



MINUTES
Regular Town Board Meeting
July 19, 2021 - 6:00 PM
HUNTERSVILLE RECREATION CENTER (11836 Verhoeff Drive)

1. Call to Order

Mayor Aneralla called the meeting to order.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

2. Invocation - Moment of Silence

Mayor Aneralla called for a moment of silence.

3. Pledge of Allegiance

Mayor Aneralla led the Pledge of Allegiance.

4. Mayor and Commissioner Reports-Staff Questions

Mayor Aneralla

- Union County, Gaston County and Rock Hill participate in our bus service offered by CATS. For several years I've been asking what's the cost of this service to the Metropolitan Transit Commission or to the county. After several years, they gave me a breakdown of the cost. *Refer to Exhibit No. 1.* Within the next couple of months we will renegotiate our contracts with the other communities and hopefully have a little bit better deal for our taxpayers here.
- The filing period for the 2021 election ended. Good luck to everyone that filed.

Commissioner Walsh

- Next meeting of the Greenway, Trail and Bikeway Commission is tomorrow night. The next meeting of the Parks & Recreation Commission is Wednesday night.
- Provided update from Visit Lake Norman.

Commissioner Phillips

- Announced upcoming Rural Hill events.
- A request was made to Colonial Pipeline to attend one of our Board meetings in August to give the public an update and they declined.

Commissioner Munger

- Attended the Huntersville Ordinances Advisory Board meeting on July 1.
- Consider supporting local non-profits.

Commissioner Hines

- Next meeting of the Charlotte Regional Transportation Planning Organization is Wednesday.
- Dirt is finally moving on the Main Street Project.
- NCDOT is renegotiating contract for the Gilead Road/Statesville Road interchange project and will hopefully get started sometime this fall.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- Expressed appreciation to the first responders.
- Expressed appreciation to the Huntersville Fire Department for participating in the Birkdale Village 4th of July celebration.
- National Night Out is August 3.
- Requested Police Chief Bence Hoyle provide update on the CALEA process. Chief Hoyle explained the CALEA accreditation assessment process. Received letter today that HPD is reaccredited with advanced accreditation for a 4-year period.

Commissioner Bales

- Congratulations to the Police Department for their CALEA advanced accreditation.
- I have been appointed to the Centralina Economic Development District Board and had first meeting last Thursday.
- Lake Norman Economic Development Corporation is currently working 45 projects, 28 of which are in Huntersville.
- Education Collaborative has been in planning mode working with the EDC and Lake Norman Chamber of Commerce to provide opportunities for workforce development.

5. Public Comments, Requests, or Presentations

None

6. Agenda Changes

Commissioner Bales made a motion to adopt the agenda. Commissioner Phillips seconded motion. Motion carried unanimously.

7. Public Hearings

Mayor Aneralla recognized Planning Board members present: Catherine Graffy, Scott Hensley and Frank Gammon.

- 7.A. Request to continue public hearing on Petition #R21-06, North Creek Mixed-Use, a request by Magnolia Development, LLC to Rezone +/- 84.00-acres south of NC 73 and Davidson-Concord Road intersection from Rural to Highway Commercial and Traditional Neighborhood Development - Conditional District for a development consisting of 42,500 commercial sq. ft., 376 multi-family units, 71 attached single-family units and 82 detached single-family units (PINs 01107311, 01126101 & 01126113).

Commissioner Walsh made a motion to continue public hearing on Petition #R21-06 until August 16, 2021 at 6:00 p.m., to be held at the Recreation Center or Town Hall. Commissioner Hines seconded motion. Motion carried unanimously.

- 7.B. Conduct public hearing on Petition #R21-04, Spring Grove, a request by M/I Homes of

Charlotte, LLC to rezone +/- 62.82-acres south of McCord Road and Hagers Road intersection to from General Residential and Neighborhood Residential - Conditional District to Neighborhood Residential - Conditional District for a 138-lot subdivision; (PINs 01101102, 01101110, 01101114, 01119129 & 01119132).

Mayor Aneralla called to order public hearing on Petition #R21-04.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

The property is located south of McCord Road. You would enter through Hagers Road, which has some large lot single-family homes. If you follow Hagers Road all the way down until it ends, you would come to a previously approved development called Hawks Landing, which was a subdivision approved by the Town in 2007, that was about 25 acres and 49 lots. It is still on the Zoning Map and it is still legitimate, although the subdivision has lost its vesting. The remainder under GR with the hatching is the balance of this project and it is under the General Residential zoning classification, that would cover the balance of the Hagers Road area as well as neighboring Northstone and many other developments that you are familiar with.

The agenda does mention that the request was for 138 lots and that was at the second version of the plan, but now due to the varying comments and changes, they are looking for 130.

The request is to take both of these two zoning designations, the GR and the old NR-CD, which was Hawks Landing, away and create a new conditional district rezoning, which would be called Spring Grove Neighborhood Residential Conditional District. In totality, both of these areas equal just over 62 acres and all of the proposed lots would have single-family homes on them. The proposed density is about 2.17 units per acre.

Just a little bit of context here, you can see McCord Road. There is a large industrial flex-space that is under review right now, not approved yet. The Northbrook development is also north of McCord, close to the Hagers intersection. And then as you move to the west side of the proposed project, there is a future thoroughfare that is proposed that will run from McCord down to an extension of Stumptown.

This is just a quick shot of the Hawks Landing subdivision. Just keep in mind with the rezoning for the Hawks Landing presentation, 49 lots are vested and then the GR would be able to develop per the GR regulations, which would be about a 20,000 sq. ft. lot. Of course, you would have to subtract for roads and BMPs and all of that. You certainly wouldn't get quite the yield that they are asking for, but not too far off.

You can see that the primary entrance will be off of McCord. Hagers Road will have a new tie-in or a "T" intersection, and then the applicants propose to actually dedicate and build a portion of that future thoroughfare that I referenced that will run between McCord and Stumptown. As proposed, they will only build the portion that will get to their entrance and then they will dedicate rest of the right-of-way.

After you come in, you will turn right and go into another new street and then Hagers Road will move forward unchanged. There are urban open spaces that are proposed with a variety of different uses – dog park, etc. The creek in the middle is buffered and protected. There are the minimum buffers around the perimeter and then they have added to the exterior an additional 20' and even beyond that there's additional common open space before you actually get to the rear lot lines. I believe the applicants calculate that there's approximately 60' in total all the way around.

I will point out that there are several connections. Hagers Road runs through the northern part and dead ends. This would receive Hagers Road and bring it in to the rest of the development up on the north area. You have one connection to Ulsten, which goes into Northstone. That's an existing stub that has been in Northstone since it was created, so that would be tied into. And then there is a connection that does not go into Northstone that runs offsite to the south, and then as I alluded to earlier, the future thoroughfare on the west side. The right-of-way would be dedicated and there would be a stub for that future connection as well.

The 2040 Community Plan has identified this property as Town Core. That is where we would support the most density of a development, but density that is appropriate to the context and is further supported by the other elements of the Community Plan. The Town Core looks to make sure that if there are already applicable small area plans or any other context that needs to be respected that your connectivity is good, your streets are multi-modal and again it's not higher density for higher density sake. It is making sure that everything is integrated and works well. That is the call out from the 2040 Plan.

This is a report from CMS that you are familiar with and based upon the number of lots that are proposed, the impact that would have on the districts that would apply for this particular property and obviously as the development would propose, it would increase somewhat of the burden on the local schools that we have.

Here is just a snapshot of our density map for some of the developments in the area. The proposal for Spring Grove is 2.11 units per acre. You can see that the Northbrook development I mentioned north of McCord is at 1.49. Northstone is at 1.65, but it's important to recognize there's a golf course in there. They have a high percentage of open space. The Hawks Landing that is currently on the books is at 1.95. The 2.11 is very much in keeping with that density level that is in this Town Core area.

Getting to the recommendation specifically, one thing I did want to mention before I go over that, and I'm just going to reference the site plan. I'm reading from the third page of the Staff Report. There are a number of policies from the Community Plan that are referenced. I'm not going to read them specifically unless you would like to go over them, but talking about encouraging residential development where the pattern and the designation is supported, focusing the more intense developments where there is infrastructure to support such, making sure that the design principles of the 2040 Plan are adhered to and reinforced through the developments, that appropriate housing design principles are utilized and this is all throughout our ordinance, protecting the existing housing stock and that's done generally by the lot orientations as well as transitions and buffers, making sure that our streets are multi-modal – pedestrians, greenways, sidewalks and all of that is as important as the vehicle. And then making sure connectivity is available throughout. All of those would be policies that this particular subdivision is supportive of. The only policy that we identified that this project would not support would be the diversity of housing options. They do have three housing lot types, but they are all just a few feet of each other, and so you're not having a mix or a great latitude of the lot types that the 2040 Plan would certainly support.

Going back to the recommendation by staff. This is a project that is consistent with our policies that we have adopted and with the following conditions, staff would be in a position to be supportive of the subdivision as shown:

- TIA needs to be resubmitted and requirements of the TIA added to the plan. TIA has been resubmitted, but the second review is not complete.
- There is a provision in our ordinance that if you have a 52' wide lot or anything under 60' you would need to provide on-street parking opportunities and they did not provide an on-street parking cross-section. They have amended their plan and we are working with them. The plan that you have tonight is the public hearing version of it, so it

doesn't reflect that. The applicants are working with staff to designate where they can provide that parking, so we will need to see that.

- There is a lot in the rear of the development that its access is not following the provisions of the ordinance in terms of frontage and making sure that's legal access, so we need to make sure that we get that and we will continue to work with the applicant. I think they are willing to work with us on that.
- Note #4 on Sheet RZ-201 needs to be amended to include some language referencing the definition of what a major subdivision is. The applicants are, I'm sure, going to be fine with that.
- Our typical redline comments of a detailed nature that need to be corrected.
- This is not specifically from the ordinance but is a recommendation from staff, an acknowledgement that the adjoining property use to the west, Soil Supply, does have reports in the history of odor, dust, etc. that has been experienced by surrounding property owners. To sort of do as much as can be done with that, the suggestion would be that something in that western edge area be done to create as much buffering as possible. Perhaps it's a wider buffer, perhaps it's a more articulated buffer, meaning a wall or a fence. There may be other ways to sort of address that. I think that's a conversation that the applicants are I'm sure willing to have, but we wanted to recommend that to the Board. I think what you will see there in that bullet and in the Staff Report is we are specifically recommending a berm, trying to get a little more elevation to what would be planted. A berm would take out existing trees and if the existing trees are of a nature that that's better, we certainly would be supportive of that as well. Not all the trees along that edge are maybe as tall as you'd love them to be to achieve that goal.

Commissioner Hines said Hawks Landing was approved in 2007. You said it was vested. Can they go out there and build that today?

Mr. Peete said the zoning designation is in place. The subdivision is a separate legal document and it has lapsed, but it could be theoretically reapproved by the Board to dovetail in to that zoning and picked up tomorrow, yes.

Commissioner Hines said with them adding an adjoining property, they're just doing it all at the same time under one conditional rezoning.

Mr. Peete said that's the request.

Commissioner Bales said in regards to Hawks Landing, the blueprint for Hawks Landing isn't the same as this, correct?

Mr. Peete said it is not. It is not terribly far off. The land is really going to lend itself to only so many things.

Commissioner Bales said I have a few concerns, just like staff, in regards to that back boundary with Soil Supply. Did you say that the buffer back there now is 60'.

Mr. Peete said in measuring from the end of the lot line to the edge of the property, it would be approximately 60' and that's based on the scale of the plans that we've been provided. That is not uniform and that does not mean that there aren't proposed uses within that area.

Commissioner Bales said I agree with staff – berm, fencing, those types of things to help with the noise, because trucks are going up and down that gravel road daily. I would also like to throw out and recommend maybe disclosure for the homeowners that abut the property line so that when they go to sell these lots that they know that they are going to be building a home up against a gravel road that heavy truck traffic is on it during the week. I have seen that over the

years, things come up. I think the best way to address it is making sure that they know up front, there's no surprises with it, if this is approved. My last question and I don't know if it can be asked. I know the TIA hasn't been done yet. In looking at this, there's one way in and one way out, and that's Hagers and McCord. With all of the development that's happening out there with Northbrook and with the commercial piece across the street, has anyone looked at the viability of a roundabout to keep traffic moving. I don't care if you live in Northstone on down McCord or you are purchasing in here or Northbrook, traffic needs to keep moving through there.

Stephen Trott, Director of Engineering, said a roundabout has not been evaluated or even suggested to this point. What was scoped as part of the traffic impact study was a traditional stop-controlled intersection. That's what has been evaluated so far. The other comment was there's only one way in and one way out. I believe there's two ways in and out. One is Hagers at McCord and the other is to Ulsten.

Commissioner Bales said I understand that, but you realize that people aren't going to go out and weave through Northstone to loop back to go back right to the west. That's not logical. It's great that we have connections and I support the connections, but at the end of the day the main entrance will be here and knowing that there can be up to 200 trucks in a day coming up and down that gravel road, the people who live here are going to have to deal with the truck traffic in and out, plus the traffic coming at them as they are trying to turn left on McCord. I just want them to be eyes open to solutions in order to make this work and work for everyone in the area.

Mr. Trott said as part of the traffic impact analysis, the morning and afternoon peak hours are evaluated, so once we get a chance to review that updated TIA, we can come back with that information.

Commissioner Walsh said I want to go back to this traffic thing, because people coming out of that development taking a left....the Lennar community that was approved up there, there's no houses built right now. They are working on them, but it is going to be nearly impossible to take a left out of there with the traffic coming down that road. I think we need to take a very close look at that. To follow-up with one of Commissioner Bales' comments, Soil Supply is there. I don't know what the notification process is. We all know about the challenges we had with the community to the west with the gun range and people buying those houses that about it and you are saying there's a 60' buffer that whatever that notification process from the builder be very clear and a part of this. Finally, in terms of a berm, maybe a fence could be put up, maybe a solid 8' fence or something along there at least to reduce....I mean some of the dust is going to get over but maybe to at least alleviate some of the noise traffic.

Mr. Trott said just some information on the TIA, the TIA would have incorporated the Northbrook traffic into it for that future condition, so that will be part of the analysis results.

Mr. Peete said all I would do is just make sure that we are clear, the 60' that was measured along that western edge is the distance from the rear lot line to the edge of the property. It is not a landscaped or a tree-save necessarily. I just want to make sure it is distance it is not necessarily proposed to have something in it.

Commissioner Munger said has Northstone HOA made any official comments on this proposed development.

Mr. Peete said I have not heard anything from them.

Commissioner Munger said in our packet it said there's two lot sizes – 52' and 75'. My understanding is that all of the 75' homes are along the back of Northstone. Does that mean

that everything else is 52'.

Mr. Peete said I believe that the applicants have made some adjustments in that regard from the public hearing version of the plan to what they are currently working with. That may be a good question that you will need to ask them when they come up. They certainly would have to answer the question about why they chose to place the lots where they did. We did not have any rationale for that.

Commissioner Boone said the term 200 trucks a day, where did that figure come from. How do we know it's not 300 or 400.

Mr. Peete said I think that may have been a Board member who indicated that.

Commissioner Bales said that was me.

Commissioner Boone said can I ask where you got that figure.

Commissioner Bales said I called Soil Supply and asked.

Chad Lloyd, M/I Homes, introduced the team with M/I Homes – Cody Simoneaux, Morgan Rushnell and Jeremy Horton with Timmons Group, Katie Bradley who is going to speak to some of the changes that we've made in consultation with some of the neighboring property owners since the submittal, Nick Burns who can speak to some of the traffic impact analysis with Impact Engineering, and Cindy Reid with Irvin Law to speak to some of the alignment with your 2040 Plan. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

We've been building in the Charlotte Metro for about 35 years. The two closest communities that we are building are Ramsey's Glen and the Farrington Community.

Cindy Reid, Irvin Law Group, said the Timmons Group and the developer have been doing a great job moving this project forward and they have asked the Irvin Law Group to come and speak on behalf of how this project fits in with the 2040 Land Use Plan.

The 2040 Land Use Plan is a vision for your community and it tells us what we want this property to look like in the future. This property is shown as being in the Town Core. The Town Core anticipates more intense development in this area and then as you feather out more moderate and then the residential edge which is lower intensity. This site is Town Core, which one would expect more intense development, but in fact the development that is proposed is actually consistent with the development pattern around it. What the Town Core anticipates in this area are single-family homes, townhomes and apartments and a denser area. It is actually 2.02 dwelling units per acre and it is consistent with the development pattern in this area and in fact it's lower than Harvest Point which is at 2.73 and directly across 115 it's also lower than Monteith, which is at 3.18 DUA. It is lower density than Covington to the southeast and Centennial again to the southeast. Northstone is a lower density, but as David Peete pointed out, that's because it has so much open space because of the golf course. The point I'm trying to make is that the density proposed for this area is consistent with everything else that's around it and it also fits in with your 2040 Land Use Plan as the Town Core area.

I would now like to turn this over to Katie Bradley from the Timmons Group to go over the site plan with you.

Katie Bradley, Timmons Group, said I'm the engineer on the project. As David mentioned the existing zoning is a combination of General Residential and Neighborhood Residential Conditional District and we'll be taking it all to Neighborhood Residential Conditional District.

We have a total site acreage of 62.82 and we have actually reduced the number of lots compared to what was in the packet that David presented.

We currently have 127 lots and a mix of 52', 57', 60', and 75' wide lots, which brings our proposed density to 2.02 dwelling units per acre. We are currently showing three open spaces and we have proposed buffers around this site. The first 20' adjacent to the existing property line will be 20' undisturbed buffer as required by the Town ordinance and then we are also proposing a 40' overall buffer around the majority of the property boundary which in essence provides a required separation between the proposed lot lines and the existing lot lines.

There are our typical lot diagrams for the 52' lot width and the 75' lot width. You will see we have a 25' rear setback which means the building cannot encroach into that setback. We have between a 15' and a 30' build-to depth for the house and the driveway will be a minimum of 20' setback from the right-of-way. We'll have 5' side setbacks between lots and a typical lot area between 6,760 sq. ft. and 9,750 sq. ft.

This is our current plan showing 127 lots. You will see we have taken out a few lots in order to make one of the storm water control measures near the community garden and that Northstone entrance. What we also have done is we have widened the lots backing up to the Hagers Road residents and this has come from a lot of discussions with those neighbors. We've met with them a few different times in addition to the neighborhood meeting. Those lots are now either 60' wide or 57' wide. We have three urban open spaces, a park, a community garden and a dog park.

This is the plan that we presented at the Neighborhood Meeting that the neighbors got to see and comment on. You can see we had narrower lots up against the Hagers Road residents, which we have since widened out. We had a fourth urban open space adjacent to one of the neighboring property owners and she actually asked us that we remove that and we did that at her wish. We also instead of having a "T" turn around at a road stub to the east, we changed that to a cul-de-sac at the request of that property owner as well.

This was one of our early renditions of the plan. We had 130 lots. You can see on that main road coming into the site we had lots on both sides of that street. At the request of a property owner, we removed those in order to provide a larger buffer between those lots. We also initially had Ulsten Lane extending straight and providing a stub towards Soil Supply, which we have actually removed and so that just T's into the road coming down and that road will then stub out to the west, kind of eliminating that direct line of sight from Northstone into Soil Supply.

This plan also did not have as many traffic circles as our current plan did on that main street that's kind of straight through the site. The existing Hagers Road instead of coming down and continuing in front of houses, on our current plan it dead ends into a mini traffic circle to try to mitigate some of the traffic concerns there.

Just to summarize some of the changes we've made based on neighbor feedback, we have reduced the total proposed lots from one of our initial plans of 138 to 127. We now have a few more different lot sizes of 52' wide, 57' wide, 60' wide and 75' wide. We removed those lots along the entrance road and we increased the width of the lots along the Hagers Road neighbors. We removed one of the urban open spaces adjacent to an existing property owner at her request and we increased the proposed buffer shown around most of the site. We also made sure that the separation between the existing lot line and proposed rear lot lines is generally around 60' most of the places around the site. There's a few exceptions where we were not able to get that 60'. We also changed that "T" turn-around to the east with a cul-de-sac.

I'd like to address some of the recommendations that David brought up from staff. One of those was about the TIA, which we have resubmitted and the approved version will be submitted prior to Town Council and we will update plans for the rezoning to reflect those requirements of the TIA.

He also brought up the frontage for the Caughman lot and we will work with Town staff to provide that frontage before we submit the final plan.

He also brought up the proposed parallel parking and we will work with him to pick out areas. This is just a preview of some areas we were thinking about placing parallel parking to provide additional on-street parking for 52' lots.

He asked we add a note and we will add that note to the plan and then we will also work to address all the redline comments. I know that there's already been a lot of questions about the buffer for Soil Supply and we have definitely looked at that. We did provide about 60' between the existing property line and the back of our lots. As David mentioned, the 20' is guaranteed undisturbed and when we go and do our final grading, we will minimize any extensive grading in that area trying to preserve as much existing vegetation as possible. We'll talk with our team about adding additional planting in areas where that existing vegetation might not be so great. A lot of that will involve going and looking at the site, seeing how the trees are and making a call about what needs to be added. We can also look at providing a berm, but if those existing trees are good and will provide kind of that buffer between our homeowners and Soil Supply, we would prefer to keep existing trees.

I'm going to pass it off to Nick Burns to discuss the traffic.

Nick Burns, Impact Designs, said we are doing the Traffic Impact Analysis and like Stephen had said it's been resubmitted for a final review. Currently, the improvements we are looking at are a 100' right-turn lane on Old Statesville Road that would be north turning right onto McCord and then we would update that traffic signal to maximize the efficiency of that signal and we have a 100' right-turn lane onto Hagers Road from McCord.

These are the projected improvements. At the signalized intersection at 115 and McCord we did the analysis at 2026 which is the full build-out and we included all the existing traffic counts up to that year 2026 and then we included all of the proposed developments that are supposed to be built by that timeframe into that data and that's how we run our analysis and so at that intersection in the a.m. we stay about the same, but 0.4 seconds of delay is added and then in the p.m. we actually improve that intersection by 5 seconds of delay. As far as the Hagers Road and McCord Road, that intersection right now or in the build-out, operates at LOS A and LOS B on the side street, so a roundabout was not analyzed because of how well it operates under stop control conditions. You've got McCord Road, then Hagers comes off, and now there's kind of an "L" bend how you would turn back into the neighborhood, just to kind of give a picture of the delay. I'm not for sure, Katie could probably speak to it, as far as how big that stem is from McCord to what will be that new Hagers Road alignment. There's not a period in which that delay backs up past that, just to kind of give you a perspective of what we are looking at. From a traffic perspective, that's what we are currently looking at.

Commissioner Hines said can you point out the Caughman property.

Mr. Lloyd said the Caughman property is up where you see the green space.

Commissioner Hines said the Caughman property wouldn't have frontage on a right-of-way with the development. Are you all going to have to grant them access.

Mr. Lloyd said they are going to have access.

Commissioner Hines said going back to Soil Supply, did you say it was a 20' undisturbed buffer at minimum, plus an additional up to 40'.

Ms. Bradley said on our plan we are calling out a 20' undisturbed buffer and then outside of that there will be another 20', so total 40', but the 20' internal to the property we might disturb in order to grade lots out. There might be storm drainage in there. As a development team we might talk about adding additional plantings there and if grading doesn't require that we go into that area, we'll just leave the existing trees as is.

Commissioner Hines said we have to make sure we protect our existing business owners. Some of the questions that come up, which we don't want to come up in the future if this were approved, what type of disclosures, what type of mechanisms do you have in place when you sell these lots that back-up to a road like this to where it's very clear they know what it is and they are not going to come back to this Board and complain.

Mr. Lloyd said I appreciate those comments and we are taking all these notes down before we come back before you for a final vote, so let us internally discuss more concretely how we would do such disclosures of any kind of externality like that, but that's something we're definitely hearing tonight and we will come back with a more solid plan on it.

Commissioner Hines said it could very well be a one-page document. If we bury it in the HOA documents, people don't seem to read it under pressure at the closing table.

Commissioner Bales said currently what trees would be considered part of this undisturbed buffer.

Ms. Bradley said as part of the plan we did a tree study and just off the top of my head I can't remember how many of those were of a certain size inside that undisturbed tree buffer. Usually, we are required to preserve 10 percent of the specimen trees on site and those specimen trees that are 12" if they are a soft wood and 24" if it's a hardwood. If any of those are in the perimeter buffer, those will be preserved along with anything else.

Commissioner Bales said I guess my question is are the trees, because we see this a lot with large parcels where they've planted pine, like a tree farm, is that the type of wood that's there or is it different. Is it just kind of grown up, just as nature intended.

Ms. Bradley said when we went out on the site, I think it was more just grown up as nature intended. It was fairly natural throughout the site.

Commissioner Phillips said regarding the right-turn lane onto Old Statesville, how do you guys plan to go around acquiring the access to do that.

Mr. Lloyd said that will be our right-of-way negotiation as we get more information in the engineering process where it gets designed, that's when we would lock that in as part of the permitting process. I have some slides on the product if you are interested in a quick walkthrough on that as well.

Commissioner Walsh said the properties that are going to be near Soil Supply or bordering that, is that a 60' buffer or a 40' buffer, because I heard 60' earlier and you just said 20' and 20'.

Ms. Bradley said the 60' that was referenced, that is the undisturbed buffer and then there's 40' and then there's some additional space between that black line and the actual properties, which equates to about 60' from the property line. It's just space. There's, I guess, technical

definitions of buffer which implies planted. The 60' will not necessarily all be planted and a portion will remain with existing vegetation and we may or may not be able to plant the remainder of that.

Commissioner Walsh said the vegetation aside, so there is 60' actually from the back of the property.

Ms. Bradley said approximately, yes.

Commissioner Munger said on the lot sizes, the 52', 57', 60' and 75', can you tell me which ones have the 75' width.

Ms. Bradley said those ones and then also those three backing up to Aberfeld.

Commissioner Munger said can you tell me what the average home price is of these houses.

Mr. Lloyd said it's going to be subject to market conditions and I can quickly run you through kind of the look and feel of the houses here. This is representative elevations that we have. The houses run roughly right now, depending on market conditions, just under 2,000 sq. ft. to more than 3,800 sq. ft., 2 to 5 baths, ½ bath, and a mix of product here that is a traditional two-story as well as we have owner suite on the main level, so a good mix of houses that we hope will appeal to a number of customers. I would anticipate the base prices out here would range from the upper \$300,000's to on into the \$400,000's and it all depends on the kind of options that folks would want.

Commissioner Munger said so if I said \$380,000 to \$450,000, that kind of covers it.

Mr. Lloyd said roughly, but it depends on market conditions and as you probably realize these days with costs, they are in a great amount of flux so it will be 2023 before we are into delivering those houses, so a lot of it depends on the context of the market at the time.

Commissioner Munger said one of the things that staff pointed out and I realize this number will vary based on the subtraction of 11 houses, 69 students will be added to our already overcrowded schools which would result in the need for \$2.647 million in capital costs to accommodate these students. Have you had the opportunity to reach out to CMS to see if you could help address this issue at all.

Mr. Lloyd said we got that information last week and we have attempted to reach out to CMS but so far have not been able to connect with them. We are trying to find the right person at CMS.

Commissioner Munger said I'd be happy to help you find the person.

Commissioner Boone said I would like to start with the TIA. The Board just approved a daycare center on Highway 73/Sam Furr Road. That left-turn lane as you go north on 115 they had to improve to two left-hand lanes there and it's not showing. I think that maybe we could show that the right-turn lane is in where these people don't have to do double work.

Mr. Burns said Stephen and I actually had a conversation about this the other day. What we do with the traffic studies is we take all the background from all the different developments, put them all in to all the numbers and we see how our numbers compare to that overall mass without any background improvements and then we put our improvements on top of those from there, just in case if that daycare did not get built, then we weren't accounting for that in our study and it's still applicable with the traffic that's out there.

Commissioner Boone said I'm sure you are going to make this presentation again, when you use the term LOS, you should let the audience know that's level of service. I'd like to recommend that before you take this to the Planning Board that the number of 52', 75' widths, if you have the exact number of lots on each one of those, I'm sure that would be helpful to the Planning Board and the on street parking, my question would be how will that change the density from 2.02.

Ms. Bradley said the density is just based on number of lots and we don't think that we will change the number of lots to accommodate the on street parking.

Richard Sampson, 15513 Aberfeld Road, said my wife and I own property at the southern part of the site. We have a couple of concerns. By the way, just because you were talking about Soil Supply, we've reconciled ourselves to the noise and really felt okay, it was there, and because it was there it kind of made it look with the trees and everything, more natural. But I can tell you from as far away as we are, the noise is very noticeable inside with the windows and doors closed in the winter. There's a huge grinding machine that goes and I just can't imagine a 20' or 60' berm is not going to, in my mind, reduce that noise at all.

My concern is about the trees that are being taken down in there. At the northern end, there's a very large stand of evergreen trees that I would like to know if they are going to be taken down or saved. My other question is for that part where we do live, I looked at what was online and it indicates where there are trees that are not being taken down but this whole area right here, there's nothing, it just shows in green – does that mean all of the trees that are there now will remain. I know what they all are. They are American White Birch, American Oak and Tulip Poplar, so they are very large mature trees. That's typical of that whole area back in there. My greatest concern is water run-off. We have and have always had a run-off problem into our property and I think maybe it was 10 years ago or more when we had been seeing after heavy rain water cascading down the slope of our backyard. Our backyard is a steep slope there and cascades almost like a waterfall and continues to drain for one or two more days. I got in contact with the Town and two people came out and walked the site with me at the time. I thought the water was maybe coming from Soil Supply not managing the water properly, but they confirmed that was all fine and that the water was most likely draining off of Hagers Road. I know it looks like there's catchment areas in there, but I would really like to know, because it's not going to get better.

Laurie Cameron, 10016 Hagers Road, said I also have other property on Hagers Road.....8 acres total. I want to say thank you to Chad and to M/I. They have met with us, they have been patient with us, they have heard our frustrations and angers and they have made positive changes upon our request. What we are left with now is a bunch of residents who chose not to live in a subdivision. We chose to live on acreage on a dead-end little lane because we didn't want to be in a subdivision. We can see now that Hagers Road will become a loop in this subdivision. It isn't that the subdivision comes off of Hagers, we are part of the loop. And maybe we'll meet some nice new neighbors and maybe we'll have some sidewalks. We are trying to be positive. We are realistic enough to know that this land will eventually be developed and that the M/I plan is more in keeping with what we would want than apartments or a gas station or other things. As much as we would like to stay in our little wooded lane, it isn't going to happen. We are in Huntersville and growth is inevitable. The biggest concern that remains now for many of us, me included, is the traffic. We have questioned a traffic circle at the entrance. I don't know if that means the purchase of more land to make it big enough for the Soil Supply trucks, but the right-turn lane as you are going east on McCord to turn onto Hagers will keep traffic moving on McCord, such that we can never turn left. We turn left now because cars turning right onto Hagers and the big trucks that have to have a wide sweep coming into Hagers slow down enough that we go out in front of them. Hagers Road will be moving at a faster speed. We will have an extra lane that we have to cross in front of to turn left and I would like to see something proactive before somebody gets killed. My approach is

going to be I have to go out there, I turn right, I pull into Lennar and they are going to be complaining because everybody from our subdivision is going to go out into Lennar and turn around and go back out. It needs to be addressed. Hagers Road also is a very narrow road. If you have not gone down Hagers Road, each of you individually in a car, I invite you to do so. I think we're 16' wide, so when two SUV's or a pick-up and a car or a garbage truck or a landscaping truck and a car pass, we have to slow down to about 5 mph and put our right passenger front tire right on the edge or on the shoulder. That's fine. There's 24 houses on the street. We don't mind doing it. We smile, we wave, it's cool. But when we increase from 24 houses to 24 plus 127 that are largely using these roads, now how many will actually go through Hagers as opposed to going through the neighborhood, I don't know. The road was also a gravel road, just like the gravel road going to Soil Supply. When the neighbors 25 years ago said we don't want gravel, they threw some blacktop on top of the gravel. There is no roadbed. It is not designed for heavy traffic. We don't want our little road to be changed. We don't want a center stripe and all that stuff. M/I has agreed to put in traffic calming measures. I have talked to the Town about how do we go about that. We are posted at 25 mph. Once the volume of traffic goes up enough, there could be a study and a survey and then if we meet the criteria, they'll put in some speed humps. M/I has agreed before we get into that problem that they are willing to do that on Hagers Road, but then the question is who maintains it. Obviously, the Town of Huntersville. I ask the commission to please approve these speed humps early on before we actually have to go through the study and survey since M/I is willing to do it at their expense in the development. And then the last thing that I tell myself maybe can be a positive of this, we all are sitting on septic tanks. I have been in the city limits for 25 years. I don't have water. I still have a well, but that's my choice. I want access to a sewer. The sewer stubs are coming in. The Town has said no, it's not our responsibility, it's the City of Charlotte or Charlotte Water. The Town of Huntersville has clout to talk to Charlotte Water and say our residents need sewer on this street. I hope in the planning and development of this land that the commissioners from Huntersville that represent me can have a voice with Charlotte Water so that I have the ability to come into the 20th century and have sewer as opposed to my septic system. That's at my expense every time I have to dump \$1,000, \$5,000, have it pumped, whatever. I'm ticked because I'm paying city taxes and I don't have total Town services yet, after 25 plus years. All in all we are trying to keep a positive attitude. The land will be developed with something and I thank M/I for being as patient with us in our hysteria and our upset demeanors as we have been. I think we have made progress.

Emily Outing yielded her time to Laurie Cameron.

Tami Styer, 10225 Hagers Road, said my husband and I are not opposed to the development and we agree that Huntersville is a very desirable place to live which is why we moved here 7 years ago. We had some very specific criteria when moving to Huntersville – no HOA, a large lot and privacy. We found all of that on Hagers Road. As Laurie stated, M/I has made several changes to their site plan to accommodate our requests specifically. They removed those first three houses and we appreciate that very much. We are not opposed to the site plan submitted by M/I Homes to the Town that was included in the Staff Report. They have committed to the limits of disturbance that will allow trees to remain between their development and our property and we are very much appreciative of that as well. There will also be additional accommodations made for neighbors that the Board probably has not seen yet, but you will need to consider that when you review the site plan. Our biggest concern at this time is traffic, as stated by Laurie and others, and the impact to Hagers Road and the access to McCord Road. The Staff Report for Spring Grove Development references the 2040 Comprehensive Plan and states that the proposed development is consistent with that plan. The reference to Land Use and Housing Policy No. 5 does not reference Hagers Road as being a transportation infrastructure necessary to support Spring Grove. Hagers Road will be the preferred exit route to McCord Road for approximately half of that development. The road is narrow and as Laurie stated will not stand up to that volume of traffic. I do not believe it's necessary to connect the road, but if it's absolutely a requirement, then M/I has offered to

install speed humps on Hagers Road and the city should agree to maintain them. The Staff Report states that the Planning Board should consider the adequacy of public facilities and services available for the development. The residents on Hagers Road should be provided city sewer service. Since the report states that service is available for the Spring Grove development, it should be available for Hagers Road as well. The Traffic Impact Analysis I do not believe is complete or accurate. It did not consider additional traffic from the 190 homes into the Northbrook development. I believe that it stated that there was a proposed development that could impact it and it assumed a 2 percent annual growth considered as part of the TIA and that's not consistent with what's been experienced in Huntersville. I think you guys probably know that better than I do, but the 2040 Plan expects a 74 percent growth rate between 2018 and 2040 and that's significant. I really think the traffic circle is a great idea. I think that would solve a lot of these problems, especially with the future thoroughfare as well as the flexible industrial tie-in that Mr. Peete mentioned in his presentation.

David Styer, 10225 Hagers Road, said I also wanted to express our thanks. M/I Homes has made themselves available to the residents of Hagers Road both in individual settings and in group settings. They have made several accommodations as others have already mentioned. This is appreciated and again we're not opposed to this development. I actually prefer it to other alternatives that might be allowable based on the 2040 Community Plan. My thanks to the commissioners who picked up on some of the traffic issues coming off of McCord Road. Probably 90 percent of our traffic turns left onto McCord and that's difficult enough now at times. Adding 127 new homes coming out the same road is going to be a major issue. Again, most of my concerns are related to infrastructure and traffic issues, both immediately local there to Hagers Road and on a broader view all the development in that whole general area with the infrastructure in the north Huntersville area. Two of those issues have already been discussed, the speed and traffic control on Hagers Road itself and the ability to turn left onto McCord. The proposed right turn lane that was mentioned could potentially be dangerous because it will keep traffic moving through there. If you try to turn left and don't see a car hidden behind a vehicle in that turn-lane, you may pull out in front of somebody still traveling at speed. Sewer has already been mentioned, that's an issue on Hagers Road that with it being that close to this development it looks like it would be an easy tie-in. On a broader scale, infrastructure concerns, again the sewer, the schools, that's been discussed already, the roads and the traffic generally from all the development, a lot of it up on Mayes Road, there's some proposed developments up there as well that will be coming south down to Sam Furr Road most likely. Of course, emergency response fire, police and medical, all those concerns with just additional very rapid growth in the whole Huntersville area. In summary I just feel the pace of growth in Huntersville is excessive and always infrastructure improvements seem to be too slow or too late to keep up with that. That results in reduced quality of life for the residents of this town and it seems contrary to the stated purpose of the Planning Board which talks about maintaining quality of life in the town.

Robert Sellie, 9808 Hagers Road, said I live right at the end of the road with my wife where we have raised our three boys. We literally live on 3 acres at the end of a dead-end road and it's been our paradise for the past 25 years. We moved there just as Northstone was being developed and in anticipation for their development we let about 30' of the back of our property revert back to a natural landscaping for more of a buffer. We realize growth happens and we've consigned to the fact that that's a reality. Our primary concern is to preserve our little piece of Heaven and the little lane known as Hagers Road. We know all of our neighbors and we wave to our neighborhood friends as we drive up and down the road. That brings us to Spring Grove. I'd like to say that Chad Lloyd from M/I Homes has been a joy to work with and I think he and I have developed a friendship during this process. He has been a wonderful voice for our little community and our concerns to M/I Homes. He has granted most of our wishes to the best of his ability. He has been to our homes, attended our neighborhood meetings and has even responded promptly to my texts on weekends. We and our neighbors have many concerns about the new traffic on Hagers Road with school buses, garbage trucks, mail

delivery as well as our new neighbors of the Spring Grove Community and what impact they will have on our little road. As well as that, Angela and I are concerned about access to our property. One of the earlier proposed plans was to have our driveway cut right through and that's our property right there, that 3 acres. They originally had that stub road so our driveway would come right through the middle of our property to connect to that. It was my suggestion and Chad followed up with it, to make that a cul-de-sac, now our driveway will continue on our property and skirt along the edge of that northern edge along the easement.

Jimmy and Diane Graham, 15639 Aberfeld Road, said Traffic is our main concern. We would like to know if there's traffic studies for Ulsten because that intersection right now it just comes down Aberfeld Road and turns on Ulsten to the right. People just cruise right through there at pretty high rates of speed and people are now going to be coming down that hill from the new neighborhood. Will there be speed humps. What are we going to do about that, because I think people are going to come down that hill pretty quickly. We've heard a lot of people want to go out on Hagers to McCord, but I do think a lot of people will come through that Ulsten area to go to Stumptown and get out through the back. What is the traffic plan for that area. There's a lot of children around there, so I'm very concerned about that. I also want to make a statement that I do think your buffer to the soil plant.....I wish I knew what was behind me when I bought my house, because it is very loud. We work from home and you can't work on the back porch during the day because all you hear are trees and rocks and things getting thrown around. I do think your buffer might be a concern and there is also a lot of drainage. I have video of our backyard. We have rivers flowing through our backyard every time it rains. Mr. Graham said our concern is with that stub because when we bought there, we live right on that corner and we've got woods behind us, our driveway empties out not to Aberfeld, but to that little abutment right there on Ulsten. Backing out of our driveway, you've got people coming over that hill. Let's not be naive to think everybody is going to go through the neighborhood and out to Hagers Road and McCord. They are going to find that's a bottleneck, they are going to say let's cut through the back. Has anybody done a study to what that's going to do to Aberfeld Road and Stumptown and all of that. I haven't heard word one tonight on that. We'd like to hear more about that.

Terri Merklein, 9816 Hagers Road. Hayden Merklein yielded time to Ms. Merklein. I'm the last house on the left before the proposed subdivision at the end of Hagers Road. M/I Homes has been very upfront with what they plan to do. From the beginning they've reached out to all of us at Hagers Road who would be directly affected by this new subdivision. They have shared emails, phone numbers and answered questions. My husband and I have not spoken with them directly, but we were made aware that there were changes made for our benefit. However, we still have concerns. One of them is our road. We would love not to have an entrance to that subdivision at the end of Hagers Road. I know that connectivity is a big word these days to make it easily accessible for ins and outs everywhere, but that should not be the case here. Our street is only 1-1/2 lanes, at best. You've heard everyone say it's hard to get in and out. You can't pass big trucks. When the garbage truck is there, you have to wait for the garbage truck to finish its business before you can go down the road. We have 2, 4, 6 and 8 acre lots on this dead-end street. It was always supposed to be a dead-end street. We didn't sign up to be part of a neighborhood. We were never wanting to be part of a neighborhood. If this entrance gets approved, there are 47 new homes just in the back section alone. That, with the connectivity from Northstone, more than doubles the amount of road usage for our street. There's obviously more cars and everything that goes through. Our road will crumble. There are already cracks up and down it. We always have a terrible time getting anyone to come out and look, much less help us fix our road. Please consider blocking this entrance. If this is a hard no, we understand, but please consider moving all of the mailboxes to the front of their entrance so they would be more apt to go that way instead of coming down Hagers Road. I'm thankful that the speed humps have been mentioned. That's going to be a help if this has to happen. Another concern is the other end of the street. I don't think the numbers are right. Maybe it was a slow day whenever they came through to do the traffic

study. We wait all the time. The big trucks, they damage the road. There's pea gravel all over the road. It's a mess constantly. There's no one there to fix the potholes. We go weeks and the road gets damaged. If you put a new road in, the new road will get damaged. That's just how it is and it's going to make the neighbors and everyone else not happy. Getting out of that street already is bad, so if you are going down 115 and you are making a lane to make a right onto McCord Road, there's traffic. There's a railroad track right there that goes down to two lanes and it's used a lot. All the traffic is backed up all the way down, so that's double traffic sitting at McCord Road. Then you make the turn and then there's another turn to go right onto Hagers Road. All this traffic is funneling in on Hagers Road, but there's no way to get out. We need a way to get out of our subdivision, because we are sitting behind 18 wheelers and dump trucks constantly. Lastly, but not least, is the tree canopy. We've been very lucky to have had it as long as we have. I know that they are required to keep 10 percent. Does the 10 percent count all that green area up there or is it the trees themselves. I looked at the plans and they look like they are clearing everything out to where the houses are. They are going to go in and take everything. There's only going to be trees on the outskirts where the buffers are, so does that 60' buffer include the 10 percent of the trees that they are not supposed to touch anyway or is the 10 percent supposed to be where they are building inside. We've got two Crepe Myrtles, when they talked about Hawks Nest, there was an arborist that came. There's two Crepe Myrtles that are over 100 years old right at the front. They should have been put on the registry. The arborist was going to do that. We've got two 46" in diameter and 40" Willow Oaks that you can look on the plans that they've crossed to take out. These are healthy trees. And to your point about the trees, these are poplar and oak and trees that you don't see everyday. They are amazing. We've got wolves, we've got deer, we've got coyotes, we've got anything that you can imagine that live in those woods. Where are they going to go. There's nowhere for them to go with Lennar doing their subdivision. We are just hoping to keep the aesthetic of our community similar to what we have. By taking all those trees, it will drastically change. They help to keep the smell and the dust down from Soil Supply. If you take those, Northstone will be affected, we will be affected, the new subdivision will be affected and I really think it's something that should be considered. They have made changes. They have condensed the houses. We do appreciate that. We're just asking for more consideration. While I wish this land would continue to be undisturbed, I know that it's not a reality. At some point someone will build on it and we hope that it's someone that will continue to work with us as much as we would work with them.

Joe Paccione, 9825 Hagers Road. Elaine Paccione yielded time to Mr. Paccione. We live in the last house on the southern end of Hagers Road on the west side. I have 5 acres there. I'm going to try and not repeat what my neighbors have talked about. I want to emphasize a number of things – water, trees and consistency. First, to the statement that was made earlier that this development is consistent with what is planned, not with what is there. It is not consistent with Hagers Road and McCord Road. What's more important people that live there or people that don't live there. Water – we heard a number of people from Northstone talk about water. I've been after CMUD that was responsible for water. My property is eroded out all the way back. When we moved there, that was a gully about 6" deep. It ran water occasionally. It is now about 12' deep. The property stake was in there, it's suspended in the air, now that's gone. There's a tremendous water problem there. I've mentioned it to M/I, they need to be aware of that. That's going to cause a problem as you remove more trees. That brings me to trees. Up front, these are all pines in here. But back in here all along here, that's all hardwoods and it is a home to Redtail Hawks and as you know they are protected under Federal and State law. They are a bird of prey. You cannot disturb their nest. It's a \$15,000 fine for disturbing their nest. I have a good camera and a drone. I am actually going to try and find their nests, but I fear as they cut those trees down, they are going to run into those nests. If we lose the hawks, we will be overrun with rodents. We've always had a problem with rabbits and other rodents. We have a problem with the road. I would ask you to please don't connect to Hagers Road. You don't need it. I've heard it mentioned it's a stub, you have to connect it. I don't know how it could be a stub. That was an old dirt farm road that became

graveled and then it got blacktopped and now you call it a road stub. It's a dead-end road. I would like no connectivity. On the entrance to Hagers Road, I've asked M/I, they've looked at it and said they couldn't do it because I think they threw it back on the Town can't do it. I would like to see the what is old Hagers Road now coming directly into the development and have Hagers Road be a left-turn off that road. I think the humps and traffic signs would help us. The road is horrible. I was standing there when they built the road. It was dirt, they put gravel on it and blacktopped it. It lasted a long time, so I have to kind of eat my words how bad the road is. It lasted a long time, but it is cracked and broken. Every time a truck goes off the side of the road, they break another piece off. What can the Town of Huntersville do for me. I'm here to protect my road, protect my retirement home and don't connect this to the development.

Commissioner Hines said is Hagers Road maintained by the Town or is it a private road.

Mr. Trott said Hagers Road is a Town maintained road.

Mayor Aneralla said I know a lot of you have asked questions and we just sit here and listen, but do know that we are taking notes, as well as staff, and I'm sure that everybody will get back to you with answers to your questions.

There being no further comments, Mayor Aneralla closed the public hearing.

- 7.C. Conduct public hearing on Petition #R21-03 Billings Property, a request by Skybrook West LLC to rezone +/- 21.04-acres north of Eastfield Road, just west of the Cabarrus County boundary, from Rural to Neighborhood Residential - Conditional District for a 47-lot subdivision; (Meck. Co. PIN 02111116 & Cabarrus Co. PIN 46703589660000).

Mayor Aneralla called to order public hearing on Petition #R21-03.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff Analysis attached hereto as Exhibit No. 3.*

This is the Billings Property which is part of Skybrook. Skybrook West LLC is the applicant. This is a unique project in that it has a portion of it that a couple of months ago you annexed into the Town of Huntersville, but resides in Cabarrus County. You can see the area in green that is zoned Rural and then all of it, now that it has been annexed in, would assume the Rural zoning designation, but the request tonight would seek the NR-CD zoning district, creating a conditional district plan. To the left is what is known as the Phase 10 portion of Skybrook and then to the right you have the NOMAD aquatic facility and then there are some townhomes and then the rest of the amenity center for Skybrook and then Eastfield Road is the southern boundary, City of Charlotte below that.

What you see here is the plan that is before you tonight in the hearing packet. The three existing stub streets out of Phase 10 of Skybrook are proposed to be extended. It is laid there as a context again moving from connecting the three stubs out of Phase 10 of Skybrook and then creating two cul-de-sacs and that is essentially the plan that was submitted. The Huntersville portion is around 10 acres and the Cabarrus County portion is about 10 acres for a total of 21.04 acres. They are looking to create 47 lots for a density of 2.23 units per acre. The site is at the extreme eastern boundary of the Town of Huntersville in our jurisdiction and it is proposed in the 2040 Community Plan to be Rural Conservation and this would be our lowest density type of development, very consistent with the Rural zoning. You are looking at about 0.9 units per acre and that's if you have the maximum amount of open space. Not a dense situation per the 2040 Plan. If you look at the rest of the 2040 Community Plan and referenced in the Staff Report, what you will find is that there are the policy statements that say that it is important to protect existing housing stock, that along existing streets you should encourage

new buildings to respect that general spacing and orientation and improve the connectivity. Those were elements that would support a development like this. The 2040 Plan does not necessarily support this particular project with regards to the density that's proposed in the designation of Rural Conservation. There is a Land Use Policy that says to manage residential growth in the eastern parts of the area, to discourage higher intensity, the more intense development should be located in the core that we just referenced in the last case. New development should follow the design principles that have been established for those lower density areas, encourage a diversity of housing options, look to mix your lot sizes, and try to encourage as much conservation of the land in the Residential and the Rural Conservation. Where I am going with all of those comments that, as I mentioned, do not support this particular development, is in a very broad sense the Rural Conservation District as you know on the far east and far west sides of town is looking for an allowance of a lower density because of the lack of infrastructure. However, in this particular little piece that is wedged in between Skybrook Phase 10 and the townhome development in the county, which is not in our jurisdiction, and then a quasi commercial development, almost civic, the aquatic center, you just have a very interesting piece that when you look back historically you can find that there are some balancing policies that we can look to. Before I get into the history of how that area got there, I want to go to the Eastfield Road Small Area Plan. In that area you can see that bowtie piece as I keep referring to as Letter D, that is from Skybrook Phase 10 to the Cabarrus County Line, and it is looking to basically stay Rural unless if you read the second paragraph the residential densities are consistent with those of adjoining Skybrook development and they have appropriate transitions between the proposal and the existing. Are the lots oriented the same, are they generally the same size, are we putting the buffers in the right place and so where we find the 2040 Plan being broad, the small area plans are more specific and they are focused on just a handful of the elements that would be in play here. Staff would recommend the Eastfield Road Small Area Plan very much supports a development like this.

The density that is proposed is not tremendously large. This is the CMS report here and you can see that the schools that are impacted and the percentages of increase there in the gray. The middle item there for Alexander Middle is not exceeding the point where CMS would sort of bring it to attention.

I want to point out just a couple of things that the applicant will speak to tonight and again on the left you are looking at the public hearing plan that has been under review during the previous weeks. On the right is sort of the latest version of the plan and you can see that already there have been a number of changes that have been made. The cul-de-sacs have been modified on the north side. Primarily you can see that the plan that was under inspection had a fire access only connection to Eastfield Road near the NOMAD Aquatic Center. That is in direct report to the fire marshal's concern that all of Skybrook Phase 10 currently, as well as anything that would be proposed here, would have to go back out to Wallace Pond Road which really only has one point of connection and could create a chokepoint, so the fire marshal was not satisfied with the fire access for this development and so initially you had a fire access only connection. However, due to several comments that were made, the applicants have now created a full street connection although it is a right-in/right-out only. Eastfield Road is not set for any improvements in the near term by CDOT or DOT that we are aware of, but when those improvements do come along, I'm sure access management will be part of any design that they are going to look at, but what this is going to do is allow for right-in/right-out access to the site which the fire marshal is pleased to see two connections.

Just summarizing where staff's recommendation is, you are going to see three categories here. In the green that's an element in the staff report that has been satisfied and that was provide a connection out to Eastfield Road and they have done that in the latest plan. The items in red are elements where they are falling short of the Zoning Ordinance. The bottom area here, these are lots that are more than ¼ mile walking distance from the urban open space that's proposed and we measured the distance by the linear footage of the road, not as the crow

flies, and so they would exceed that, so they need to provide some additional or different design.

The urban open space that they are providing is a 500 sq. ft. community garden. It's not specifically centrally located. These are fairly large size lots and I think if there were a desire to have gardening, there is space within the lot. Usually you find that in a very small type of lot setting, but it is true a community garden is on our menu of choices for urban open space and in and of itself it is not inappropriate. We would just suggest that for the density it might not be enough by itself.

The second is the cell tower. We have a provision in our ordinance that a cell tower must be located 200' away from a residential lot. You can see there's a red circle which approximates what 200' would look like. The cell tower was permitted in Cabarrus County and I believe that their setback is either 149' or 169'. I'm not going to say that's their setback, I'm going to say that's what's provided. It is less than our 200', but there is something that is provided here and the applicant can clarify that. We would certainly say that that's not meeting a standard. If the applicant is asking the Board to accept something different, then a modification request would need to be provided and to date we do not have that. That is an unsatisfied item at the moment.

At the top there are three recommendations and these are beyond the ordinance. These are things that staff would make. This one over here is that there is a dirtway or informal trail that runs through the powerline easement currently today and we would suggest that this development should connect into that. It could be the same type of informal trail, but creating that network and allowing these residents to connect to the larger part of Skybrook makes sense. The second one is that the amenity center is over here and this development does not have any connection to that amenity center other than to get back out on Eastfield Road and go back and so we would strongly suggest that there needs to be at least a trail or a sidewalk of some type that connects this development over to the larger amenity center. Lastly, in the spirit of connectivity, and I will reiterate that there's the connection to Eastfield here, there is the frontage road that would be extended into the development. There are three stubs from Phase 10 of Skybrook that are all being extended in and then you would have a brand new street that would join them up. In addition, we would indicate that a connection here to Linksland Drive and the rest of Skybrook is equally important, not only as a connectivity option, but also serves as an emergency access as well. It would go through common area for Skybrook as well as the utility easement, but it would be crossing generally at a perpendicular angle. If the length of what would be the connection to Linksland were problematic to traffic engineering or anything like that, certainly some traffic calming devices may be necessary if that were the case. We did not explore or list anything more specifically because nothing is being proposed at the moment.

I would show you very quickly too that this is from the original 1998 Skybrook Master Plan for all of the Wallace property north of Eastfield and you can see this is the property in red and Linksland was since 1998 envisioned to connect southward. The way that the lots are arranged in Phase 10 and the way that the streets are stubbed, I think it's fair to say that there was some contemplation that there would be an expansion because within just a couple hundred feet the county line existed and what else was really going to fit there. We view this as an expansion of Phase 10. This is a bit of unique piece of land. Context is important and the Eastfield Road Plan definitely does acknowledge all of those elements.

Commissioner Walsh said you mentioned the urban open space, the community garden. What else would you be looking for there.

Mr. Peete said it's not specific, it's more of an amalgamation of what they are providing. I think if it were more centrally located, I think that would be helpful and then if there were maybe two

that were distributed throughout the development, that would be some suggestions. But again, a garden in and of itself is an acceptable option, but I think our comments more by itself at 500 sq. ft. and the distance it's situated at from all of the lots is not hitting the mark.

Mr. Walsh said the three recommendations, the applicant is not agreeing to those.

Mr. Peete said I think the applicant can address those when he gets up here.

Commissioner Munger said on the cell tower setback, if memory serves the Huntersville Ordinances Advisory Board is looking at the possibility of making a modification. Do you believe that would address this particular issue.

Mr. Peete said I am not familiar with the language you may be entertaining, but of course if that text amendment doesn't precede this, we wouldn't be able to hold it to it. I will say if there are engineering documents that indicate and prove that the tower is self-collapsing and it will not rigidly fall in a circumference, these are things that can mitigate. Your setbacks are generally found when it comes to cell towers. We are open to ideas, but at the moment we do have a provision in the ordinance and it either needs to be modified per request to you or followed.

Commissioner Munger said do you know approximately how tall that particular tower is.

Mr. Peete said I do not. My speculation is that it is the setback that is currently provided by Cabarrus County. I can find that out or the applicant may know.

Scott Moore, Bryan Properties, said I just want to say thank you to Myra and Steve Billings who are here tonight. They are going to speak as well. We have worked more for this whole Skybrook property for over 20 years with the Wallace family and the Billings and it has been an absolute joy to form relationships like we have. I want to thank Craig Sandhaus who is here with the Skybrook HOA as well. They, too, have been wonderful to work with. We've had a very collaborative effort in them giving us feedback and us being able to revise our plans as well and to all the homeowners who are here from Skybrook that were able to come out to the Neighborhood Meeting and to continue to be able to provide feedback and we'll make adjustments as we can with the plan. I just wanted to thank those groups here publicly. We are really bringing you a rezoning that's for 21 acres that is essentially, as you see before you, just infill property that's being surrounded by the Skybrook Community on all sides.

The site plan proposal was initially mulled over for townhomes and higher density to help offset development costs, but in the end we felt that single-family homes, which will match in the lot size with Skybrook Phase 10, would provide the most seamless development transition and would provide the least amount of negative impact to the community and to the residents who live adjacent to this property. I apologized last week to David on our delivery of some of the revised site plans. As we were wrapping up our resubmittal after our Neighborhood Meeting, we didn't give him enough chance to really review a lot of the changes that address some of the comments that had been brought up here tonight. I'll go one by one with those as well. For the remainder of the time this evening I just want to touch upon a few of these things and the recommendation and primarily what I'm going to start with is going to be interconnectivity.

There are three public street stubs on the west side of the Billings property that are part of Phase 10. Those are circled in blue and on our plan we will connect to those public streets and then everything will be tied together essentially with an interior north/south public road and then of course we have that small cul-de-sac street.

There were two other access points that we reviewed as a part of this request. Both of them are circled in red. The one to the south, which is where that townhome project is, that's called the Signature Townhomes, part of Skybrook development. The reason it's not a viable option

is there's a 25' strip of common open space that's between the stub and the property line and that street is privately maintained, so it's not a public street and after speaking with the HOA the owners will not provide access or give us the ability to connect there as they have no desire to incur additional maintenance costs or have additional traffic on private streets.

The other one that David had talked about in his report, that's going to be on the right-hand side. That's going to be the connection to Linksland Drive. The reason this is not viable is because there's a 100' strip of common open space that separates the actual Linksland Drive stub and the property line and that is owned by the Skybrook HOA. After talking with the HOA, a connection is not desired in this location because of the likelihood of creating a speeding situation on Linksland. We basically came up with a point of origin that no matter how we developed the Billings site, all of the roads would end up making some sort of point here. I've provided for that in this red box here just to kind of give you an overview of the entire site. The HOA had successfully petitioned the Town and actually had speed humps that were installed along all of Salem Ridge, but this little straight area is about 1,700' and it's got two speed humps all together. When I brought this proposal with extending Linksland Drive there, it was pretty much a no from the HOA that they wanted to make this connection and for very good reason. If you look at the slide that's here before you, that red box which is right here is essentially where the power line easement is. As you can see, I have a straight line of sight from the top of this and then if you turn around and do a 180, the road slopes down which would encourage higher traffic and speed and this is just something the HOA had no desire to doing. They do not want to sell us that 100' strip to be able to make this connection and I'm all for interconnectivity, as you see the sites that we have, but this is probably one time that I do agree with the HOA, that this is not a future problem that we want to have. This is not an area that we want to encourage through traffic to be coming, not to mention the new access that we have on Eastfield. This provides more of a direct route just to get to the golf course in a one straight shot. It's not something that we are recommending. It's not something the HOA would recommend and I'm sure they will want to speak with you tonight about that as well.

The one thing I do want to talk with you a little bit about is the Town Engineering Department reviews all the major subdivisions, determines the daily trips and the peak hour traffic. This project essentially did not qualify for even being studied and we were looking initially as not having any additional entrances, we were just going to connect to the three street stubs, however we did talk with the HOA and we listened to their concerns and their considerations and the area that is in green on here is actually the right-in/right-out that we are proposing to address some of the neighborhood concerns over stacking at Wallace Pond and also safety within the community. We acknowledge that any time we have interconnectivity among sites, we are going to have some internal traffic impact due to the development we create and our access is provided here to help alleviate some traffic off of Wallace Pond Drive by giving Phase 10 residents another way to ingress/egress through the Billings property. What I shared with the neighbors at the Neighborhood Meeting is that there's currently 126 homes in Phase 10 that access Wallace Pond 100 percent of the time. Based on the driving distances to the entrances both at Wallace Pond and the proposed, there's going to be about 80 Phase 10 homes that will have a shorter drive to the proposed entrance internally and many more homes in Phase 10 will have a direct access when they are coming home from Poplar Tent as well. We feel that even though it's not required we wanted to offer something, we want to listen and take into consideration what the HOA was asking for and we think that this will help the current situation to make this a part of our overall plan, so we are including it as a part of this. By having four vehicular access points to these 21 acres, we feel we demonstrate interconnectivity to and through our site and also help address future safety concerns by not providing that access to Linksland Drive.

Just a quick update for you guys as well and this was in the latest plans. I know tree preservation, we've met all the ordinance requirements. We have saved 26 percent of the tree canopy which is marked by the green arrows on the slide and 28 percent of the specimen

trees, which are circled as well in green.

Let's talk about the urban open space. We are not proposing anything that is different than what we've done all across Skybrook. We have an 18-hole golf course that is privately owned that was used to meet the open space requirements, which technically every lot measured along the rights-of-way is not within a quarter mile of. When we look at our site specifically, we have the NOMAD fitness facility that is right next door. We have the Skybrook Swim and Racquet Club which we will talk a little bit more about. That in itself would technically put all of those lots within the ¼ mile. We have open space and the slide to the left that is actually in Phase 10 that would put all the lots within ¼ mile as well. As I stated in the Neighborhood Meeting, we desire to make these lots a part of Skybrook. I told the Skybrook HOA that if this plan is approved, I will provide all costs and figures to them regarding the maintenance of this property because there's a significant increase in overall maintenance due to these detention basins that we have to put in. I want to make sure that they are all aware of this and they would be onboard of us actually being annexed and going through that process of doing that. I want to have them on that decision making process. I can't move forward with that sort of process until I know that this plan is approved.

I'm also happy to write in our covenants that allow Skybrook residents access to our community garden as well, to which my understanding is the HOA has received requests for this type of improvement in their community. If we are just looking for compliance within our own site plan and I'll talk with David a little bit more about this, our guys measured off that only the two lots were out of compliance, if you are just trying to capture it on our site alone, that exceed that ¼ mile requirement. Those two lots are well within that distance to the fitness center and also to the Phase 10 open space as well. Based on the distance of the urban open space in Phase 10 I don't see a need for a variance from this requirement but if it is found that is the case, then we would appreciate the Board's consideration in this matter especially given that we are minimizing density as much as possible and we are working with constraints within the site as well as those three connections as well.

Finally, I just want to talk a little bit about this community garden. Our marketing goal is to provide age targeted housing and we feel that an HOA maintained community garden would be a great place for our residents to gather. One update for David is our garden is just over 4,000 sq. ft., so that is 8 times the size of the minimum size required in the ordinance we feel is appropriate for this area as well. We put it in the cul-de-sac because we just want to eliminate as much vehicle traffic passing by as possible. Tucked away back there we felt like this would be a good place for residents to walk to, gather, and we felt overall this was a good amenity.

As far as the cell phone tower setback is concerned, this is something that we are requesting a formal variance for with the Board. As David stated we inherited pre-existing cellphone tower that was approved in Cabarrus County in 2013. This tower was approved and engineered with 149' setback. The tower is 194' tall. The way that it was designed and was built is that they gave it this fall zone of 149' because it does have engineering where if it fails it will collapse upon itself and not get outside the 149' setback. What we would do as a condition of our approval and given that if we were given this variance from the Board, we'll offer to place all the building pads a minimum of 200' from the tower in an effort to meet the spirit of the ordinance. As far as aesthetics are concerned with these types of items, I did take setback measurements of this tower just to show you the difference between 149' and 200'. We feel that since we are proposing these new homes all the residents who back up to it will be aware of the tower's existence and we feel that the view in all essence is just about the same. Most of the tree save that we have will be those trees that are around that tower as well. I just wanted to show you with the current development the tree save is basically all on this area here and then and that's the tree canopy save along with some specimen trees and then this is how the lots would back up to it. Again, we will have all the building pads 200' outside of that tower.

Lastly, as David stated in his report, our goal is to make our development as seamless as possible, with the Skybrook Phase 10 internally and externally. We are proposing to match and extend the Phase 10 berm across the entire frontage all the way down to the NOMAD facility. The Town's current roadway cross-sections does not have a cross-section that matches with Phase 10 so we are requesting a variance so that we can match up with Eastfield Road and with Phase 10 in that area, again just to make it as seamless as possible in transitions.

We will also have a sidewalk that runs the entire length of the berm and will connect to the NOMAD facility as well. It wasn't spoken but we actually have a road that stubs to NOMAD should it ever redevelop we could possibly have a connection there as well.

Commissioner Walsh said it sounds like there is a disagreement on how many homes are outside the urban open space, what about the trail connectivity to the dirtway as well as the amenity area.

Mr. Moore said the sizing of these ponds that we have in here right now actually blocks off every type of.....because the swim and racket club facility is right here. We don't even actually have the ability to put anything through here, otherwise we would make that connection. I can certainly work with and we can talk about having a connectivity. There is a space that the residents already access that actually runs right through here. There's an 18' easement that belongs to the golf course. We can look at that and again I want to make sure I run all this by the HOA because they live there and I want to make sure that whatever we do will be agreeable with them as well.

Commissioner Walsh said you mentioned here there are five homes that are outside and you think that there are only two, but then there's some connection to an existing amenity area.

Mr. Moore said I will work with David on the measurements. My guys came up with it's 0.25 especially of the ones that are here and they seem to think that only those two were outside of that range. If my guys are wrong then we will have more lots, but that is what they told me.

Mr. Peete said I would just say that Scott also mentioned if they increase the size of the urban open space, if that happened that could account for the difference.

Mr. Moore said the other thing is the Phase 10 urban open space is within 0.2, it's not even 0.25, so all the lots are within ½ mile of urban open space.

Commissioner Walsh said you were talking about two variances that I think one the cell tower and then the other one was with reference to the front, the berm and you wanted to match, so there's a variance needed for that.

Mr. Moore said the Town doesn't have an approved cross-section in the ordinance that matches what that is, so I can't propose a new cross-section and have it match with the ordinance. Obviously, we'll have to build it to public street standards and do everything we need necessary there, the only way to get or to be able to match it exactly is to be able to ask for a variance from that.

Commissioner Walsh said what's the staff's position on that.

Mr. Peete said the comment we had was we wanted the sidewalk facility.....it's a unique situation because you've got such a small space between the internal street, which is public and Eastfield, which is public. We would normally want to see a sidewalk facility on both. You could say split the difference and meander through the berm, but that starts to sort of

compromise what the berm can do. I don't know that I've got an absolute answer on that yet but as we are getting all of the final changes in, we'll certainly be ready to address that at the next meeting.

Charles Stogner, 11111 Wescott Hill Drive, said it's in the newer development of Skybrook and my question was more related to the access, the stubbing of those driveways coming into Skybrook from a new development, which is going to add more traffic and the utilization of Wallace Pond entrance which is already very cramped and packed and it's stacked up and back. What I'm asking for our residents is some type of traffic light consideration on Wallace Pond to free some of that up. Right now there are people stacking up making left turns coming out of there and also into there. We are just very lucky we haven't incurred any accidents as yet. The other thing I was going to ask you was if this new development is not annexed into the Skybrook HOA, that we block the roads out of the new development into Skybrook, but judging from what I heard earlier about the fire marshal and the need for egress that may not be possible so that makes a need to have a traffic consideration on Wallace Pond even greater because that's the only way we'll get relief for the residents that use Wallace Pond extensively. The other thing I'm asking is if we could, and this may not be your venue, is that the information regarding the options on Wallace Pond entrance be communicated to the residents. We've heard rumors about what is being considered for that realization of the traffic and it would be nice if we could actually be told in detail what the options are for us to make a choice on, because we are the ones that will have to live with this day in/day out.

Craig Sandhaus, 11255 Skytop Drive, said I'm the president of the HOA for Skybrook and I've had the pleasure of over the past 6 years having a wonderful relationship with this Board and the Mayor. Over those years I've had a wonderful relationship with Scott Moore and Bryan Properties to be known here as Skybrook West LLC. The Board has met with Scott Moore since January regarding this project. The land that this project is being built on now or proposed to be built on, the Billings property, is not part of Skybrook and for that to even take place, because it's past the 20 year point of our covenants, we would have to have 75 percent of the homeowners vote to take that in. And that's after the board looks at this and sees how much those two detention ponds are going to cost. My rough count is about \$12,000 a year for two detention ponds, landscape dues, taking care of the landscape, so we are looking at close to \$18,000 in cost to the HOA right now. We would bring in approximately \$21,300 for the 47 homes. That's a hard sell for me to bring to the homeowners when I know full well how much a detention pond could cost us when they go down. I don't see that happening, of course, unless Mr. Moore's numbers are a lot better than the ones I have seen. Several items to discuss here. We've had a terrible speeding problem in Skybrook. We've hired off-duty officers to patrol. Just last week on Skybrook Drive in a period of two hours, the Cabarrus Sheriff's Department issued 14 speeding tickets on Skybrook Drive alone. That further supports why the HOA does not want to sell 100' of land that would connect Linksland Drive as an exit off of Skybrook Drive. Yes, Huntersville is responsible for Linksland, but it is not responsible for Skybrook Drive. That is Cabarrus County. That is the state and the state will not put speed humps in. It will be the HOA's responsibility. We presently have a speeding problem on that road and we cannot add to that problem as it is now. We also have homeowners that live right by that exit point. I feel that's also not a safe spot to put a road that would cause additional traffic and speed. When you look at the map and you look at Salem Ridge Road as an entrance into the new subdivision and Sky Vista, Sky Vista is pretty much a right angle. It's a 90 degree turn coming down and making a sharp turn. It has a blind spot. It is dangerous now. With added traffic I'm hoping that there's limited traffic down that street because we could have a problem there. Salem Ridge Road I know I have dealt with the Town of Huntersville over the years. You are very responsive and if we do see a traffic problem there you will come in and do a traffic study and help mitigate that. I'm comfortable with that, but I am concerned. We have a lot of families living on Sky Vista, a lot of young families on Sky Vista. A lot of young families living on Salem Ridge Road so I'm very cautious about that. I was very happy to hear that the developer is willing to put a right-in and right-out off of Eastfield

Road, but as Mr. Stogner mentioned a need for a traffic light at Wallace Pond is essential. We have approximately 250 cars a day that access through Wallace Pond.

Myra Wallace Billings, 14647 Eastfield Road, said we are the Billings property, my husband and I, Steve. We first want to thank you for your time for listening and to tell you that I am one of the original Wallaces. I am the farm that you have heard so much about over the years, but our farm has worked hard to take care of odors and other issues and have tried to serve the community well. My husband and I also are the ones that built the NOMAD Aquatic and Fitness Center, but after running it for 10 years and turning 65 we sold it in 2016 to someone else, but we too built it to serve a changing and growing community in our area. We were fortunate enough to rent your pool here for a number of years with NOMAD and very blessed to have that, but when Steve retired from teaching we decided it was time to provide our swim team of 315 kids their own place and a place to call home, so we brought them home to what is our home land. That land is part of the Wallace original farm that I grew up on. It's six generations old, so it's land near and dear to my heart as well as NOMAD Aquatics and Fitness and so to think that we would let anyone develop it other than Scott Moore and John Coley with Bryan Properties.....we've been offered on many times, people coming to us that we just didn't see it good for the community like I knew Scott and Bryan Properties would do for us because my dad and I started working with them about 20 years ago and saw that they were men of their word, they would do what they told you they would do and my dad always said to me these are guys that we can trust and with this being home land for us, land that goes back six generations it had to be somebody we knew we could work with. I lost my dad in 2019 and these gentlemen were there for his funeral. This is not just a partnership in business, this is a family relationship. They have become a part of our family and so for Skybrook Community if they are concerned in any way, I would love for them to talk to me. I'll be 70 this year and I've seen a lot of changes come our way, but everything that I have seen in Skybrook has only been positive for us and it's a community that we wanted to live around and serve and that's why the farm works so hard to get into compliance to serve them with our soils and then our aquatic center to do the same with swim lessons, competitive swim team. We are here to say thank you to Scott and to Bryan Properties for coming to us because we considered no one else and we have been talked to a great deal and to say thank you for giving us the opportunity to provide more homes, but in a fashion that you will be proud of. They will be homes that people will love to say that they live there and our land is beautiful enough I know you will have a lot of people interested. We just thank you for your time and your consideration.

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

- 7.D. Conduct public hearing on Petition #R21-08, a request by the property owners of Parcel IDs 01704216, 01704208, 01704225, 01704220, 01704228, 01704209, 01704207, 01704227, 01704226, 01704210 and 01704215, to rezone the subject properties from Corporate Business to Corporate Business Conditional District to modify the ordinance buffer requirements for the proposed industrial development.

Commissioner Walsh made a motion to continue the public hearing for Petition #R21-08 until August 16, 2021 at 6:00 p.m. to be held at the Recreation Center or Town Hall. Commissioner Phillips seconded motion. Motion carried unanimously.

- 7.E. Conduct public hearing on Petition #TA 21-05, a request by Metrolina Greenhouses to allow dormitories with a special use permit in the Rural and Transitional residential zoning districts, subject to specific criteria.

Mayor Aneralla called to order public hearing on Petition #TA21-05.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

This is a text amendment by Metrolina Greenhouses, Inc. to allow dormitories in a Rural and Transitional zone if a special use permit is issued. Metrolina Greenhouses would like to be able to provide housing on their property for H2A Worker Housing.

Initially when they came before the Huntersville Ordinances Advisory Board they were thinking that they would like the dormitory style housing to be in the area that's zoned Transitional Residential. They also have some Rural and Special Purpose Conditional District in their boundary.

After hearing input from the HOAB, it was suggested that they might look at the Rural zone and that the Rural zone is more suited for farming activities. They ultimately amended their plan because time is of the essence and Mr. Van Wingerden is here to answer any questions on the timing of this, but they did not want to go through a process only to have the Transition zone turned down and have to come back for the Rural zone, so they've amended their request to also include the Transitional and Rural zone as a special use permit option.

In your agenda packet the applicants provided a floor plan. They have done their research on the type of housing that they want to have. The place that they found that kind of met their needs was in Michigan and so this layout kind of gives you an idea. It is shared sleeping quarters, shared kitchen, dining area and a shared toilet and shower facility and it's replicated on the other side. Also in your agenda packet was information about the H2A program as well.

I did want to show you the Rural and Transitional zone. The Rural is on the far eastern side and the far western side of Huntersville. The Transitional kind of leads you from that Rural area towards the more high intensity area near the I-77/115 corridor and so everything you see in brown is Transitional. Those are the areas that could qualify, but they have to meet specific standards. This text amendment as it is proposed has four different sections to it. Section 1 is that if you are in a Rural district, you could with a special use permit get a dormitory for a bona fide farm if you meet Section 9.62. Section 2 allows in the Transitional zone the opportunity to have a special use permit for a dormitory for a bona fide farm if you comply with 9.62. And then 9.62, the language that is being proposed is to have dormitories for a bona fide farm are permitted in the Rural and Transitional districts subject to a special use permit and they would have to comply with the seven standards.

The first three deal with typical standards that you have for special use permits. The first one is that it not endanger health or safety and not substantially reduce the value of adjoining properties. Second is that it does not conflict with the Town's long-range plans. Third is that the use does not constitute a nuisance to adjoining properties with respect to noise, dust, fumes, odor and traffic. Four through seven are more specific to this type of use. Number four, buildings, parking, trash facilities shall be set back at least 100' from any adjoining property line and 500' from any public street right-of-way. Five, the use will be visually screened year-round from all adjoining properties and public streets. Six, that the driveway and parking area shall be at a minimum ground asphalt. Seven, the dormitory is located on a bona fide farm of at least 100 contiguous acres. The dormitory has to be on the farm and that farm has to be 100 acres in size. It has been asked how many farms might we have in the Rural and Transitional zones that might qualify for this. We did a quick scan today and we had six that were identified that could possibly qualify for asking for a special use permit. Section 4 just simply modifies the definition of dormitory and indicates that dormitories would be allowed for the bona fide farms.

I do want to finish up by just kind of explaining process-wise how sequentially this is going to work. Step 1 is to do the text amendment and that is three steps. One is the public hearing, which and that's what we are doing tonight. Step 2, it's going to go to the Planning Board next week for a recommendation and then Step 3 will be Town Board action that will be next month. If the text amendment is approved, then there will be a next step and that is applying for the special use permit and that's where we will get the site plan and the applicant will have to demonstrate compliance with 9.62. It will ultimately go to the Planning Board for a recommendation and the Town Board for action, so I did want to get that out there that this does not mean that there's going to be dormitories out there. This just gives the opportunity to ask for a special use permit.

Commissioner Walsh said in Section 3, No. 7, it says a dormitory is located on a bona fide farm of at least 100 contiguous acres. I guess my question is this, that doesn't preclude them from having this dormitory style housing and then using outside of this particular property, at least the way I read that.

Mr. Simoneau said what your point is, is could there be a farm, 100 contiguous acres and a dormitory special use permit be issued and the people that live in that dorm actually work elsewhere, outside of that contiguous acres. We would say no, that is not what this language does. It is not what the applicant wants to do. Emily and I have been emailing back and forth on language to tighten it up such that it says that the people in that dorm are engaged in farming activities on that property and that would just make it clear that that's their intention and we don't want to open it up for what you are talking about, but we do believe with some tweaks of language we could address that.

Commissioner Walsh said I think that would be good. This is our first pass at something like this and that just seems to be ambiguous enough that somebody would come and game it a little bit.

Commissioner Munger said I appreciate the applicant for being very open and listening. I was one of the people, along with Frank Gammon, who mentioned that this might be more appropriate in a Rural area. I tend to stick to that. It is where farms typically are. I understand that based on your particular lot that you have some Transitional Residential in that area and it would be a bit of an encumbrance to go through the process of having that rezoned in addition to all the steps you have to go through. In my opinion, this should be in Rural. One of the things I would like to have added that actually our Town Manager mentioned is in 9.62 possibly a bullet point limiting the height of buildings to two stories for these dormitories, which I don't think would be an issue for them because their particular building they are looking at is one-story.

Commissioner Bales said do we have any examples of this style of housing anywhere in North Carolina.

Mr. Simoneau said there are in North Carolina. I don't have any pictures of that. I talked with Jim from Metrolina today and they had seen this H2A housing in North Carolina. The design that was in Michigan was what they preferred to have and Mr. Van Wingerden can answer that question more fully.

Commissioner Boone said my question is for the Town Attorney and it's on Section 9.62, Point 1, the use will not endanger health and safety, does not substantially reduce the value of the nearby property. If a property owner comes in and gets somebody to give them a lower estimate than what they had, can they have, as a third party, veto power over this.

Ms. Sloop said the decision is up to the Town Board and you wouldn't have to approve a special use permit unless all seven or potentially more if more are added, elements are met.

So yes, if they came into a quasi-judicial hearing and provided qualifying expert testimony from an appraiser showing that their property value could be damaged, that would definitely be something to take into consideration.

Art Van Wingerden said we traveled around the country looking at this. I went to Alabama, I went to Ohio, I went to Michigan, North Carolina I've looked all over at different places. The reason we picked the H2A provider that we did is he takes care of his people. You could go to the mountains of North Carolina, which Jim and I did, we went to one farm that has anything from trailers that are 40 years old to brand new dormitory style housing. They have all different kinds. The thing with this housing that we saw that we liked, it's in one area, they keep it clean. He does not let these guys get away with anything, and they are here to work. We're having a lot of trouble getting employees. We started this process 2-1/2 years ago and right when COVID hit is when we started with this. There are rules on how many square feet you've got to have per person, there are rules on how many microwaves you have to have per person, stoves, everything that somebody needs to live is required by the federal government. The Department of Labor of North Carolina, if and when this is approved, they have to approve our drawings. They have to come look at what we build. They have to give us a Certificate of Occupancy one month before our H2A employees arrive. This is not something that just the Town would look at, it's something that the state looks at and it's federally mandated on what you can do. We are the fourth biggest state when it comes to H2A. It's California, Michigan, I think Washington is just ahead of us, but don't quote me on that, but I know we are in the Top 5 for H2A workers and what we are building them would be top notch housing and our guy is telling us don't make them too nice because then my guys would only want to work for you and they don't want to work for somebody else. It has to be approved by the NC Department of Labor pre-occupancy and then post-occupancy they have to come every year and approve it one month before anybody shows up. Everything is very regulated on how it's done and that's one thing we're trying going through the ordinance committee is making sure everybody sees what it is and what we are trying to build.

Commissioner Bales said are these co-ed dorms.

Mr. Van Wingerden said no. He does it either all male or all female. He allows no drinking whatsoever. The only traffic is he has 50-person buses and we are 1.1 miles from where we are looking to build this that they would be on the road. Obviously, Huntersville-Concord Road out where we are at, not a ton of traffic. The greenhouse probably causes more traffic than anything out there anyway. They work 6 to 6-1/2 days a week, then they get a 1/2 day off to do laundry, which is onsite. They don't have to go offsite. He has 2,100 H2A workers around the country, really between Michigan and North Carolina. They will find people to cook for them. I know he has one meal prepared for them every day. He has a group of ladies that come there. They prepare the meals and then what ends up happening, the guys usually use the same people for those meals.

Commissioner Bales said is this someone you are contracting out with.

Mr. Van Wingerden said that is correct.

Commissioner Bales said Metrolina would not physically be running the facility, it would be someone else.

Mr. Van Wingerden said Metrolina will not own it, an LLC will own it and then he charges us for the labor and he takes care of everything. He gets them across the border, does all the work, the petitions, the travel and then getting them paid, he does all that. He would pay us rent for these buildings is how it works. That's one thing with H2A housing, you have to provide housing, you have to provide the food, you have to provide travel, you have to provide the job. There's an adverse minimum wage that there's every year. This year it's \$13 an hour in North

Carolina. It's anywhere from \$11.81 in the country to \$16.75. That gets readjusted every year. The federal government looks at that and they come up with what the adverse minimum wage is. We have to pay anybody coming in for a job that minimum wage. Anybody that asks for a job at Metrolina, if they could keep the pace that we are looking for, then we have to hire them. This is not something to replace jobs, these are jobs that aren't being filled today. There's a labor crisis in our country, we know that, but with farming it's even a bigger labor crisis than it is just with traditional work.

Commissioner Walsh said how many workers are we looking at for this particular site.

Mr. Van Wingerden said we are looking at 350 for Metrolina Huntersville. We have a facility in York, South Carolina we are looking at 150 there. Remember that we have 700 full-time employees throughout the year.

Commissioner Walsh said these 350 would be onsite there and only work there.

Mr. Van Wingerden, said yes, we would have 100 to 150 that work the 10 months, because you can only have them for 10 months. You have to have a 2-month break of H2A housing. It doesn't matter who are H2A workers. It doesn't matter what farm you are, you must have a 2-month consecutive break. We would have 100 of them that work the full 10 months, the other 200-250 would work anywhere from 90 to 150 days.

Commissioner Walsh said does it make any difference what those 2 months are.

Mr. Van Wingerden said you can pick the months, because dairy farmers pick one, chicken farmers pick another. It just depends on what it is.

Commissioner Walsh said in regard to the housing, I know you are saying it's top-notch, but is this stick built, is this modular.

Mr. Van Wingerden said it's stick built. It's basically like Army barracks. You have to have a certain amount of feet between every bunkbed, you have to have plugs for them. There's minimums on all that.

Commissioner Walsh said as a part of this text amendment or what we approve, is that a part of this approval process that we'd say we don't want trailers and whatever. I'm just trying to make sure that where does that come into play. I know you are saying it's top quality, but where is that defined here.

Mr. Simoneau said it is not. If your question is could somebody through this special use permit criteria say I want to put a modular unit, a modular is built to state standards but maybe it's only housing seven or eight people and they need multiples of them. This language that is being proposed here does not limit that.

Commissioner Walsh said some somebody could back up 10 broken down trailers.

Mr. Simoneau said I said the word modular. Modular being built to state building code. Mobile homes are only allowed in a Mobile Home Overlay District. You cannot have mobile homes out there which are built to HUD standards and use that to satisfy the requirements. You have to have a Mobile Home Overlay to do that in Huntersville and this is not going to do that.

Commissioner Munger said you had mentioned that the Department of Labor comes in and checks this facility one month before the workers arrive. While they are actually there, are there any checks in terms of just making sure it's clean and people are being treated good.

Mr. Van Wingerden said we are obviously going to check to make sure it's clean, because an LLC is going to own it and we are going to own that LLC, so we are going to make sure it's clean. The Department of Labor also has the right to come inspect you at any time and they are doing that today. Today they are living in hotels. They also have the right to come on your site and they can come interview your H2A workers and make sure they are being treated fairly and as they are supposed to. We've had an inspection at South Carolina. We didn't have one in North Carolina the last two years, but we are open to those at any time. They can show up unannounced, interview anybody they want, and find out if we are doing what we are supposed to be doing.

Commissioner Munger said you had mentioned they are paid \$13 an hour. Do they have to pay anything towards the housing.

Mr. Van Wingerden said no, that's completely separate. We must supply that. We have someone that is all inclusive. He was the most expensive one out there. I could have got guys that were \$4 an hour cheaper, so we are paying \$13 an hour, we are paying him \$8 an hour to take care of all the other stuff that's involved in that. Housing, that's roughly \$2.00 to \$2.25 an hour that they work is what it cost, but they don't pay that. They don't have to pay for their one meal. They do have to pay for their other meals, but they are able to go to the grocery store, Walmart, wherever they need to go to buy whatever food they need, but again 90 percent of them have somebody cook their food for them and bring it in for them.

Commissioner Bales said just another question that came up, 350 individuals in this dorm.

Mr. Van Wingerden said there will be 100 per dorm, so we are looking to build three to four dorms.

Commissioner Bales said the other question that I have is are all 350 part of the H2A program.

Mr. Van Wingerden said yes. We could have Americans with the way the H2A program works. If you have Americans that want to do this work, we have to provide the housing for them. They could move into this housing if they want to, but they have to live and work under the same thing that we are doing with the H2A workers.

Commissioner Bales said I'm just saying you wouldn't be housing anyone that wasn't in the H2A program.

Mr. Van Wingerden said we aren't today. It is a requirement that you must provide it if somebody wants to work under the same conditions that they are working. That's never happened, but we have to provide that in case somebody comes up and goes I want to live like the H2A people. I'm homeless. I don't have anything to do, and I want to be able to work there. If they could keep the pace, do everything that they are supposed to, then we have to house them as well. Again, this guy has 2,400 people around the country, it has not happened one time yet.

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

- 7.F. Conduct public hearing on Petition #ANNEX 21-01, a request by Carver Bowman, LLC and Beverly Buchanan & Miriam Smith to annex 42.578-acres (Oak Grove Hill) into the Town of Huntersville.

David Peete, Principal Planner, entered the staff report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.* This is the Oak Grove Hill subdivision which was

approved not too long ago. This is generally just east of Beatties Ford Road and north of Mt. Holly-Huntersville Road. The Carver Bowman LLC is the applicant. All of the requirements of the general statutes have been satisfied. You can see in the staff report when the public notifications....sufficiency certificates were provided and public ads were placed. Staff recommends annexation based on all of those statutes being satisfied.

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

8. Other Business

- 8.A. Consider adopting Ordinance approving Petition #ANNEX 21-01, a request by Carver Bowman, LLC and Beverly Buchanan & Miriam Smith to annex 42.578-acres (Oak Grove Hill) into the Town of Huntersville.

Commissioner Boone made a motion in considering the final petition #ANNEX21-01, a request by Carver Bowman, LLC and Beverly Buchanan and Miriam Smith to annex 42.578 acres into the Town of Huntersville.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 6.

- 8.B. Ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings law to award a \$10,000 bonus for the Town Manager based on a performance evaluation.

Commissioner Munger made a motion to ratify previous action of the Town Board taken in closed session allowed under NC Open Meetings Law to award a \$10,000 bonus for the Town Manager based on a performance evaluation.

Commissioner Walsh seconded motion.

Motion carried unanimously.

9. Consent Agenda

- 9.A. Approve the minutes of the April 19, 2021 Regular Town Board Meeting.

Commissioner Phillips made a motion to approve the minutes of the April 19, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.B. Approve the minutes of the May 3, 2021 Regular Town Board Meeting.

Commissioner Phillips made a motion to approve the minutes of the May 3, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.C. Approve the minutes of the May 17, 2021 Regular Town Board Meeting.

Commissioner Phillips made a motion to approve the minutes of the May 17, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.D. Approve the minutes of the June 7, 2021 Regular Town Board Meeting.

Commissioner Phillips made a motion to approve the minutes of the June 7, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.E. Approve the minutes of the June 21, 2021 Regular Town Board Meeting.

Commissioner Phillips made a motion to approve the minutes of the June 21, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.F. Adopt Resolution Approving Interlocal Cooperation Agreement for Fire Protection Services.

Commissioner Phillips made a motion to adopt Resolution approving Interlocal Cooperation Agreement for Fire Protection Services. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

- 9.G. Call a public hearing for Monday, August 16, 2021 at 6:00 p.m. at Huntersville Town Hall, on Petition #TA21-09, a request by the Huntersville Planning Department to amend the requirements of Article 7.5.3 of the Huntersville Zoning Ordinance to allow flexibility for CB/SP/CI buffers along public streets and rights-of-way.

Commissioner Phillips made a motion to call a public hearing on Petition #TA21-09, a request by the Huntersville Planning Department to amend the requirements of Article 7.5.3 of the Huntersville Zoning Ordinance to allow flexibility for CB/SP/CI buffers along public streets and rights-of-way. Commissioner Munger seconded motion. Motion carried unanimously.

- 9.H. Call a public hearing for Monday, August 16, 2021 at 6:00 p.m. at Huntersville Town Hall, on Petition #TA21-09, a request by Strategic Capital Partners to amend the requirements of Article 8.25 of the Huntersville Zoning Ordinance to allow flexibility for SWIM buffer requirements and mitigation in conditional zoning and Corporate Business developments.

Commissioner Phillips made a motion to call a public hearing for Monday, August 16, 2021 at 6:00 p.m. at Huntersville Town Hall, on Petition #TA21-09, a request by Strategic Capital Partners to amend the requirements of Article 8.25 of the Huntersville Zoning Ordinance to allow flexibility for SWIM buffer requirements and mitigation in conditional zoning and Corporate Business developments. Commissioner Munger seconded motion. Motion carried unanimously.

10. Closing Comments

None

11. Adjourn

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2021.