I to the agenda, New Town Hall Furniture Contract. Commissioner Hunt seconded the motion. Motion carried unanimously.

Commissioner Walsh made a motion to adopt the agenda as amended. Commissioner Hunt seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – May 6, 2025. Commissioner Hunt made a motion to approve the minutes of the May 6, 2025 Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approval of Minutes – May 20, 2025. Commissioner Hunt made a motion to approve the minutes of the May 20, 2025 Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approval of Minutes – June 3, 2025. Commissioner Hunt made a motion to approve the minutes of the June 3, 2025 Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approval of Minutes – June 17, 2025. Commissioner Hunt made a motion to approve the minutes of the June 17, 2025 Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Property Tax Refunds from Mecklenburg County. Commissioner Hunt made a motion to approve property tax refunds from Mecklenburg County. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Property Tax Refund Report attached hereto as Exhibit No. 1.

Engineering/Construction Contract – Fire Station No. 4 Park. The Town advertised a Request for Qualifications for engineering, design and construction administration services for the new Fire Station No. 4 Park. The Town received four responses to this RFQ. Bolton and Menk was selected based on being the most qualified. Bolton and Menk has experience with a very similar park project just a few miles away that has become a high-quality park in Mecklenburg County.

Commissioner Hunt made a motion to approve the Engineering and Construction Administration Contract for Fire Station No. 4 Park. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Engineering and Construction Administration Contract attached hereto as Exhibit No. 2.

Resolution – Acquire Easements/Right-of-way for East Greenway Street Sidewalk Project. Commissioner Hunt made a motion to adopt Resolution to acquire easements and/or right-of-way necessary for the construction of the East Greenway Street Sidewalk Project. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Resolution – Request for NCDOT to Accept Ferrelltown Parkway. The developer of the Walden Subdivision has requested the Town Board adopt a Resolution requesting NCDOT accept for maintenance an approximately 0.36 mile portion of Ferrelltown Parkway from Huntersville-Concord Road to approximately 0.015 miles north of Keyes Meadow Way.

Commissioner Hunt made a motion to adopt Resolution requesting NCDOT accept Ferrelltown Parkway in the Walden subdivision. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Exhibition Lease Agreement – “Queen of Hearts” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Chris Plaisted for Town to temporarily lease “Queen of Hearts” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 5.

Exhibition Lease Agreement – “Galactic Corona” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Hanna Jubran for Town to temporarily lease “Galactic Corona” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 6.

Exhibition Lease Agreement – “Calypso” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Richard Conn for Town to temporarily lease “Calypso” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 7.

Exhibition Lease Agreement – “Wondering Feet” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Sunday Mahaja for Town to temporarily lease “Wondering Feet” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 8.

Exhibition Lease Agreement – “Fighting for Alpha” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Todd Frahm for Town to temporarily lease “Fighting for Alpha” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 9.

Exhibition Lease Agreement – “Threshold” Sculpture. Commissioner Hunt made a motion to approve SculpTOUR Exhibition Lease Agreement with Sam Spiczka for Town to temporarily lease “Threshold” sculpture as part of the Town’s 2025-2027 SculpTOUR Exhibition. Commissioner Bergsman seconded the motion. Motion carried unanimously.

SculpTOUR Exhibition Lease Agreement attached hereto as Exhibit No. 10.

Purchase Agreement for Purchasing the “Phoenix” Sculpture. On June 9, 2025 the Public Art Commission voted unanimously to recommend the purchase of the sculpture “Phoenix” by Jim Weitzel, to be placed permanently in one of the parks.

Commissioner Hunt made a motion to approve the purchase of the “Phoenix” sculpture. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Contract for purchase of “Phoenix” attached hereto as Exhibit No. 11.

Budget Amendment – Purchase the “Phoenix” Sculpture. Commissioner Hunt made a motion to approve budget amendment appropriating Sponsorship Revenue in the amount of \$5,700 to the Non-capitalized Equipment Expense Account for the purchase of a current SculptOUR art exhibit from Jim Weitzel named “Phoenix.” Commissioner Bergsman seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #R25-07. Commissioner Hunt made a motion to call a public hearing for Tuesday, August 5, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078 on Petition #R25-07, a request by PM Patel to rezone +/- 4.69 acres from Corporate Business and General Residential to Highway Commercial with a Conditional District. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA25-09 Burkert USA. Commissioner Hunt made a motion to call a public hearing for Tuesday, August 5, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-09, a request by Burkert USA Corporation to amend Article 9.54 of the Zoning Ordinance. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Amended Planning Board Rules of Procedure. Commissioner Hunt made a motion to approve Amended Planning Board Rules of Procedure to redesignate Board of Adjustment duties to the Planning Board. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Amended Planning Board Rules of Procedure attached hereto as Exhibit No. 12.

Commissioner Dumas said I just wanted to give a shout out to the Public Art Commission and Tracy Houk for the work they’ve done on the SculptOUR.

PUBLIC HEARINGS

Petition #R25-06 McCord Road. Mayor Clark called to order public hearing on Petition #R25-06 12300 McCord Road, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres from General Residential to Transitional Residential as a general rezoning.

Lauren Speight, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.*

Commissioner Bergsman said I know for this type of rezoning we don’t need site plans, but I was just curious if there was any indication of what the plan is for the site.

Ms. Speight said if the property owner doesn’t mind me saying, one thing is that the property is large and they’ve been cutting the grass for a long time there, so they’re trying to get some relief with that. They’re also leaning towards a farmhouse cluster there, which has a maximum of six units that you could achieve.

Ultimately, they would be proposing to rezone this not for them to develop, but for someone else to develop and as far as we can currently tell the only other option that you have for any greater density would be a major subdivision and we're not sure that based on our current assessment, we're not sure that you could really support anything greater with a major subdivision with this lot alone. It would probably have to be a compilation of surrounding lots to get something greater.

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

Petition #TA25-01 Residential Uses and Structures. Mayor Clark called to order public hearing on Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

Lauren Speight, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

Commissioner Walsh said about three slides back you said something about ownership and I was getting ownership of primary and accessory, so if somebody has an ADU that's on a piece of property, somebody owns that property.

Ms. Speight said the Zoning Ordinance currently says that the same person must own both structures on the single lot of record. You are looking at a condo kind of situation there and staff has never kept a register of who is owning the different structures on one single lot of record. We're just looking for the property owner when the application is submitted for review.

Commissioner Walsh said when you say the property owner, the building owner. I guess I'm confused. If you have a house and I put an ADU on it, I'd still own the property.

Emily Sloop, Town Attorney, said I think she's talking about the use of the unit being different, so the owner of the property is the same, the underlying property owner is the same, but as far as having someone who is utilizing the primary as a residence and someone who is using the other as a residence, that could be different.

Commissioner Bergsman said are there other municipalities that do ask for registration when a property owner has an ADU or is the standard generally not to do that.

Ms. Speight said we're not aware of other municipalities in the county that require this.

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

Petition #TA25-04 Tree Mitigation Maximum. Mayor Clark called to order public hearing on Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 15.*

Commissioner Quarles said are you evaluating existing or recent projects to see the impact.

Mr. Priest said I have not evaluated any recent projects. If they have already been submitted, they'd be pretty much vested from it as well anyway, so they would be going under the current ordinance standards.

Commissioner Quarles said in doing the evaluation do you evaluate the loss of the building footprint.

Mr. Priest said that would be included in the disturbed area in the calculation. That would be involved in understanding how many trees that are being removed.

Commissioner Quarles said are there any concerns this could be taken as it potentially renders portions of certain land undeveloped.

Mr. Priest said if someone comes in and is looking to do tree save, there's still flexibility built in. What we discussed earlier was if you've got 100 acres and you've got 30 acres and then 70 separate acres, someone cannot come in and at one point say I want to develop the 30 acres, use the 70 acres for my tree save and then later come in and develop the 70 acres later and then not have any tree save. Essentially if they wanted to develop the Phase 1 first with the 30 acres and they say look at all these trees in the 70 acres, we would make them plat the tree save on the 70 acres so they can't double dip. That tree save is locked in. One way or the other they would be required to have the tree save.

Commissioner Hunt said thanks for this presentation and thanks for the chart because I think that's a really helpful way to look at this. We have budgeted to hire an arborist, so can you talk about how an arborist might help us with all of this when they are on staff.

Mr. Priest said an arborist would be very helpful in the field to be able to go out and talk about what trees are worth saving, what trees are not worth saving, getting ideas on tree preservation techniques and getting developers' recommendations to maybe modify their plans in simple ways to help tree save in that regard, but also from the Planning staff perspective just drafting these ordinances to understand reviewing the plans and then understanding ordinance requirements that would help tree save. There's a plethora of things that are going to be really helpful that expertise would add to the department.

Mayor Clark said I just want to make sure that I understood, in the normal process of a development if the tree save ordinance did not meet the needs of the developer, they would then ask for a modification that would come before the board and then we would decide from there. I just wanted to make that clear for everyone who's listening that it would then come to us to decide in the future.

Mr. Priest said that's correct. It would be a firm requirement and they would have to keep the trees by right, but if there was some situation where they said I've got to have a change, they can go through the conditional district rezoning process and then the Town Board would have that ability to say is this something that we want to approve and give a modification to the ordinance for. With the conditional rezoning, we start talking about excellence in design. We can talk about is there any environmental issues that we could improve this opportunity while we're taking down more trees, then have that discussion on a legislative basis.

Commissioner Hunt said this is comparable with other municipalities, right.

Mr. Priest said throughout the state there are so many different tree save requirements and sometimes no tree save requirements in local municipalities. We have looked at some local ones and we find a lot of similarities to Belmont, a little bit in Davidson and also in Matthews. Matthews would be very similar where

they put a cap on their payment in lieu for tree save and once you get past 30 percent, you've got to go to the town board to be able to get that payment in lieu of approved. They have conditions and requirements for that. This type of situation where we have a cap and if you want to mitigate more then you've got to go through the public process. It's very similar to what Matthews does.

Mayor Clark said thank you for this. It was very thorough and thank you to the Environmental Sustainability Committee for helping out with this.

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

Petition #TA25-06 Revision to Buffer Standards. Mayor Clark called to order public hearing on Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standard for the 80' buffer required by the Rural and Transitional Residential Zoning Districts, clarify the applicability of buffer requirements, delineate performance requirements for buffers, modify the planting requirements for the 20' buffer for major subdivisions, and modify the buffer planting requirements for apartment developments.

Lauren Speight, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

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

Petition #TA25-08 – Amend Zoning and Subdivision Ordinance. Mayor Clark called to order public hearing on Petition #TA25-08, a request by the Huntersville Planning Department to amend the Zoning and Subdivision Ordinance. This amendment proposes revisions to requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and consistency with SB 166.

Lauren Speight, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 17.*

Commissioner Walsh said we have now SCM's formerly BMP's that have been sitting out there unfinished for 5, 10, 15, 20 years.

Ms. Speight said that would be correct.

Commissioner Walsh said I think we need to correct that.

Commissioner Bergsman said excellent presentation, really clear and helpful. With revision two, which I think was the same one Commissioner Walsh was referencing, I might have missed the sunset clause. What was the length of time that's proposed.

Ms. Speight said six months.

Commissioner Bergsman said that's for ones that should have been converted already.

Ms. Speight said any developments that come in, they would have from the time that the final inspection takes place and determines that the facility is ready for conversion, they would have six months to convert

and submit their as-builts which are the documents demonstrating how the facility is functioning for approval.

Mayor Clark said I concur. Thank you for this very thorough thing and for addressing a lot of issues that have come before the Board and issues that happen within the community. I think this will help make everyone's lives easier in the long run. When we were talking about occupancy requirements and I guess the state law says life and safety must be relevant. What things are we taking away from there that aren't. Do you remember.

Ms. Speight said the state has directed that certain landscaping has to be removed as an occupancy requirement. If plantings were required for your development, then they can no longer hold up your certificate of occupancy. That's an example. However, you would have to complete a certification indicating when you're going to complete that requirement and then if you don't, that would essentially amount to code enforcement action.

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

Petition #ANNEX24-04. Mayor Clark called to order public hearing on Petition #ANNEX24-04, a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville.

Becca Prichard, Planner II, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 18.*

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

OTHER BUSINESS

Petition #ANNEX24-04. Petition #ANNEX24-04 is a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville.

Becca Prichard, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 19.*

Commissioner Hunt made a motion to approve Petition #ANNEX24-04, a request by Charlotte Everett Keith Road Owner, LLC to annex 64.962 contiguous acres into the Town of Huntersville.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 20.

Petition #R25-01. Petition #R25-01 Alex Yards is a request by Alexandriana Partners, LLC to rezone +/- 11.34 acres at the intersection of Alexandriana Road and Mt. Holly-Huntersville Road (PINs 01704204, 01704230, 01704203, 01704224, 01704201) from Corporate Business to Transit Oriented Development -Residential Conditional District for a multi-family development.

Brian Richards, Planning Director, entered the Staff Report into the record and gave a recap of the project. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 21.*

Both the Planning staff and Planning Board recommend denial.

Ben Geisler on behalf of Alexandriana Partners, said a couple of quick updates since our last public hearing and Planning Board. *Refer to PowerPoint attached hereto as Exhibit No. 22.* As Brian mentioned, the Planning Board vote was actually split 5-4 against. The first four items are new since the last time we spoke. We had agreed to fund \$125,000 in the form of a contribution to the town towards a future sidewalk connection from the site going north to Hambright Road should that sidewalk be constructed. Some parameters on time with that, I think if that happens within five years of our start of construction, which would probably put it at six and a half or seven years from now. It would sunset.

The green space that is at the corner of Mt. Holly-Huntersville and Alexandriana Road is intended to be a gateway to Huntersville and to the project. It was suggested, I think during the public hearing, to consider some art in that area and this would be sort of a representative area of that as originally proposed, more just gateway signage and hardscape. We have agreed to put an art installation in that space at our expense up to \$25,000 that would be required to be installed the earlier of the receipt of our final CO on our final building or two years from receipt of our final CO on the first building. Effectively it's no later than two years from when we get our first CO, but could be earlier if we finish the buildings before then. The idea is to protect the art during construction and not put it in right away.

A question was asked about the CATS Micro Transit given the half mile proximity to the CATS park and ride but the current lack of a sidewalk. We did confirm with CATS that this does fit in within the Micro Transit service area. The CATS rapid transit station is scheduled to break ground this year so by the time our project is in place, in addition to using a car to get there, there would be the option of calling CATS Micro Transit to get there.

I just wanted to call out that we have gone through this process with zero modifications requested. A couple of other pieces as we've gone through this, at staff's request we extended the urban open space around the clubhouse. We reduced parking visible from the main intersection of that gateway. We added eight affordable units. We added 20kw of installed active solar on the clubhouse. To clarify that from what Brian was mentioning, we are proposing 20kw of active photovoltaic solar panels to be featured on the clubhouse, not just present. Those panels must be installed on that same timeline we talked about with the art installation, so the earlier of two years from our first building CO or the receipt of our final CO. The reason for that is the solar consultants say at a construction site they don't want the dust and debris from the construction site resting on those solar panels. It reduces their performance. The residential buildings will be built solar ready, primarily consisting of engineering the truss, the roof structure, to receive the additional weight of future solar should it be added, as well as running conduit chases from the roof down to the electrical room to make that easier for the more plug and play if solar was added in the future.

We added that prominent gateway at Mt. Holly-Huntersville and Alexandriana at the urging of staff. The long central greenway that's in the project or sort of central yard was added at the suggestion of staff. This is the third different site plan, we rotated the site 90 degrees and then almost 180 degrees looking for a superior site plan.

While staff's not able to recommend the project, I do feel like we have worked hard to meet both commissioner requests, Planning Board requests and staff requests to come up with an excellent project

and just from our perspective, from a land use, LU-5 focuses more intense development in locations like this with easy access to 77 and 485 less than a traffic light away. Supports a mix of land uses in key locations. All the retail that is going in at Town One, which is a half mile walk from where we are, certainly supports that. The LU-8.3, in particular the last sentence, consider ways to encourage transit supported development proximal to future CATS rapid bus stations. That's a clear checkmark for us. And then improving access to parks which is from that proximity map, that bright green outlined area is the future Northlake Park.

Commissioner Rivers said I know that you listed eight affordable housing units. Can you kind of expound on the qualifications in regards to those affordable housing units.

Mr. Geisler said I kind of did just a quick recap. This was our original attainable housing slide. We have eight new units, roughly 19 residents. It'd be kind of split 1's, 2's, 3's. Those will be floating units in the development which means there's not a designated affordable unit that has inferior finishes or in a poor location, it's just when units become available if we lose an affordable unit the next unit that becomes available needs to be made an affordable unit. Four of those will be made available to households earning less than 80 percent of the Area Median Income. Four will be for households earning less than 100 percent Area Median Income. That will be deed restricted for a period of 15 years, which kind of meets the overall intent of the types of folks that we're trying to house in Huntersville – teachers, essential workers, young professionals, that's really our target.

Commissioner Quarles said can I get clarity on the timeframe again for the installation of the artwork.

Mr. Geisler said the art must be installed on the site on the earlier of two years from the receipt of our final CO for the first building. If we only ever build one building and we just stop, two years later no matter what we would have to put that art in place or if within by the time we get our final CO for the final building. If the building was all 10 buildings built out in 13 months, we would be required to install that art on month 13. The reason for that is to kind of protect that art so it's not damaged during the construction process.

Mayor Clark have you been in touch with the county on what their estimated timeline is for that supposed Northlake Park.

Mr. Geisler said it's not on their schedule currently, but we have been coordinating with them. They've identified what type of park it will be. It would be similar to Clark Creek Park which is just to the east and south of us. It's a similar 27-acre site with some active, some passive, mountain bike trails, pickleball courts. A pretty engaging sort of amenitized park. Their indication was with the amount of development coming in this area, it's getting closer to being on their schedule. There are 320 units that just developed to the southeast of us. If you look sort of to the plan right here to the south of that industrial building, you see that's Charlotte. Those are leasing up now. There's 300 units here. The illustration that you see in there, there's 356 units that are in their fourth review cycle with the City of Charlotte. Those are a duplex cottage and a quadplex product that they expect to break ground at the end of this year. We've been coordinating with that developer and then our site as well.

As that density comes there's also some new construction happening south of 485 but north of Northlake. It just puts it all that much closer and I think the County Capital Improvements Director was supportive of our project, indicating that it would be complimentary to the park as opposed to an industrial use as we heard at the public hearing from some of the residents nearby.

Mayor Clark said you mentioned art a couple of times. What does that mean.

Mr. Geisler said the conversations we've had it is difficult to define art. We probably should put a budget to it so it's something meaningful. Conceptually the idea is to have something that has a little bit of height. We've talked about something in that area that's kind of light green. We anticipate there's some gray change through there, so we may have some retaining wall or like stone wall or coreten steel wall, having that art sitting up above grade 2' or 3' to get some presence and then something that would probably be on the order of magnitude of 12' to 14' tall, it might be wider. The idea being something that is when you see it you would say that is the. On a grand scale, everyone's familiar with the Bean in Chicago. We are not putting the Bean. When you see that, you go that's the Bean or the Firebird in Downtown Charlotte. You say that's the Firebird, so something that's not completely abstract but something.....this is not what we are proposing but as a third example, if you look at the bottom left corner there's some poppies there. Those are like a chrome steel with a big red metal flower. Not what we are proposing, but something that when you're driving by it would catch your attention. It looks enough like a common object that you would call it a thing and people would say we live in this area, you know you make a right at the thing.

Commissioner Quarles said a resident did make a great suggestion and I'm not taking credit for it. Since this is the gateway to Huntersville, something that would say established 1873 somewhere there. It was an excellent idea because you are coming from Northlake, you're leaving Charlotte and when you come into Huntersville we want you to know that you are in Huntersville. It was an excellent idea and I'm happy to be able to make that request.

Mr. Geisler said we have that sort of conceptual rendering of this area. I would say this will change pretty significantly with the incorporation of a large piece of art. I don't think we would have the timber and the stone columns. We would want the focus to be on the art installation. I still see a want and a need to have something that says welcome to Huntersville and established. We also have a couple of large trees in this area we are working to save and working in and around them, being respectful of that and trying to create something that really is compelling both for Town of Huntersville but also for the project. We want it to look nice so people want to live there and ultimately walk through there to get to the future Northlake Park.

Commissioner Quarles made a motion to approve Petition #R25-01 to rezone approximately 11.34 acres located at the intersection of Mt. Holly-Huntersville Road and Alexandriana Road. The petition is consistent with Policies LU-5.1 and LU-8.3 and LU-10.1. This approval is in condition: (1) Installation of the proposed 20 year clean energy photovoltaic solar panel system on the clubhouse and solar ready buildings for future possible installation as noted on Rezoning Note 17 on the plan as revised on June 10, 2025; (2) Provide the Town with \$125,000 towards the cost of any future extensions of the sidewalk from the site north to Hambright Road along Mt. Holly-Huntersville Road if constructed by the Town. Developer will work with the staff to satisfy this condition (3) Include an art installation within the development at the cost of no less than \$25,000 in a location approved by Planning staff no earlier than two years from the receipt of the CO of the first building; (3) Provide at least eight attainable units at or below 100 percent AMI for a period of 15 years; (5) All remaining staff comments and redlines being addressed by the applicant.

With these conditions it is reasonable and in the public's best interest to approve the petition because the site is within the area designated by the 2040 Plan for higher intensity development and for most attainable housing options.

Commissioner Rivers seconded the motion.

Commissioner Hunt said since the county purchased the land for the park, I think it changed that area in some pretty significant ways and so it feels like the 2040 Plan really no longer speaks to the character of that area in my estimation. I think that what the applicant is proposing here is a far more attractive welcome

and gateway to Huntersville than what would be allowed there currently as we saw in one of those illustrations. I think there's a lot of value add that we're seeing here with the eight affordable units, sidewalk connection, solar, art, there's a lot of value added here so I am in support of this.

Commissioner Walsh said I will be supporting the approval this evening of Alex Yards. While the 2040 Community Plan envisioned this as a commercial property, the county buying the surrounding property in my mind changes that envisioned used. What better situation can you have than housing being buffered on two sides with a county park. For those who eventually call Alex Yards home, a county park they can walk to will be a nice amenity.

Commissioner Dumas said I just want to reiterate I totally understand why staff and Planning Board recommended declining the project. Their jobs are truly to follow explicitly the 2040 Plan. In our roles we get a little bit more flexibility to review what's changed over time and the property just no longer makes sense to be a warehouse. I believe that this welcome to Huntersville versus warehouses is definitely a better option and we're getting things like the sidewalk contribution and CATS connection and solar and attainable housing. I agree with the rest of the board that has spoken, absolutely a valuable addition to Huntersville and I want to thank the developer for working with us on finding options that can make this value ad.

Commissioner Bergsman said I had some hesitations without having the mixed-use component and I definitely when our Planning staff are against a project, I think about that long and hard. I just want to say one of the things that really helped sway me was the fact that during our public hearing we had multiple folks come up and speak and they all prefer this to what it's currently zoned for and that went a long way with me.

Commissioner Quarles said I want to piggyback on what Commissioner Bergsman said. What I salute you for is you have support from the community. That speaks volumes. But also there's a slogan they said about two years ago, Huntersville the Town Above Charlotte. This project really is a project that's above what's across the street in the City of Charlotte. I think once someone comes to this across Mt. Holly-Huntersville Road, they will want to know what's more inside of Huntersville. So again, I want to thank you for working and negotiating with us. I know it was tough. We went back and forth, but we want to make sure that when we have these projects we can get skin in the game. We all want to make money, but also we want to make revenue for our constituents and I want to thank you for being a partner.

Commissioner Rivers said I want to ditto pretty much what everyone has said but I also want to keep in mind that growing up here, seeing the area develop in the way that it has, but it's also a little disheartening to me because another older church that sits there is being surrounded some development that's happening. It's refreshing to see that there will be a new thing that's coming into the town that is bringing a new fresh feel and new residents that can see that we have a place where you can serve and worship as well not too far, not even a mile up the road. That is commendable. Thank you also for just hearing us out, working with us, working with staff. I know it may seem a bit discouraging when you hear that it's not supported by the experts, however you went back and did your homework.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #R25-02 First and Church St Townhomes. Petition #R25-02 First and Church St Townhomes is a request by Better Path Homes, LLC to rezone +/-1.147 acres from Neighborhood Residential to Neighborhood Residential Conditional District for a townhome development.

Nathan Farber, Planner II, entered the Staff Report into the record and gave a recap of the project. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 23.*

Commissioner Hunt said I see in here it says not planting the required yard trees. Are those being planted around the walking path and urban open space instead.

Mr. Farber said they're asking for a modification from the front yard so that they wouldn't be planting those. I will add that additional trees will be planted as part of their mitigation for their tree save.

Commissioner Hunt said are they going to be planted elsewhere, like there's that walking path that was described, are they going to be planted there or is it just mitigation.

Mr. Farber said are you referring to the modification.....they are asking for a modification to not plant those trees. Our recommendation for that as these are urban buildings and as they are going to be up against the street, there's just not going to be room for those. This ordinance kind of stems from back in the 90's when this ordinance was first created back when it was more of a suburban style building type and now you're seeing more of an urban area.

Commissioner Bergsman said I just wanted to hear from the applicant, so the one unit that's set aside for the attainable unit, is that going to have the same product level as all the other units or will it be inferior.

Nick Petrie said exterior-wise, yes it will have all the same to match. The interior will be a lesser spec level.

Commissioner Bergsman said can you share a little bit more about that.

Mr. Petrie said instead of if we did engineered wood floors in the main units, we would do an LVP. We would just downgrade spec level for the affordable housing unit.

Commissioner Bergsman said would you be willing to consider doing the same.

Mr. Petrie said I think with affordability and already offering an affordable unit housing and only being 14 units, it would be really tough to present and give the same options in all units as we would for the affordable housing unit.

Commissioner Rivers said if you don't mind me asking what is your price point for your townhomes.

Mr. Petrie said as much as I wish I could answer that, with market and conditions and still designing the actual structure itself, I really couldn't specifically say what our price point will be. I don't want to give you a range because I don't want to be stuck to anything, but similar to what market rate is currently in Huntersville for a 1,600 sq. ft. unit.

Commissioner Rivers said I guess the reason why I'm asking is because this affordable housing unit, it will be for sale.

Mr. Petrie said that's correct.

Commissioner Rivers said will you be working with partners such as Dream Key or Housing Partnership or NACA to kind of assist with downpayment assistance.

Mr. Petrie said we're working through that. The reason why we really chose the 100 percent AMI is it supports the local workforce trying to directly benefit essential community members – teachers, nurses, public safety, who might make a little too much more money to get the affordable renting, but can actually afford a home in the area that they work in or nearby.

Commissioner Quarles said in pricing out a unit, say 1,600 sq. ft., do you know the difference in the cost from LVP to engineered flooring, like wood flooring.

Mr. Petrie said off the top of my head, no. I can get pretty close, but I can definitely let staff know.

Commissioner Quarles said about \$3,000.

Mr. Petrie said \$3,000 total or are you talking about installation all in. It depends on if we do it in bedrooms, if it's on the stairwell, a lot of factors add up into that. At this point I don't know exactly what we're putting in every single unit, so I don't know if we're doing engineered hardwood floors and hardwood floors up the stairs. It's all about what we can afford to then be able to make a profit on the project.

Commissioner Rivers made a motion to approve Petition #R25-02 First and Church St Townhomes, a request by Better Path Homes, LLC to rezone approximately 1.147 acres from Neighborhood Residential to Neighborhood Residential Conditional District for a townhome development. The modification requests set forth in the Staff Report are approved. Plan approval is conditioned upon the following: (1) the plan shall include a note that Lot 14 is to be an attainable housing unit for families or individuals with income below 100 percent of the Area Median Income for a period of 15 years; (2) all outstanding staff comments be addressed by the applicant. With these modifications and conditions, the petition is consistent with Policies LU-1.1, LU-2.1, LU-5.1, LU-5.3, LU-7.1, LU-9.1, DT-1.2, DT-2 and DT-6 of the 2040 Community Plan. It is reasonable and in the public interest to approve Petition #R25-02 because it is consistent with the area's character and recommendations of the 2040 Community Plan and Downtown Master Plan.

Commissioner Dumas seconded the motion.

Commissioner Hunt said I think this is a good infill project where we want to have some increased density and I appreciate the connectivity that it provides to downtown as well as the attainable housing unit.

Commissioner Bergsman said because of the smaller nature of this project, usually I don't like what I just heard. I acknowledge it is a smaller project and so I will kind of give an allowance for that. I just have one recommendation that I would like you to think about and I don't know if you're offering for the future homeowners of all of the townhomes like different levels of like packages for inside, but if you do that if you would offer whatever package or whatever you're planning on putting in the attainable unit, available to all of the units as an option, so that it might not just end up being the only one that has that type of flooring, for example.

Mr. Petrie said the only thing I'll say is we will make sure that affordable unit is a desirable unit. There won't be carpet throughout the whole thing. We'll make sure that somebody will want to live there, enjoy their space and their company and raise a family in that unit as well.

Commissioner Walsh said in my several terms on the board I've been a vocal advocate for downtown revitalization. This project adds to that vision and will allow these residents to be part of a walkable downtown. The people living there someday will enjoy being part of our thriving community.

Commissioner Rivers said thank you for listening in regards to the recommendations that went to you. I am, like Commissioner Bergsman, in regards to ensuring that everyone feels included, especially when it comes to affordable housing. I think that we have tried to educate our residents and constituents in regards to making sure we stay away from stereotypes regarding surrounding affordable housing. I do want to commend you on making this one of the first projects where there is affordable housing that is being purchased. That sets a precedent, so thank you for that.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #R25-03 Mint Landscaping. Petition #R25-03 Mint Landscaping is a request by Brandon Morris to rezone +/- 2.98 acres located at 10319 Hagers Road (ID 01101104, 01101139) from General Residential to Special Purpose – Conditional District for a Commercial landscaping site.

Commissioner Hunt made a motion to recuse Commissioner Bergsman.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Brian Richards, Planning Director, entered the Staff Report into the record and gave a recap of the project. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 24.*

Commissioner Hunt made a motion to approve Petition #R25-03, Mint Landscaping, the requested buffer modification, unpaved parking modification and street frontage modification are approved. The approval is conditioned upon the following: (1) the future right-of-way needed for the Seagle Street Extension is reserved on the plan; (2) all outstanding staff comments be addressed. With these modifications and conditions, the petition is consistent with Policies LU-6.3 and LU-8.1 of the 2040 Community Plan. It is reasonable and in the public interest to approve the petition because it supports an existing Huntersville business and is consistent with the 2040 Community Plan.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Commissioner Hunt made a motion to bring Commissioner Bergsman back. Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #R25-04 The Holbrook Phase 2. Petition #R25-04 The Holbrook Phase 2 is a request by North State Development to rezone +/- 1.727 acres at 106 Gilead Road (ID 01712208) from Neighborhood Residential to Town Center Conditional District for a mixed-use building.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record and gave a recap of the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 25.*

Commissioner Bergsman said I know it's not uncommon for the town to hear from residents during a construction project about buffer disturbance. Can you talk a little bit about who is responsible for overseeing that disturbances don't happen and to kind of keep an eye on things during the construction period.

Mr. Priest said it would be on Zoning staff and it would be on Code Enforcement to be able to go and do that. We would ask assistance with them and have to keep in contact with the applicant and request updates on things in regard to specifically the arborist recommendation and how those things are taking place because again we asked about how an arborist would be beneficial to staff, well here's one of those examples. How can we monitor and make sure certain tree preservation techniques are taking place. We need somebody to help us with that. It would be on us to go out and get updates from their arborist, from their contractors and we could just walk outside and see how those things are going. But to answer your question, it would be on staff to try to make that happen.

Commissioner Bergsman said you kind of already alluded to it in your answer, so thank you, because what I was thinking is that now that we've added another position for Code Enforcement and we're working with an arborist, both of those things will help going forward.

Commissioner Dumas said we received several emails this week about the concern that a development like this would bring more traffic to Sherwood Street. It's my understanding and I drove it, so I know, there are speed humps already there, so we've got some traffic calming already in place. We've also heard a rumor that there's potentially a connecting road going in. Have we been approached about a connecting road that would connect this development parking lot to Sherwood.

Mr. Priest said there's been discussions about the possibility, but it's not in the application. The driveway for this development would need to be somewhere on Gilead Road. If at some point in the future they wanted to have a driveway to go back to Sherwood, they would have to modify their rezoning to come back and do that and then probably get the property owners involved who they were going through the property to sign on for that application.

Commissioner Dumas said can you tell me a little bit if denied what could go in this piece of property.

Mr. Priest said it's currently zoned NR so any use that is allowed in NR – a church, single-family residential, a school. In NR near TC you can do some commercial if it's in a detached house building type. You could do a single multi-family building up to three stories with a 40' buffer, because the current requirement is with a 40' buffer, whatever it is. If it's commercial or residential, you'd still have a buffer there.

Commissioner Dumas said this is a question for Chief in regards to the emails we got about the traffic and one of them addressed the fact that people are running stop signs. I wondered if there was anything, it's

unrelated to this specific project, but I wondered if there was anything we could do to help with the fact that people might be running stop signs on Sherwood.

Chief Barry Graham said we have Sherwood on our traffic concerns list all the time mainly for school traffic and things like that. We've had several calls about the stop signs down closest to 115. That's been on our watch for years. Generally, we get complaints around right before school time and after school time and then we also get complaints about people stopping in the road, so having that out there is not a problem whatsoever and we'll continue to keep an eye on it.

Mayor Clark said I will say that prior to this, I had already requested to the Police Department to continue and enhance patrols of that area due to the concerns that have been addressed to us.

Commissioner Dumas said there's going to be a lot of change that happens in that area, we're getting a new school. We are going to have to readdress this in the near future. We're going to have to take a look at traffic calming or what the roads even look like in that area.

Mr. Priest said yes and then staff is looking at doing that. We're putting out a Request for Qualifications to do a downtown transportation study basically for the entire downtown which is more comprehensive, talking about connections, where road connections need to be, how to build them to look at the downtown kind of zoomed out and where do we want to be, what traffic improvements need to be where in more of in totality. That's currently underway.

Commissioner Hunt said is that why we're not requiring a TIA, based on what you just described.

Mr. Priest said that's why the applicant is requesting a modification and staff is going along with that because that is a current process in regard to looking at things in a bigger spectrum.

Commissioner Hunt said you were talking about the buffer and so I just want to make sure I understand this. It sounded like you said it was 16' undisturbed and not 20'.

Mr. Priest said correct. It's 16' undisturbed based on their current line. You see the red lines there, that's the width of the undisturbed area of the buffer, so 16' almost 17' and then you go back, it's kind of the same, and then it kind of transitions down to close to 10' in the back. The disturbance from the 20', the 20' is planted so it's 20' most of it near the house is three-quarters undisturbed, 5' or 6' that's disturbed in that 20' buffer.

Susan Irvin, representing the applicant, said I want to thank Brad and Brian for all their work on this. I am really here just to kind of summarize where we are at this point and I wanted to keep it as high level as possible, but also kind of get into the differences between the original plan and what revisions have been made as a result of commissioner concerns and comments. *PowerPoint attached hereto as Exhibit No. 26.*

The first one and the one that was primarily mentioned was now there is no Plan B, no western drive to Gilead. The addition of two attainable units for seven years. Originally there was no additional specimen tree protection. This arborist plan which I have reviewed and I'm sure that the commissioners have reviewed in their packet is very specific and it deals with specimen tree protection.

The original elevations have been revised significantly with commissioner and staff input. Originally on the first plan there was no building setback from the 20' buffer and I just want to point that out because now there is a 10' building setback from the 20' buffer. What that does is help limit the disturbance a little bit

whereas if you have no building setback you just can't put a building there without having more disturbance. That 10' setback isn't something we really have talked too much about, but it did reduce the disturbance to the limits that you saw on Brad's diagram.

The building is 30' from the western property line with that setback. I think we've gone over the minor buffer disturbance. One thing we haven't really talked about is that there really were no green build standards in the original plan and we know that this is something that is important to the town and that has been important to this board, so this building will meet national green building standard design requirements. There was originally landscaping and open space to code. There's more landscaping and open space.

The last one is of the addition of a public art commitment. We had talked about putting in public art. At this point there is a residency program as you know for Phase 1. This is something that's very important to the applicant, so we wanted to give some parameters around it, certainly haven't designed anything yet, but to have a \$10,000 commitment of at least that much money going toward the public art. Also, including the Huntersville Public Arts Commission and just listening to one of the earlier projects I did talk with the applicant about when the public art would be installed and it would be prior to the issuance of the Certificate of Occupancy for the building, really for the same reasons because you don't really want to put it in during construction.

These are not all of the comments. There were additional minor comments, but I wanted to kind of highlight the evolution of this plan and the amount of work that's gone into the change of the plan from the original plan to what you see now.

A few just additional slides, Brad showed you these revised elevations. Those have changed considerably with some canopies and much more depth and articulation. We had a few images I just wanted to share with you about the importance of this project to downtown and activating downtown.

I put this slide in here. That is a comment that I have heard from commissioners and just tonight from Commissioner Rivers that a lot of people aren't really aware of what attainable housing really is and the important community members that it serves.

A few additional things, supported by the 2040 Community Plan, supported by the 2023 Downtown Plan. The activation of downtown with this mixed-use building, additional residential use to support those businesses. Ninety-eight temporary jobs, twenty permanent jobs, \$100,000 in increased annual taxes to the county, \$46,000 annual taxes to Huntersville and greenway accessibility.

Those are just some high level points that I wanted to make to kind of give you kind of a snapshot of the updates that have been made to this plan over these several reviews and meetings.

Commissioner Dumas said what happens if you can't come to an agreement with 760 for the driveway connection.

Ms. Irvin said I added a note in the development standards to provide some flexibility for that so that there could be a driveway on the applicant's property, but I specified in the note that it could not be west of the building to Gilead there between the building and the property line. I know that was really Plan B, so I didn't want to create a note that kind of introduced Plan B back in and that wasn't the intent.

Commissioner Dumas said I believe we've heard from the property owners and from you about what would be the next step if this was denied.

Ms. Irvin said the Huntersville Ordinance does provide for multi-family building to be built on Neighborhood Residential, one building. That was actually probably the initial direction that the applicant was going. It wouldn't be as many units. It wouldn't be as tall of a building. It would be three stories, but it would be all residential. That was probably the original thought and I just think as the applicant met with commissioners and met with the Planning staff, kind of the vision of having this mixed-use building made a lot more sense. It's much more a positive, but also complicated project, so that's kind of how we ended up here.

Commissioner Bergsman said with the tree preservation plan, can you give a bit more detail because I know there's lots of different factors that go into kind of protecting a tree during the construction period like soil compaction to trunk damage. What are the extra steps that have been proposed.

Ms. Irvin said I read the arborist report. I don't have it in front of me. I was very impressed with the details. Obviously, a fence required, but then some additional protection for the roots of the trees and basically to protect the tree during construction from things that you wouldn't really even think about would be an impact of construction like having more wood eating insects. A lot of things like that in the arborist plan made a lot of sense and the list itself of the recommendations, I would say there were at least 12 or 15 recommendations in there. I can get you more details I think from the staff packet, but that I think was a benefit of having that arborist.

Commissioner Bergsman said I had received the report from the arborist and I appreciate going above and beyond in that area. My second question was in regards to attainable housing and I know a majority of what we've approved during our time has been a longer time period from seven years and I know this is again not as large as Birkdale or some of the others, but I'm going to ask again if 15 years is something that the applicant would be willing to commit to.

Ms. Irvin said I'm not surprised you asked that question because I know that aside from sustainability that is such an important aspect of this board. We had a number crunching session and discussed it and Shane and the development team felt that they could do 15 years. Eighty percent is very difficult. They might be able to find candidates at 80 percent, but I think having a 100 percent commitment or below really is a practical matter when you have a household of two people. Sometimes they can just almost make that 80 percent, but they can't and that really eliminates people. Having the 100 percent and below broadens the group of people who are able to take advantage of that so I would ask for the 100 percent.

Commissioner Bergsman said I am fine with that if rest of the Board is and that can be reflected. I am hearing that I'm getting a yes on this.

Ms. Irvin said yes on the 15 years.

Commissioner Bergsman said my last question was actually about Phase 1 and this is more based on just.....I get questions all the time, so I didn't know while you're here tonight if you happen to have any updates on some of the commercial spaces – Corkscrew, that sign has been there for a while. We have a lot of excitement for when the new businesses will be open, so I'm curious if there's any updates on when that might be.

Rachel Krens said we are very excited about it as well. The Corkscrew sign, yes it drives me crazy that it has a timeline on that. They have changed some of the design of their project and so they are resubmitting their

design to go to permitting soon. We're hopeful they will be open by the end of the year. We'll see how their process in permitting goes, but Corkscrew will be open. B + CO Hair Salon should be open in about a month. We have two other tenants that.....we have one that's about to sign a lease any minute and then we can announce and one that's another lease. We have one space left that we have a lot of interest in, but we want to make sure it's the right fit and so we've been working a little hard on that last tenant space but we welcome any tenant leads for this project and that one as well. The amount of interest in the first phase is one of the reasons why we felt good about doing this because there's only in the first phase the way the spaces are designed, you can't have a restaurant in every single one of those spaces, like it's just not feasible, much less the parking on that side of the street, it just won't work. We have the ability now to take all those interested parties on the restaurant and be able to bring them over to the other project, so that's an exciting piece of it.

Mayor Clark said a pet peeve of mine is buffer encroachment and that's where a lot of those text amendments earlier came from and so I just want to strongly encourage, if this passes, to do the very best to stay out of the Ingalls' property as much as possible and mitigate it as fast as possible if any mistakes come. I know that sometimes that happens, but you'll hear from me if that happens.

Ms. Irvin said we hope that will not happen.

Commissioner Walsh made a motion to approve Rezoning Petition #R25-04 the Holbrook Phase 2. The approval is with the following modifications: (1) buffer width between 10' and 20' as shown with mature tree preservation plan commitment; (2) buffer disturbance with enhanced new evergreen tree plantings with no disturbance any closer to the western property line than shown on Sheet Z02.2 of the plan; (3) maximum building height of 55'; (4) first floor area is a minimum 55 percent of code required commercial space; (5) massing modification to allow a four-story building as shown adjacent to a two-story single-family home; (6) no TIA or traffic impact analysis is required; (7) the entrance to the residential units is not required along Gilead Road because it would reduce the commercial space. The approval of the petition is conditioned upon the following: (1) two attainable housing units will be offered at or below 100 percent AMI for a minimum of 15 years; (2) the body of the Rezoning Note 3 is replaced with the following language – the proposed improvements shown on the Rezoning Plan are schematic in nature. The exact location and architecture of the units and building may be modified as approved by the Planning staff during the design, engineering and construction phases of the development so long as such modifications are within the boundaries of the conditional district rezoning and compatible and in harmony with the general layout of the rezoning plan; (3) the body of the Rezoning Note 5 is replaced with the following language – the general architectural elements and articulation depicted in the south elevation conceptual rendering plan as part of the applicant's commitment; (4) the body of Rezoning Note 11.1 is replaced with the following language – notwithstanding the provisions of Paragraph No. 6 of these rezoning notes, if the petitioner is unable using commercially reasonable efforts to obtain driveway access at the location shown on the Rezoning Plan, an alternative location to access may be approved by the Planning staff in accordance with NCGS 160D-703(b) so long as the alternative access (a) meets ordinance standards to access the property; (b) is not to Gilead Road between the building and the western boundary of the property; and (c) the inclusion of the alternate access does not require any ordinance modifications; (5) Rezoning Note 11.E is removed in its entirety and the subsections of Rezoning Note 11 are renumbered according to reflect the deletion; (6) the plan call out related to outdoor dining is replaced with the following language – any outdoor dining must be approved and permitted by all applicable permitting agencies and entities. A minimum of 8' clear pedestrian path must be maintained from the line connecting the trunks of the fronting street trees back to the building. This 8' path may include the tree gray area on the building side; (7) all outstanding staff commitments are addressed by the applicant.

With these modifications and conditions, the petition is consistent with Policies LU-1.1, LU-5, LU-6, EV-2.2, EV-2.3 and DT-11 of the Huntersville 2040 Community Plan and key recommendations on primary gathering areas of the Huntersville Downtown Plan. It is reasonable and in the public interest to approve the petition because with modifications and conditions the development will (1) establish an adequate buffer and preserve mature trees to ensure appropriate visual transition between adjacent properties; (2) provide pedestrian connections from the property to the residential park and greenway; (3) incorporate public art; (4) contribute to the public good by including attainable housing; (5) support the continued growth of downtown Huntersville by providing needed commercial development along Gilead Road and the building is also designed to meet an industry green building standard NGBS bronze.

Emily Sloop, Town Attorney, said just one matter I want to clarify in the motion. You had several conditions. Condition No. 3 referenced changing a rezoning note. I believe you said Rezoning Note 5, but I believe it was supposed to be Rezoning Note 9. I just want to make sure that was the intent.

Commissioner Walsh said yes, that's the way it's supposed to be – Rezoning Note 9.

Commissioner Quarles seconded the motion.

Commissioner Walsh said I am very much in support of the project and promoting downtown revitalization. This project is just another piece to that puzzle of that revitalization. This sister project, or maybe I should call it the big brother project across the street represents the single largest investment in our downtown ever. The Holbrook Phase 2 is another investment in our downtown. The Board continues to support and build upon the vision of making our downtown a place where people can live, work, play and thrive.

Commissioner Quarles said developers develop so they can build assets and sell. What impresses me most about you is you are a long-term holder and you've proven you want to be a partner. What many people don't know is that this Board, we've spent a lot of hours and months to get to where we are today. In the beginning, as Brad said, staff didn't approve this project and the Planning Board did a great job rigging you guys over the coals. I salute them for what they did, but the beauty of this is we as the Board, we get a second shot at negotiating. This project started with zero affordable housing, now you're committed to giving us two affordable units. While I'm sure that some police officers, some firefighters, some nurses, someone that may work at Starbucks, will benefit and be able to live in downtown, which we know most downtowns are the most expensive places to live, but you're willing to commit to affordable housing downtown in Huntersville. I want to thank you for the 100 percent AMI. I want to thank you for agreeing to fifteen years versus seven years. This is an opportunity for us to enhance our downtown, as Commissioner Walsh said we try to revitalize it. We know that if we do not revitalize our downtown, places like 760, Slice House Pizza, Choplins, those places are going to be challenged. Again, I want to thank you for bringing businesses in that are going to compliment those because again we love 760. We want to make sure they do the best. We love Slice House Pizza. We want to focus on small businesses. Again, I want to thank you for being a community partner. I look forward to voting in favor of this and again thank you for your hard work and just deal with this Board. I know we're difficult, but everybody knows that we want affordable housing. I'm going to be trolled about this, but we want to make sure you bring skin to the game.

Commissioner Bergsman said removing Option B, I've always felt that was a no-brainer. I wish it wouldn't have taken so long, but glad we finally got there and that happened. I know there are aspects to this that probably don't go as far as some of the adjacent homeowners would like. I feel that this is a good compromise for all of Huntersville. It does definitely bring in the retail space and I feel there has been a good faith effort to mitigate the negative impacts as much as possible. I just want to remind you that if approved that you continue to be or please be a good neighbor to your neighbors.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #R25-05 MHH Logistics. Petition #R25-05 MHH Logistics is a request by Skye Partners, LLC to rezone +/- 8.63 acres at 11855 Mt Holly-Huntersville Road (PID #01720305) from Corporate Business to Corporate Business - Conditional District for an Industrial Flex Warehouse with associated office.

Patrick Patterson, Planner II, entered the Staff Report into the record and gave a recap of the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 27.*

Commissioner Rivers made a motion to approve Petition #25-05 MHH Logistics, a request by Skye Partners, LLC to rezone approximately 8.63 acres from Corporate Business to Corporate Business – Conditional District for an industrial flex warehouse with some office. The remaining modification requests set forth in the Staff Report are approved. Plan approval is conditioned upon the following: (1) the plan shall include a note related to the SWIM buffer modification stating that mitigation credit shall be applied to project within the Town of Huntersville, if allowed by Mecklenburg County; (2) all outstanding staff comments be addressed by the applicant. With these modifications and conditions, the petition is consistent with Policies LU-1.1, LU-5 and EOS-1.1 of the 2040 Community Plan. It is reasonable and in the public interest to approve Petition #R25-05 because it is consistent with the surrounding development, provides flexibility for employment centers and mitigates the stream encroachment by improving water quality. The tree save item has been addressed and is clarified in the most recent submittal and the applicant has verbally stated that they would like to.....let me amend this motion. It is reasonable and in the public interest to approve Petition #R25-05 because it is consistent with the surrounding development, provides flexibility for employment centers and mitigates the stream encroachment by improving water quality.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #TA25-05 – Align Articles of Code of Ordinances with SB166. Petition #TA25-05 is a request by the Town of Huntersville Planning Department to align Articles 150.05 and 150.14 of the Town's Code of Ordinances with NC Senate Bill 166.

Patrick Patterson, Planner II, entered the Staff Report into the record and gave a recap of the project. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 28.*

Commissioner Bergsman made a motion to approve TA25-05, a request by the Planning Department to amend Articles 150.05 and 150.14 of the Code of Ordinances. It is reasonable and in the public interest to ensure consistency with Senate Bill 166 and all relevant state statutes.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #TA25-07 – Amend Huntersville Zoning and Subdivision Ordinance. Petition #TA25-07 is a request by the Town of Huntersville Planning Department to amend the Huntersville Zoning and Subdivision Ordinance by redesignating the Board of Adjustment duties to the Planning Board.

Patrick Patterson, Planner II, entered the Staff Report into the record and gave a recap of the project.

Commissioner Quarles made a motion to approve Text Amendment TA25-07 to redesignate the Board of Adjustment duties to the Planning Board because it is consistent with the Town's 2040 Plan and state statute and will provide further clarification of the responsibilities designated by the Town Board.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Contract with PMC Commercial Interiors. Bobby Williams, Assistant Town Manager, reviewed request to approve contract with PMC Commercial Interiors for furniture for the new town hall. If ordered by the end of the month, it would be a 4 percent savings. The first order will be in the neighborhood of \$600,000. Funds were budgeted when the board approved and authorized a new town hall.

Commissioner Walsh said obviously we'll be moving employees over there end of year, are we ordering desk, chairs for future growth so next year if new headcount gets approved, are we doing it all at once or are we piece milling it.

Mr. Williams said that's the plan and sort of what we thought of and what we took as sort of the direction from the previous board as well as this board to make sure this space is serving us into the future, so every space in the building that is finished we will be ordering cubes that won't necessarily have people in them now but may in six months, may in a year, may in two years. They may be creative storage until then and then we'll have some offices that are used for similar purposes.

Commissioner Walsh made a motion to approve and execute a contract with PMC Commercial Interiors not to exceed \$1 million to purchase furniture for the new town hall building.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Rivers expressed appreciation for the installation of traffic calming devices going in on Dellwood.

Commissioner Dumas expressed appreciation to those involved with hosting and participating in the first ever Pride event. It was a success and brought over 1,000 attendees to downtown.

Commissioner Hunt announced opportunity for homeowners, businesses and non-profits to receive group pricing for solar power and battery storage from Solarized Charlotte Mecklenburg.

Commissioner Bergsman expressed appreciation to Jeff Sny for his years of service on the Planning Board.

Mayor Clark expressed appreciation to everyone for their support as she navigates taking care of her father.

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

Approved this the 5th day of August 2025.