



AGENDA

Regular Town Board Meeting

October 4, 2021 - 6:00 PM

HUNTERSVILLE RECREATION CENTER (11836 Verhoeff Drive)

- 1. Call to Order**
- 2. Invocation - Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Mayor and Commissioner Reports-Staff Questions**
- 5. Public Comments, Requests, or Presentations**
 - 5.A. Jim Warren, Carolina Raptor Center.
- 6. Agenda Changes**
- 7. Public Hearings**
 - 7.A. Conduct public hearing on Petition #R21-10, a conditional rezoning request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer. (*Brad Priest*)
 - 7.B. Conduct public hearing on Petition #TA21-13, a request by Trinity Capital Advisors to amend the Zoning Ordinance allowing the Board of Commissioners to approve modification of a SWIM buffer in the Mountain Island Lake Overlay zone through a conditional rezoning process in the Corporate Business zoning district. (*Jack Simoneau*)
 - 7.C. Conduct public hearing on Petition #TA21-12, a request by the Huntersville Engineering Department to amend Article 14 of the Huntersville Zoning Ordinance regarding traffic impact analysis. (*Stephen Trott*)

- 7.D. Conduct public hearing on Petition #TA21-08, a request by the Town of Huntersville Planning Department to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance. *(Lauren Speight)*

8. Other Business

- 8.A. Consider adopting Resolution creating the 2022 Downtown Plan Steering Committee and confirming appointments to the Committee. *(David Hill)*
- 8.B. Consider approving updates to the Greenway, Trail, and Bikeway 2014 Master Plan Map. *(Tracy Houk)*

9. Consent Agenda

- 9.A. Adopt Resolution of Intent to Close and Abandon a portion of Patterson Road. *(Lora Mastrofrancesco)*
- 9.B. Approve 3 percent merit increase for the Town Attorney. *(John Aneralla)*

10. Closing Comments

11. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Brad Priest, Principal Planner

Date: October 4, 2021

Subject: Petition #R21-10, North Chase at the Park

EXPLAIN REQUEST:

Petition #R21-10 is a conditional rezoning application by ADE 883, LLC to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business (CB) to Corporate Business Conditional District (CB-CD). The purpose of the rezoning is to reduce the planting requirements of the 80 foot CB buffer. The property is located east of the intersection of Patterson Road and Hambright Road.

ACTION RECOMMENDED:

Consider holding a public hearing for Petition #21-10.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-10 Northchase at the Park - PH 10 4 21
2. SUB1_North_Chase_at_the_Park_Bldg_100_-_Rezoning Plan 1 - 9 7 21
3. SUB1_North_Chase_at_the_Park_Bldg_100_-_Building Elevations_210601
4. Community Meeting Report
5. SUB1_North_Chase_at_the_Park_Bldg_100_-_TIA_Determination_Form_210601
6. SUB1_North_Chase_at_the_Park_Bldg_100_-_General_Application_210601
7. Sept 7 Legal Ad
8. R21-10 North Chase at the Park APO Labels

Petition R21-10: North Chase at the Park (Building 100)

PART 1: PROJECT SUMMARY

Application Summary:

- Petition R21-10 is a conditional rezoning application by ADE 883, LLC to rezone 10401 Hambright Road (tax ID 01740103) from Corporate Business (CB) to Corporate Business Conditional District (CB-CD). The purpose of the rezoning is to reduce the planting requirements of the 80 foot CB buffer. The property is located east of the intersection of Patterson Road and Hambright Road.

Applicant: ADE 883, LLC

Property Owners: Same as Applicant

Property Address: 10401 Hambright Road

Project Size: 15.4 acres

Parcel Numbers:

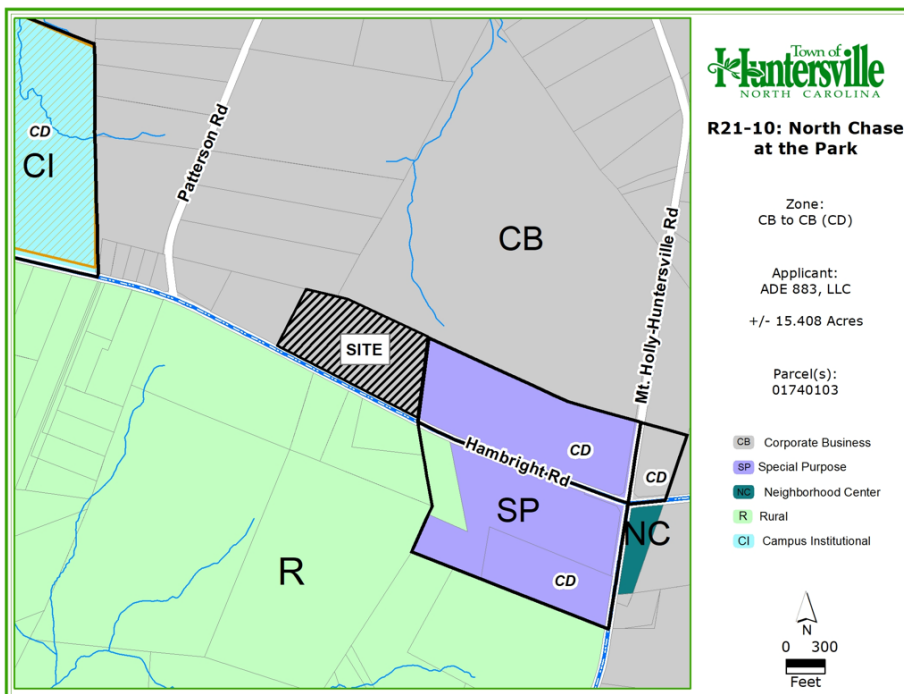
01740103

Existing Zoning:

Corporate Business (CB)

Proposed Zoning:

Corporate Business Conditional District (CB-CD)



1. Adjoining Zoning and Land Uses

North: Corporate Business (CB), Huntersville Business Park, CB vacant tracts.

South: Rural (R), Large tract single family homes, Horse Farm

East: Special Purpose Conditional District (SP-CD), Approved Huntersville Sports Village (potentially to be redeveloped into industrial), Kurz Corporate Office.

West: Corporate Business (CB), Single family large lot residential, Patterson Road industrial area.

- The application submitted is to develop a 203,000ft² warehouse and light industrial facility on Hambright Road. This is a one building one lot development therefore no subdivision is required.
- The purpose of the conditional district rezoning application is to seek modifications to the required buffers of Article 7.5.3 of the Zoning Ordinance. Article 7.5.3 requires buildings in the Corporate Business district to establish an 80 foot undisturbed buffer along the fronting public street if the buildings do not architecturally front the street. The applicants are requesting the Town Board modify the planting requirements of the 80 foot buffer. Please see Part 2 below for more information on the buffer.
- As a condition of the application, the conceptual architectural elevations of the proposed buildings have been submitted. Please find them attached in the agenda packet.

5. A neighborhood meeting for this application was advertised for and held virtually on Monday July 19, 2021. An invitation list and meeting summary are included in the agenda packet.
6. A Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon staff review, it was found that a Traffic Impact Analysis was required. The completed TIA determination form is attached in the agenda packet.
7. Brad Priest of the Planning Staff certifies that the required notifications were made for the application's public hearing. Notice was advertised in the local paper, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

PART 2: REZONING/SITE PLAN ISSUES

- **UPDATE 9/17/21** - Article 11.4.4 C of the zoning ordinance does not permit the applicant to change the proposed plan within 3 weeks of the public hearing. This includes the continued public hearing date. Therefore the current plan is required to be presented at the public hearing. However, the applicants may discuss their potential changes at the public hearing, and staff will endeavor to review any updated plan once it is submitted for the Planning Board staff report.
- Please see the proposed rezoning plan below on page 4.
- **Buffer Modification – Along New Public Street:** Article 7.5 of the Zoning Ordinance requires CB uses establish an 80 foot buffer along public streets unless the building architecturally fronts the street per Article 4. The proposed buildings will not meet Article 4 of the ordinance therefore an 80 foot vegetated buffer is required. As allowed in Article 11.4.7 K of the Zoning Ordinance the applicant is seeking buffer modifications/reductions through the conditional rezoning process. The applicant is seeking relief from the following:
 - Disturbing the 80 foot buffer. The area along Hambright Road is wooded with pine trees. Article 7.5.8 requires that the buffer remain undisturbed. The applicants are seeking to disturb the buffer and replant.
 - Landscaping requirements of Article 7.5.3. The proposed site plan includes the required 80 feet of open area in the buffer. However the landscaping that the ordinance requires inside the 80 foot buffer is not proposed at this time.
 - The TA21-10 CB Buffer Flexibility text amendment that is currently in review could alter the planting requirements of the site. With only passenger vehicle parking proposed in the front between the building and street (thoroughfare), only a 40 foot buffer would be required. The 40 foot buffer would reduce the planting requirement by half (80 foot buffer area to 40 foot buffer area). Please see the table below on page 3 showing the current planting requirements, the requirements if TA21-10 is approved, and what the applicant is currently proposing.
 - If the buffer requirements are reduced to 40 feet, staff would recommend the reduced plantings be planted in a consolidated 40 foot area in order to create a visual barrier. If the 40 feet of plantings are dispersed in the shown 80 feet, the plantings would be further spread out and a functional buffer may not be achieved.
 - It is staff's understanding that the applicant is requesting the Town Board approve a modification to the planting requirements in order to keep the building and use visible from Hambright Road. Staff recommends modification notes be added to the plan to clearly outline the specific modifications requested.
 - Article 7.5.1 of the Zoning Ordinance states that the objective of the required buffers is to "exclude visual contact, create spatial separation and to minimize any adverse impacts on adjacent properties". Article 7.5.3 states that the buffer yard shall "function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered".

- o Article 11.4.7 K allows the Town Board to modify the requirements of the ordinance “provided the spirit of the ordinance is maintained”.
- o Staff currently does not support the proposed rezoning plan as the modifications requested would not create a visual barrier between the use and Hambright Road per the intent of the ordinance. Staff could support a reduction in planting, but one that keeps the intent of the buffer ordinance.

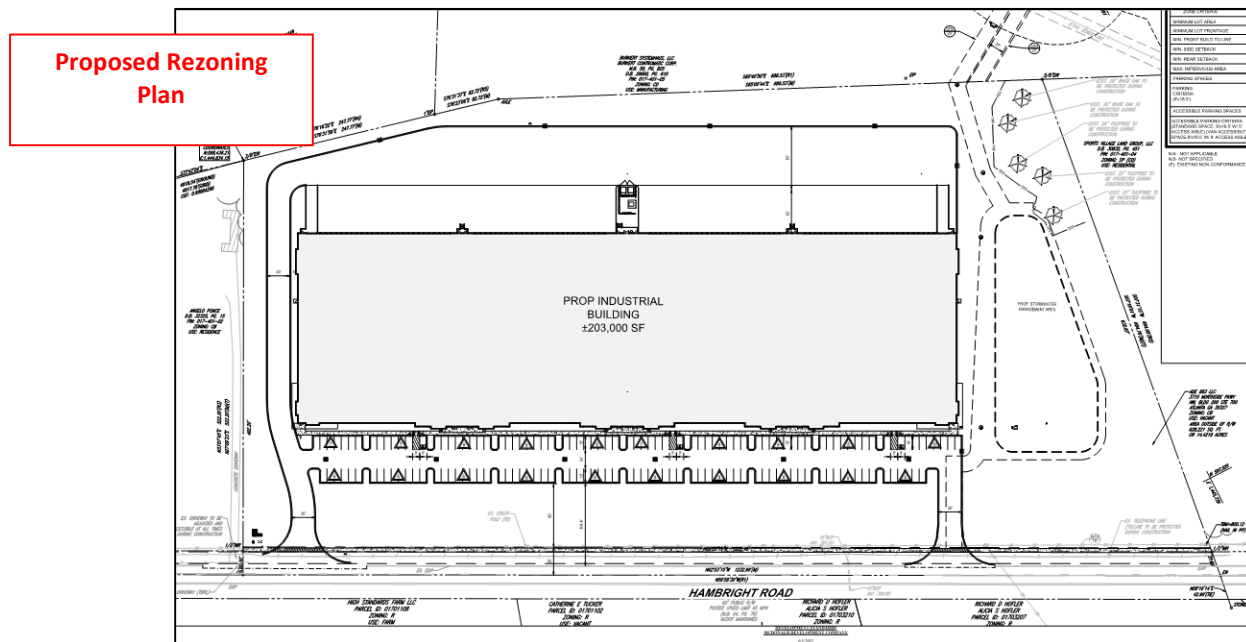
Planting Requirements – Article 7.5.3

CB Buffer = 4 trees and 5 shrubs per 1,000 sqft of buffer area

Requirement/ Landscaping	Current <u>80 foot buffer</u> Planting Requirements	Proposed TA21-10 <u>40 foot buffer</u> Planting Requirements	Applicant Proposed Landscaping (Estimated)
Trees	367	184	115
Evergreen Trees	184 (50%)	92	9
Large Maturing Trees	276 (75%)	138	55
Shrubs	459	230	245
Shrubs Evergreen	344 (75%)	173	245

- **Tree Save Requirement:** Article 7.4 of the Zoning Ordinance requires that CB developments save 30% of their specimen trees. A tree survey was included with the plan. Staff has the following comments and concerns with the tree survey:
 - o Only trees over 24 inches are shown on the tree survey. Specimen trees can also be small maturing trees 12 inches in caliper and greater (Dogwoods, Cherries, Redbuds, etc). Staff requests that either all trees 12 inches in caliper and above be included on the tree survey or, the surveyor certify that no small maturing tree species over 12 inches in caliper are located on the site.
 - o The dripline of specimen trees proposed to be saved are being encroached upon. Staff recommends that the delimited limits be retracted away from the saved trees, or the tree save calculation be amended to remove trees counted as saved whose dripline is being encroached upon.
 - Assuming no other specimen trees are located on site and the trees whose dripline are encroached upon are not counted as saved, tree mitigation will be required.
 - 15 specimen trees on site – 5 trees required to be saved (30%). 2 proposed to be saved (13%).
 - o Staff recommends an updated tree survey be submitted along with a mitigation plan as needed.
- **Off-site Improvements:** The plan submitted shows sanitary sewer and storm sewer lines extending off of the property to the north. Staff recommends the applicant provide adjacent property owner permission for the future utilities to extend off the site for the development.

- **Minor Staff Comments:** Staff has many outstanding comments on tree save, landscaping, frontage improvements, architectural elevations, parking, etc. Staff recommends the comments be addressed prior to final plan approval.



PART 3: TRANSPORTATION ISSUES

- **Traffic Impact Analysis (TIA):** Staff has not yet received the first draft of the Traffic Impact Analysis (TIA) report. Per Article 14.2.3 the first draft must be received 30 days prior to the public hearing. However the rezoning in question is not an intensification of the proposed land use. The reason for the rezoning is to modify planting requirements only. The TIA will be required based on ordinance requirements prior to permitting and construction. Staff therefore is supportive of moving forward in the rezoning review process to work out the buffer without the TIA in this specific case.
- **Road Improvements:** Staff has been informed that NCDOT will require road improvements and turn lanes in the front of the development. Staff recommends the required road improvements and turn lanes required be conceptually shown on the site plan for review. These road improvements can have impacts to the proposed site plans.

PART 4: REZONING CRITERIA

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

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the ***Huntersville 2040 Community Plan***:

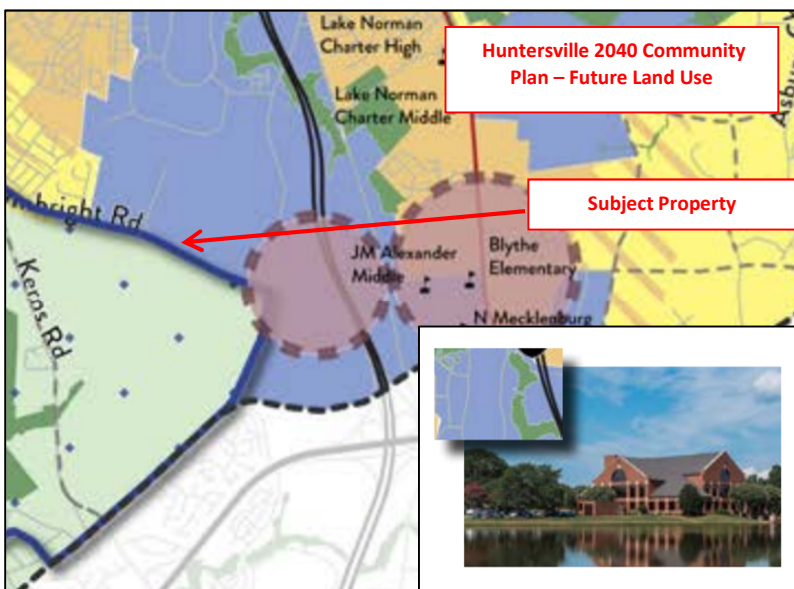
- **Policy LU 1.1** – *Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.* **STAFF COMMENT:** The application proposed includes office, light industrial, warehousing,

and distribution uses in the appropriate Employment Center character area of the 2040 plan. This area is intended to accommodate such employment generating uses. Please see the Employment Center description below on page 5.

- **Policy LU 5.1** – *Allow more intense development only where transportation infrastructure and utilities already exist.* **STAFF COMMENT:** The location of the proposed development is appropriately located on a thoroughfare in close proximity to Interstate 77.
- **Policy LU 7.1** – *Require new development to adhere to the following design principles: In defined employment centers some flexibility in the form-based design principles is allowed including: Exceptions to building frontage requirements and public street requirements may be allowable for internal streets in an industrial park or near interstates.* **STAFF COMMENT:** The rezoning application is located in an identified employment center and is seeking flexibility from the fronting public street buffer requirement. The location of the property is not on an interior street to a business park, but is located near the interstate.
- **Economic Development Goal** – *Maintain or exceed the current percentage of tax revenue from non-residential uses.* **STAFF COMMENT:** The large commercial development would add to the Town's commercial tax base.

STAFF COMMENT – Staff finds the proposed use NOT consistent with the following policies of the **Huntersville 2040 Community Plan**:

- **Policy LU 11.1:** *Protect and enhance the unique character of Huntersville neighborhood by using planning tools to safeguard from potentially negative impacts of development and redevelopment.* **STAFF COMMENT:** The property to the south of Hambricht Road is low density residential and agricultural. A fully landscaped buffer along Hambricht Road would provide an effective tool to separate the high intensity industrial/distribution use proposed from the low density residential uses to the south.
- **Policy LU 11.2:** *Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.* **STAFF COMMENT:** The property at the corner of Mt. Holly Huntersville Road and Hambricht Road was conditionally rezoned and includes the required vegetated buffer along Hambricht Road. Removing the landscaping requirements for the subject property would not be consistent with the frontage relationship of similar uses on the same side of the street.



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting-edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.

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

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

STAFF COMMENTS:

- The rezoning application would rezone the property from Corporate Business (CB) to Corporate Business Conditional District (CB-CD). The main purpose of the rezoning is to modify the 80 foot buffer requirements. Therefore the underlying zoning category and uses proposed would not change. The uses proposed then are consistent with existing and surrounding development.
- The proposed development is located on a thoroughfare and is surrounded by SP and CB zoning to the north, east, and west.
- South of Hambright Road however is zoned Rural (R) with low density residential uses. Due to this area being in the critical watershed it is likely to remain that type of use. Buffers and visual separation between these uses can assist in making the proposed commercial uses blend in with the character of existing development to the south.
- The property at the corner of Mt. Holly Huntersville Road and Hambright Road (Huntersville Sports Village) was conditionally rezoned and includes the required vegetated buffer along Hambright Road for their similar uses. Although staff has been contacted about potentially redeveloping this corner site, a functional buffer along Hambright Road is still proposed.
- Considering the information above, staff recommends that the application to remove the required landscaping from the buffer is not consistent with the overall character of existing development in the immediate vicinity of the subject properties. Establishing the required landscaping along Hambright Road would match previously approved development in the vicinity and provide a transition of the commercial use to the low density residential uses to the south.

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

STAFF COMMENT:

- In regard to the roadway system, please see Part 3 above concerning the Traffic Impact Analysis.
- Staff has no findings to show that there would not be adequate public facilities to service the intended development. The concept plan for storm water drainage systems are currently under review and must meet ordinance requirements. A willingness to serve letter from Charlotte Water will need to be provided for utilities once the applicants submit for the land development permits.

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

STAFF COMMENT:

- Staff has no findings to show that other archeological, environmental, historical or cultural resources will be negatively affected by the application.

PART 5: PUBLIC HEARING – UPDATE – 9/17/21

On September 7, 2021 the Town Board continued the public hearing until October 4, 2021.

PART 6: STAFF RECOMMENDATION

Although the TIA has not been received 30 days prior to the public hearing, staff is supportive of moving forward in the review process and holding the public hearing for the rezoning as there is no intensification of use proposed. The rezoning is for modification of planting requirements only.

The 2040 Community Plan specifically calls for flexibility for buffers and other frontage improvement requirements for employment centers. Even before the 2040 plan was adopted staff has consistently recommended approval for many modification requests for buffer widths in the last several years. Staff has always been able to work with the applicant to meet the intent of the ordinance and provide a functional visual separation even with reduced buffer widths. However, this modification request is different than previous requests in the following ways:

1. The width is not being requested for modification, but the required landscaping is which creates the visual separation of uses. Although a full 80 foot *setback* is being provided, an opaque or semi-opaque *buffer* is not proposed to be achieved.
2. The location of the proposed higher intensity industrial use is across the street from a low density residential area.
3. Adjacent similar industrial uses have been approved establishing the required buffer along Hambright Road.
4. The proposed modification would not be consistent with the proposed TA21-10 text amendment application under review, which also adds flexibility to the required CB buffers along the street. In the drafted text, width reductions are proposed to be allowed, but the visual separation requirement is maintained.

Therefore staff does not support the rezoning application at this time. The plan is not consistent with Policies LU 11.1 and 11.2 of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to approve the rezoning due to the proposed use not being consistent with the intent of the zoning ordinance or with the character of existing development in the immediate vicinity.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is tentatively scheduled to review the application on October 26th, 2021.

PART 8 CONSISTENCY STATEMENT – R21-10: North Chase at the Park

Planning Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change __?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning petition R21-10, North Chase at the Park, the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended]. The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

Town Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change __?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning Petition R21-10, North Chase at the Park, the Town Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended]. The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...[Explain]

REZONING DOCUMENTS

FOR

MCDONALD DEVELOPMENT

PROPOSED

NORTH CHASE AT THE PARK BUILDING 100

LOCATION OF SITE
HAMBRIGHT ROAD
TOWN OF HUNTERSVILLE, NORTH CAROLINA
PID: 01740103



LOCATION MAP
SCALE: N.T.S.
PLAN REFERENCE:
Copyright Bing Maps

DEVELOPER

MCDONALD DEVELOPMENT COMPANY
3715 NORTHSIDE PARKWAY, NW
BUILDING 200, SUITE 700
ATLANTA, GEORGIA 30327
CONTACT: TRACEY WHITE
PHONE: (404) 239-5069

PREPARED BY

SURVEYOR

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(704) 376-2186

ARCHITECT

HARLEY COMMERCIAL ARCHITECT
CONTACT: ROBERT HARLEY
(813) 760-1957



CONTACT: BRIAN MILLER, P.E. (BMILLER@BOHLERENG.COM)

SHEET INDEX	
Sheet Title	Sheet Number
COVER	RZ-0
ALTA SURVEY	RZ-0.1
EXISTING CONDITIONS AND DEMOLITION PLAN	RZ-1
SITE PLAN	RZ-2
GRADING PLAN	RZ-3
LANDSCAPE PLAN	RZ-4

REVISIONS

[illegible]

**Know what's below.
Call before you dig.**
ALWAYS CALL 811
It's fast. It's free. It's the law.

ISSUED FOR MUNICIPAL &
AGENCY REVIEW & APPROVAL

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	NCC182042.1
DRAWN BY:	RB
CHECKED BY:	DH
DATE:	3/13/2019
CAD I.D.:	RDP - 0

PROJECT:

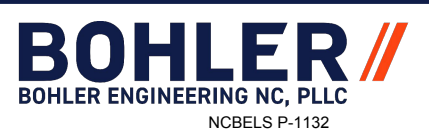
**NORTH CHASE
AT THE PARK
BUILDING 100**

— FOR —

MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC



1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
 Phone: (980) 272-3400
 Fax: (980) 272-3401
NC@BohlerEng.com



SHEET TITLE:

COVER

SHEET NUMBER:

RZ - 0

ORG. DATE - 3/13/2019

BOHLERENG.NET\SHARES\NC-PROJECTS\2018\NC182042.1\DRAWINGS\PLAN SET\REZONING DOCUMENTS\NC182042.1.RDP - 0. ->LAYOUT: C-101 COVER

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FURTHER CONFORMANCE WITH LOCAL, REGIONAL AND CODES.

LEGAL DESCRIPTION

Being that certain parcel of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

COMMENCING at NGS Monument "M 021", NAD83(2011) Coordinates, Northing 599,455.61 feet and Easting 1,440,125.45 feet, from said monument South 77°47'04" East a ground distance of 4,818.54 feet and a grid distance of 4,817.78 feet to the Point and Place of BEGINNING, said point also being located on the southerly line of the ADE 859, LLC property as shown in Map Book 56, Page 602 at the Mecklenburg County Register of Deeds; thence with the ADE 859, LLC line South 76°31'59" East a distance of 247.77 feet to an existing 1" iron pipe, said point also being located at the southwest corner of the Burkert Systemhaus, LLC property as shown in Map Book 59, Page 825; thence with the Burkert line the following two(2) courses and distances: (1) South 76°23'06" East a distance of 82.72 feet to an existing axle; (2) South 65°00'44" East a distance of 686.53 feet to an existing 5/8" iron rod, said point also being located at the northwest corner of the Sports Village Land Group, LLC property as described in Deed Book 30835, Page 451; thence with the Sports Village line, South 07°18'01" West a total distance of 664.76 feet (passing a new 1/2" iron rod at 632.87 feet) to an existing nail in the centerline of Hambright Road; thence with the centerline of Hambright Road, North 62°53'15" West a distance of 1232.99 feet to a calculated point, said point also being located at the southeast corner of the Angelo Ponce property as described in Deed Book 32325, Page 15; thence with the Ponce line, North 27°09'23" East a total distance of 522.20 feet (passing a 1/2" new iron rod at 30.00') to the Point and Place of BEGINNING.

Containing an area of 671,154 square feet or 15.4076 acres as shown on a survey prepared by R.B. Pharr & Associates, P.A. dated March 26, 2020, Job No. 91217. The property described above herein is a portion of the property as described in Deed Book 6503, Page 270.

MEASURED & RECORDED BEARINGS

- (R1) - D.B. 6503, PG. 270
(R2) - D.B. 30835, PG. 451
(R3) - D.B. 32325, PG. 15
(R4) - M.B. 56, PG. 602
(R5) - M.B. 59, PG. 825

FIDELITY NATIONAL TITLE INSURANCE COMPANY

COMMITMENT NO: NC2520040367; COMMITMENT DATE: MARCH 10, 2020

SCHEDULE B - II (EXCEPTIONS)

13. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Map Book 4 Page 543, Mecklenburg County Registry. (DOES NOT AFFECT THE SUBJECT PROPERTY) (NOT PLOTTABLE)

14. Rural Line Permits to Southern Bell Telephone and Telegraph Company recorded in Book 1843 Pages 308 and 311, Mecklenburg County Registry. (DOES NOT AFFECT THE SUBJECT PROPERTY) (BLANKET IN NATURE AND IS LOCATED ALONG MT. HOLLY-HUNTERSVILLE ROAD)

BURKERT SYSTEMHAUS, LLC
BURKERT CONTROMATIC CORP.
M.B. 59, PG. 825
D.B. 28650, PG. 810
PIN: 017-401-05

ADE 859, LLC
LOT 6, MARGARET P. PARKS &
ANNIE P. MCELROY ESTATES
M.B. 56, PG. 602
D.B. 33831, PG. 5
PIN: 017-221-08

SPORTS VILLAGE LAND GROUP, LLC
D.B. 30835, PG. 451
PIN: 017-401-04

AREA OUTSIDE OF R/W
63,327 SQ. FT.
OR 14.5621 ACRES

AREA WITHIN R/W
36,827 SQ. FT.
OR 0.8454 ACRES

HAMBRIGHT ROAD
60' PUBLIC R/W
(M.B. 64, PG. 76)

LEGEND:

CP - CALCULATED POINT
D.B. - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EX - EXISTING NAIL
EOP - EDGE OF PAVEMENT
(M) - MEASURED
M.B. - MAP BOOK
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
PIN - PARCEL IDENTIFICATION NUMBER
PP - POWER POLE
PG - PAGE
(R) - RECORDED
R/W - RIGHT-OF-WAY
(T) - TOTAL
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
EASEMENT
SETBACK
POWER LINE
TELEPHONE LINE (UNDERGROUND)

UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-257-6500

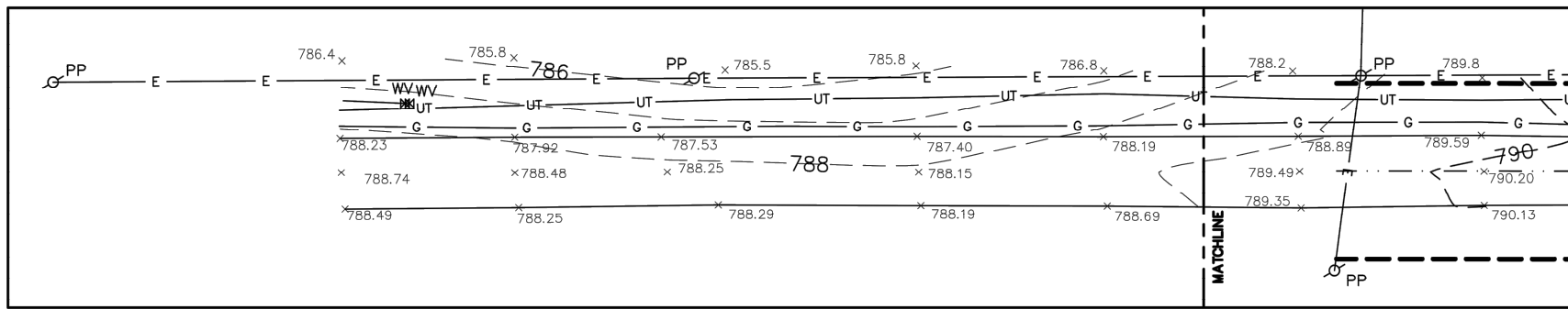
WATER & SEWER
CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 357-6064 SEWER

GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504

CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253



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GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

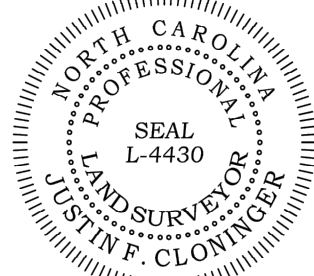
FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED SEPTEMBER 2, 2015.

MAP NUMBER: 3710454900K

THIS IS TO CERTIFY THAT ON THE 26TH DAY OF MARCH 20 20, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (2) NCAC 56 AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

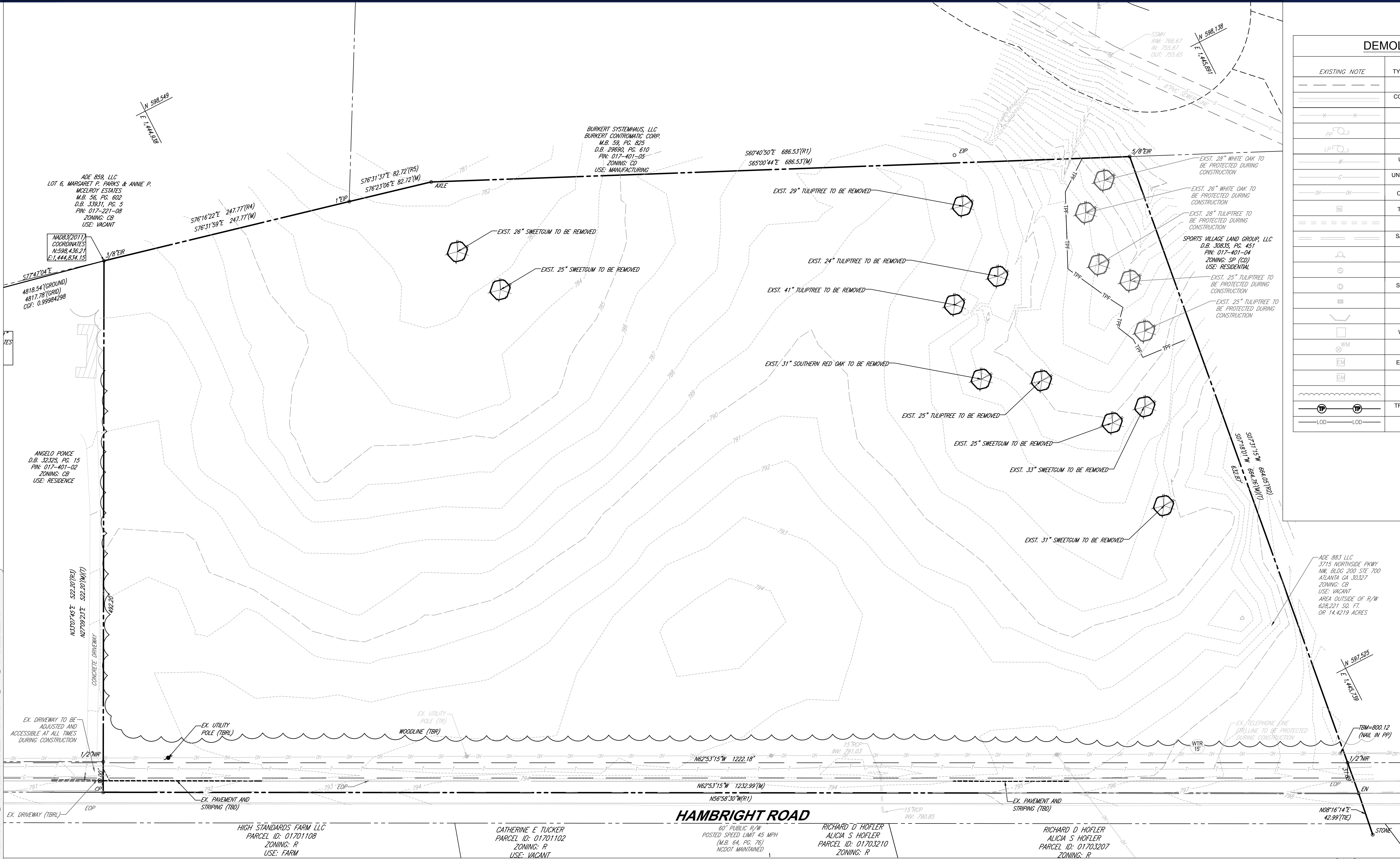
SIGNED Justin F. Cloninger



AREA: 671,154 SQ. FT. OR 15.4076 ACRES

REVISIONS				ALTA/NSPS LAND TITLE SURVEY FOR:	
07/22/20	ADDITIONAL TOPOGRAPHICAL INFORMATION ADDED.			MACQ, LLC	
				TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NC DEED REFERENCE: 06503-270 TAX PARCEL NO: 017-401-03	
				R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING	
				420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL: (704) 376-2186	
CREW:	DRAWN:	REVISED:	SCALE:	DATE:	JOB NO.
JB	DB	CW	1" = 60'	MARCH 26, 2020	91217

MATCHLINE THIS SHEET



DEMOLITION LEGEND		
EXISTING NOTE	TYPICAL NOTE TEXT	DEMOLITION NOTE
---	EASEMENT LINE	---
=====	CONCRETE CURB & GUTTER	=====
--	FENCE	*--*
PP	UTILITY POLE	PP
LP	LIGHT POLE	LP
---	UNDERGROUND WATER LINE	---
---	UNDERGROUND GAS LINE	---
---	OVERHEAD WIRE	---
SB	TELEPHONE BOX	SB
=====	STORM SEWER	=====
=====	SANITARY SEWER MAIN	=====
HD	HYDRANT	HD
S	SANITARY MANHOLE	S
DM	STORM MANHOLE	DM
---	STORM INLET	---
---	HEADWALL	---
WM	WELL LOCATION	WM
WM	WATER METER	WM
EM	ELECTRIC METER	EM
EM	GAS METER	EM
---	WOODS	---
TP	TREE PROTECTION FENCING	TP
---	LIMITS OF DISTURBANCE	---

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REVISIONS			
REV	DATE	COMMENT	DRAWN BY / CHECKED BY

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PROJECT No.: NCC182042.1
DRAWN BY: RB
CHECKED BY: DH
DATE: 3/13/2019
CAD ID: RSP - 0

PROJECT:
NORTH CHASE AT THE PARK BUILDING 100
FOR
MCDONALD DEVELOPMENT

PROPOSED DEVELOPMENT
HAMBRIGHT ROAD
HUNTERSVILLE, NC

BOHLER

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NCEBS P-1132

1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

NORTH CAROLINA PROFESSIONAL SEAL

DRYAN B. MILLER

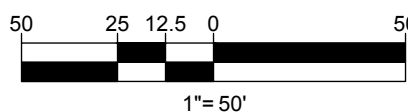
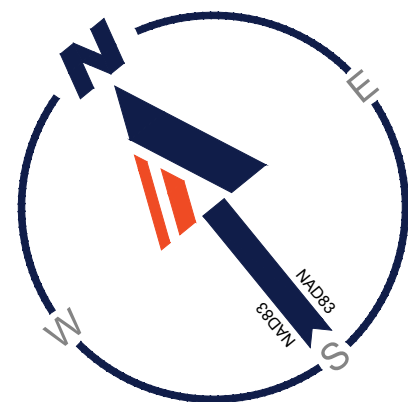
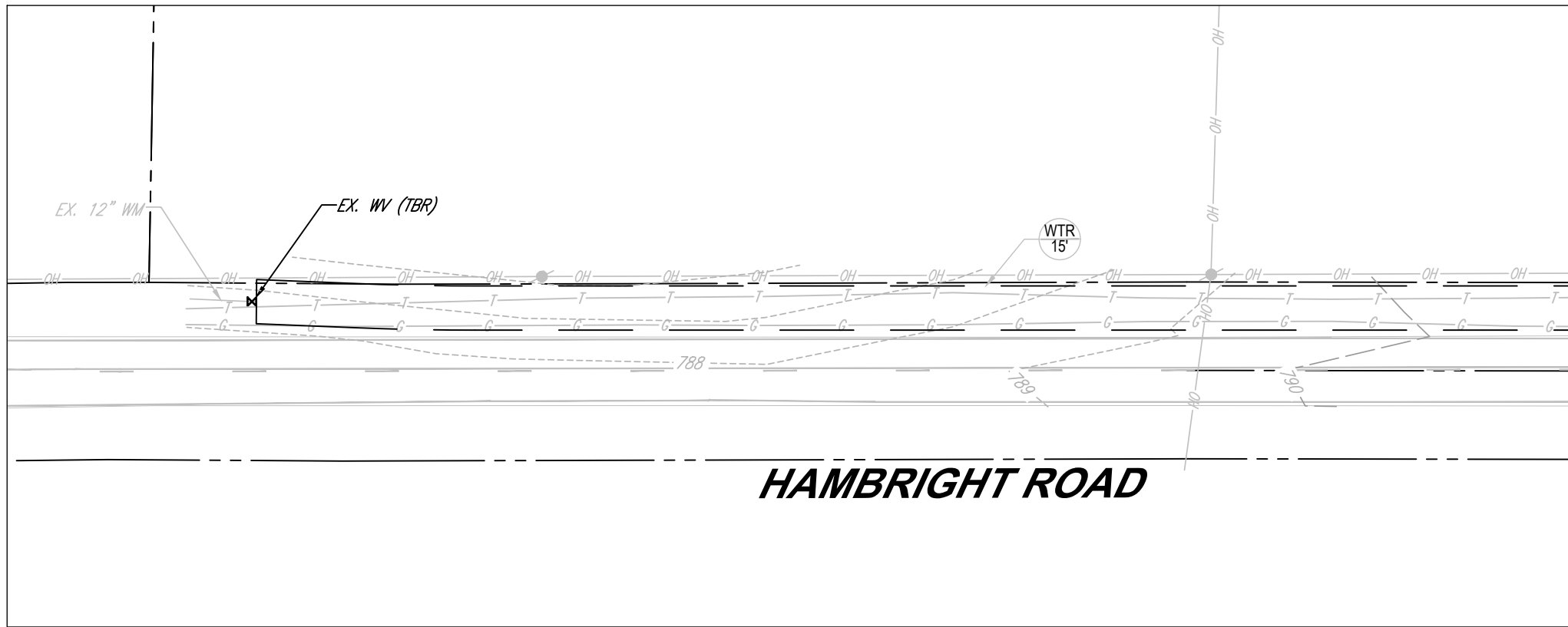
045609

6/1/2021

SHEET TITLE:
EXISTING CONDITIONS AND DEMOLITION PLAN

SHEET NUMBER:
RZ - 1

ORG. DATE - 3/13/2019



MATCHLINE THIS SHEET



N/A - NOT APPLICABLE
N/S- NOT SPECIFIED
(E)- EXISTING NON-CONFORMANCE

N/A - NOT APPLICABLE
N/S- NOT SPECIFIED
(E)- EXISTING NON-CONFORMANCE

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PROJECT No.:	NCC182042.1
DRAWN BY:	RB
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DATE:	3/13/2019
CAD I.D.:	RSP - 0

PROJECT:

— FOF

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC



SHEET NUMBER

RZ - 2

ORG. DATE - 3/13/2019

- SITE DEVELOPMENT DATA:**

TAX PARCEL NUMBER: 017-401-03
ACREAGE: +/- 15.408 ACRES
EXISTING ZONING: CB
PROPOSED ZONING: CB(CD)
EXISTING USE: VACANT
PROPOSED USE: INDUSTRIAL
PROPOSED DEVELOPMENT: UP TO 203,000 SQUARE FEET OF GROSS FLOOR AREA
MAXIMUM BUILDING HEIGHT: HEIGHT AS PERMITTED BY THE ORDINANCE.
PARKING: AS REQUIRED BY THE ORDINANCE

I. GENERAL PROVISIONS

a. THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MCDONALD DEVELOPMENT COMPANY (THE "PETITIONER") TO ACCOMMODATE AN INDUSTRIAL DEVELOPMENT ON THAT APPROXIMATELY 15.408-ACRE SITE LOCATED ON THE NORTHERN SIDE OF HAMBRIGHT ROAD, EAST OF PATTERSON ROAD AND WEST OF MT. HOLLY-HUNTERSVILLE ROAD IN HUNTERSVILLE, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED AS TAX PARCEL NUMBER 017-401-03 (THE "SITE").

b. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THE ACCOMPANYING REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE HUNTSVILLE ZONING ORDINANCE (THE "ORDINANCE"). THE REZONING PLAN IS INTENDED REFLECT MAXIMUM DEVELOPMENT RIGHTS AND THE ARRANGEMENTS AND LOCATIONS OF ACCESS POINTS.

c. UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE CB ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

II. PERMITTED USES AND MAXIMUM DEVELOPMENT

a. THE SITE MAY BE DEVELOPED WITH UP TO 203,000 SQUARE FEET OF GROSS FLOOR AREA OF DISTRIBUTIVE BUSINESS LABORATORIES AND RESEARCH FACILITIES, MANUFACTURING AND ASSEMBLY (EXCLUDING HEAVY MANUFACTURING), GOVERNMENT BUILDINGS, WAREHOUSES (EXCEPT MINI-WAREHOUSE STORAGE), WHOLESALE SALES, AND AUXILIARY/ACCESSORY OFFICE USES AS PERMITTED IN THE CB ZONING DISTRICT.

III. TRANSPORTATION

a. VEHICULAR ACCESS TO THE SITE WILL BE AS GENERALLY DEPICTED ON THE REZONING PLAN, FINAL LOCATIONS OF SUCH ACCESS POINTS TO BE DETERMINED IN COORDINATION WITH NCDOT DURING THE PERMITTING PHASE OF DEVELOPMENT.

b. THE PETITIONER SHALL DEDICATE RIGHT-OF-WAY ALONG THE SITE'S FRONTAGE OF HAMBRIGHT ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

c. THE PETITIONER SHALL COORDINATE ROAD IMPROVEMENTS AS OUTLINED IN THE [PENDING] TRAFFIC IMPACT ANALYSIS

IV. ARCHITECTURAL STANDARDS

a. BUILDING MATERIALS: THE PRINCIPAL BUILDING(S) CONSTRUCTED ON THE SITE MAY USE A VARIETY OF BUILDING MATERIALS. THE BUILDING MATERIALS MAY BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, SIMULATED STONE, STUCCO ALUMINUM CANOPIES AND TRIM, EIFS, CAST ON SITE CONCRETE PANEL OR WOOD.

V. BUFFERING, SCREENING, AND LANDSCAPING

a. THE PETITIONER SHALL PROVIDE AN ALTERNATIVE LANDSCAPE ALONG THE SITE'S FRONTAGE OF HAMBRIGHT ROAD, AS MORE PARTICULARLY DEPICTED IN THE LANDSCAPE PLAN (WITH A MINIMUM WIDTH OF EIGHTY (80) FEET AS REQUIRED PER ORDINANCE).

b. THE PETITIONER SHALL PROVIDE A SIDEWALK AND DOUBLE LINE OF STREET TREES ALONG THE SITE'S FRONTAGE OF HAMBRIGHT ROAD, AS GENERALLY DEPICTED ON THE LANDSCAPE PLAN.

c. LOADING AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES AS REQUIRED BY THE ORDINANCE.

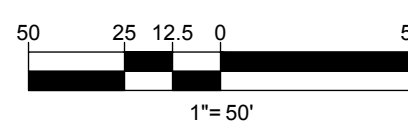
VI. ENVIRONMENTAL FEATURES

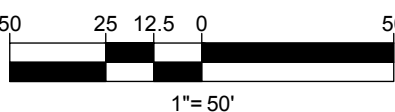
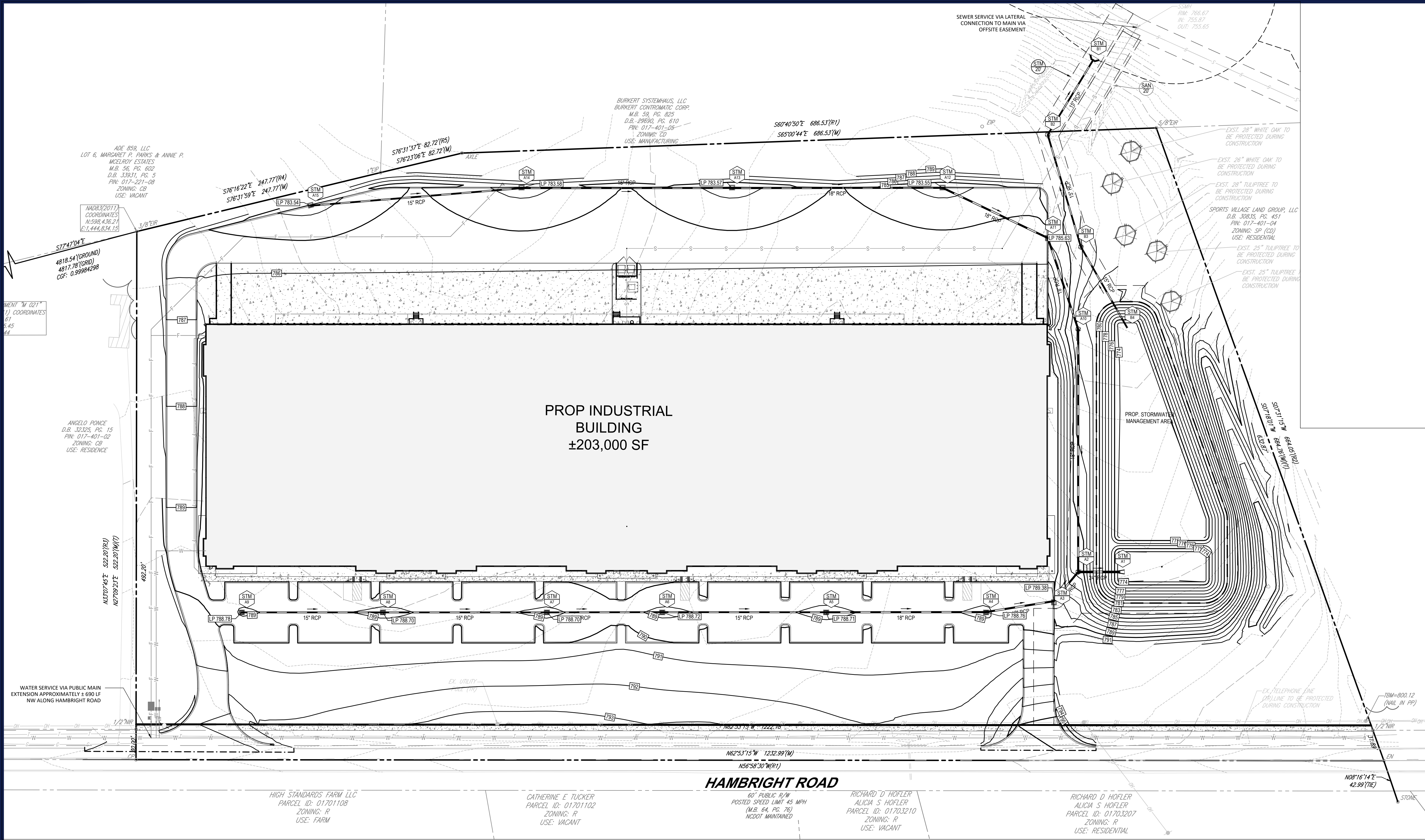
a. THE PETITIONER SHALL SATISFY THE STORMWATER REQUIREMENTS FOR A MAXIMUM OF 70% BUILT-UPON AREA.

b. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

VII. BINDING EFFECT OF THE REZONING DOCUMENTS

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.





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PROJECT No.: NCC182042.1
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CHECKED BY: DH
DATE: 3/13/2019
CAD I.D.: wing2

PROJECT:
NORTH CHASE AT THE PARK BUILDING 100
FOR

MCDONALD DEVELOPMENT

PROPOSED DEVELOPMENT
HAMBRIGHT ROAD
HUNTERSVILLE, NC

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Phone: (980) 272-3400

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NORTH CAROLINA

PROFESSIONAL SEAL

045609

ENGINEER

6/1/2021

Brian B. Miller

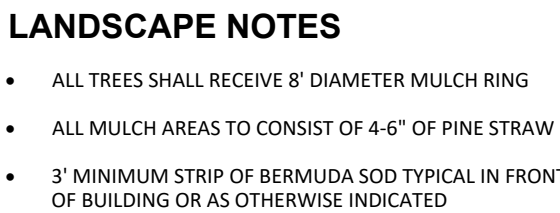
DR. BRIAN B. MILLER

SHEET TITLE:

GRADING PLAN

SHEET NUMBER:
RZ - 3

ORG. DATE - 3/13/2019



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SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING

PROGRAM MANAGEMENT

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DRAWN BY:	RB
CHECKED BY:	DH
DATE:	3/13/2019
CAD I.D.:	RLP - 0

PROJECT:

**NORTH CHASE
AT THE PARK
BUILDING 100**

_____ FOR

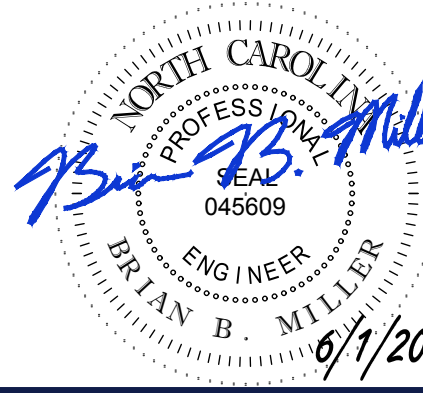
MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC

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NCBELS P-1132

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 Phone: (980) 272-3400
 Fax: (980) 272-3401
NC@BohlerEng.com



SHEET TITLE:

LANDSCAPE PLAN

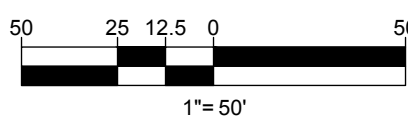
SHEET NUMBER

RZ - 4

ORG. DATE - 3/13/2019

TOWN OF HUNTERSVILLE LANDSCAPE REQUIREMENTS		
SECTION	REQUIREMENTS	CALCULATIONS/PROPOSED
ARTICLE 6 LANDSCAPING OF PARKING LOTS	PERIMETER LANDSCAPING OF PARKING SHALL MEET ALL STANDARDS BELOW. A. SCREENING SHALL BE PROVIDED ALONG THE PERIMETER OF THE PARKING LOT A CONTINUOUS ROW OF EVERGREEN SHRUBS MAX. SEPARATION 4' ON CENTER MINIMUM HEIGHT 2' AT INSTALLATION. EXPECTED HEIGHT AT MATURITY AT LEAST 6') C. IN ADDITION TO SCREENING, LARGE MATURING CANOPY TREES SHALL LINE THE PARKING LOT. THEY SHALL BE PLANTED AT A MAXIMUM OF 80 FEET ON CENTER. TREE PLANTING STRIPS AT PERMETER OF LOTS SHALL BE A MINIMUM OF 10 FEET IN WIDTH.	PROVIDED REQUIRED TREES: 23 CALCULATION: 897/4024.4 PROVIDED TREES: 23 REQUIRED SHRUBS: 225 CALCULATION: 897/4.226.3 PROVIDED SHRUBS: 225
ARTICLE 7.5 BUFFER YARDS	ANY PROPERTY ZONED C1, C8, OR SP ABUTTING STREET RIGHT-OF-WAY AND PROPERTY LINES.	SEE PLANS
ARTICLE 12 STREET TREES/INTERIOR LANDSCAPING	SPACING AND LOCATION OF STREET TREES STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7 FOOT PLANTING STRIP LOCATED BETWEEN THE EXISTING STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS: (A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40 FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS. (B) SMALL MATURING "CANOPY" TYPE TREES SHALL BE PLANTED 30 FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES. (C) FOR PROPERTY LOCATED ON A MAJOR OR MINOR THOROUGHFARE, EXCLUDING THE TOWN CENTER TO ZONING DISTRICT, AN ADDITIONAL ROW OF STREET TREES ARE REQUIRED TO BE LOCATED BEHIND THE PROPOSED SIDEWALK IN A 10-FOOT LANDSCAPE EASEMENT TO BE RECORDED ON A PLAN OF RECORD PRIOR TO ISSUANCE OF A BUILDING PERMITS. THE INTERIOR ROW OF TREES SHALL BE STAGGERED FROM THE TREES PROVIDED WITHIN THE RIGHT-OF-WAY.	INTERNAL LANDSCAPING REQUIRED TREES: 48 CALCULATION: 1908/40.47 PROVIDED INTERIOR TREES: 55 PROVIDED STREET TREES: 53
ARTICLE 14 TREE PRESERVATION, PROTECTION & REMOVAL	30% SPECIMEN TREE SAVE REQUIRED PER TABLE 7.2(a) OF ARTICLE 7.4	EXISTING SPECIMEN TREES = 16 15 + 3 = 18 SPECIMEN TREES REQUIRED 5 TREES PROVIDED

LANDSCAPE SCHEDULE							
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	Remarks
DECIDUOUS TREES							
	GTPL	47	<i>Gliricidia inaequalis</i>	Thompson Honey Locust	2.5" CAL	B+B	12-14' HT Full Central Leader
	QJPA	95	<i>Quercus jaliscoe</i>	Pin Oak	2.5" CAL	B+B	12-14' HT Full Central Leader
SUBTOTAL:		137					
UNDERSTORY TREES							
	COZP	23	<i>Cercis canadensis 'Forest Pansy'</i>	Forest Pansy Redbud	2" CAL	B+B	8-10' HT Full
	LJST	27	<i>Lagerströmia indica 'Tuskegee'</i>	Tuskegee Craple Myrtle	1" CANES	B+B	8-10' HT Full, 3-6 canes
SUBTOTAL:		50					
EVERGREEN TREES							
	CJPA	6	<i>Cyrtosperma japonica</i>	Cyrtosperma	2" CAL	B+B	8' HT Full
	ILMS	3	<i>Ilex x 'Nelder R. Steneck'</i>	Nelder Steneck Holly	2" CAL	B+B	8' HT Full TO GROUND
SUBTOTAL:		9					
SHRUBS							
	HPLL	10	<i>Hydrangea paniculata 'Little Lime'</i>	Little Lime Hydrangea	N/A	3 GAL	24" HT Full
	ILGS	10	<i>Ilex glabra 'Shamrock'</i>	Shamrock Inkberry Holly	N/A	3 GAL	19" HT Full
	LJAP	111	<i>Ligustrum japonicum</i>	Waxleaf Ligustrum	N/A	3 GAL	24" HT Multi Trunk
	LOCR	112	<i>Loquatium chinensis 'Ruby'</i>	Ruby Loquat	N/A	3 GAL	24" HT Full
	ROEN	142	<i>Rhododendron 'Encore'</i>	Encore Azalea Variety	N/A	3 GAL	32" HT Full
SUBTOTAL:		385					



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

A

B

C

D

E

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G

H

J

K

L

M

N

A

B

C

D

E

F

G

H

J

K

L

M

N



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

NORTH CHASE AT THE PARK
BUILDING 100
HUNTERVILLE, NORTH CAROLINA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

OFFICIAL COMMUNITY MEETING REPORT
Petitioner: McDonald Development Company
Rezoning Petition #R21-10

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

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

A representative of the Petitioner mailed written notice of the date, time and virtual format for the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on June 29, 2021. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND FORMAT OF MEETING:

The Virtual Community Meeting was held on July 19, 2021 at 5:30 p.m. via the Zoom platform.

Recipients of the notice letter were directed to RSVP for a link to the virtual meeting via email or phone to a member of the Petitioner's team. Members of the community who were unable to access the virtual meeting were directed to email or call a member of the Petitioner's team and could be provided with a copy (including a mailed paper copy, if necessary) of the meeting presentation.

MEETING PARTICIPATION:

The Virtual Community Meeting had nine (9) total attendees from the Town and community, as listed in Exhibit C. The Petitioner was represented at the Community Meeting by Tracy White (and Bob McLeod), as well as by Petitioner's agents, Collin Brown, Brittany Lins, and Lisa Tucker with Alexander Ricks PLLC.

SUMMARY OF PRESENTATION/DISCUSSION:

Mr. Collin Brown and Mr. Tracy White welcomed the attendees and introduced the Petitioner's team, using a PowerPoint presentation, attached hereto as Exhibit D. Mr. Brown showed aerials and a street view of the property located on Hambright Road. He noted that the property frontage contains commercial pine trees that were planted with the intention of being harvested.

Mr. Brown gave a general overview of the development considerations that a developer must take into account, including property owner requirements, environmental constraints, council priorities, and access and transportation requirements. Mr. Brown explained that the property is already zoned to the CB zoning district, which can accommodate the proposed warehouse/industrial/flex development. The purpose of the rezoning is to allow for alternative landscape plantings within the required buffer area along Hambright Road. The Petitioner is not requesting a reduction in the required eighty (80) foot buffer. Mr. Brown demonstrated the landscape exhibit of the Petitioner's proposed alternative buffer plantings which would adequately screen vehicles and provide plantings while allowing for portions of the building to be seen through the buffer area to allow for successful marketing and wayfinding for the building. Mr. Brown emphasized that the existing trees on the site were commercially grown, not intended as screening trees, and would not adequately screen cars and headlights from the parking lot. An example rendering was shown to reflect the plantings Petitioner is proposing and building visibility at maturity.

Mr. White concluded the presentation by emphasizing that the proposed use is already permitted and the sole purpose of the conditional zoning is to provide an alternative to the existing commercial pine trees in the eighty-foot buffer area. He stated that he believes the proposal creates a more attractive presentation of

landscaping between Hambright Road and the development. The Petitioner does not want to hide the building with a full opaque screening but would still provide two hedge rows to completely screen cars and headlights.

Mr. Brown stated that the Petitioner started the rezoning application in June and hopes to have a public hearing in September and decision in October, at the earliest. The virtual meeting was then opened for discussion via either chat or the “raise hand” function on Zoom to allow participants to ask individual questions or provide comments:

In response to an attendee’s question regarding the size of trees that would be planted in the buffer, Mr. White responded that both large and understory trees and two species of shrubs to screen vehicles would be provided as detailed in the landscape plan. As a follow-up, the attendee asked how long it would take the trees and hedges to grow to reach the maturity as shown in the example illustration. In response, Mr. White estimated approximately five to six years.

An attendee inquired into the hardwood trees on the back eastern portion of the property and whether the Petitioner intended to preserve any of those trees. In response, Mr. White stated that the Petitioner would save the required number of specimen trees per the Huntersville Ordinance and noted that no building footprint is shown on the eastern side of the property where those hardwood trees are located.

One attendee commented that he believed the existing commercial pine trees would be better than the proposed landscaping.

An attendee asked whether consideration had been given to noise abatement from traffic in and out of the proposed facility. In response, Mr. White stated that the team has discussed this matter and intentionally placed the logistics and truck docks at the rear of the property so noise could be blocked by the building. The small parking lot in front of the building is for employee parking, not logistics or industrial uses.

In response to an attendee’s concern for parking lot lighting and desire to not allow lighting to bleed onto Hambright Road, Mr. White responded that the Petitioner’s team is not requesting any deviations from the Huntersville standards for lighting and will meet all lighting requirements.

The meeting concluded at approximately 6:00 p.m. with no further questions or comments from attendees.

Respectfully submitted this 23th day of July 2021.

cc: Brad Priest, Huntersville Planning Department

Exhibit A

PARCEL_ID	OWNER_N	MAILING_	CITY	STATE	ZIP_CODE	PROPERTY_Zoning
01740105	BURKERT S	11425	HUNTERSV	NC	28078	11425 MT CB
01701108	HIGH STAN	10204	HUNTERSV	NC	28078	10204 HAN R
01740104	SPORTS VII	16930 W	CORNELIU	NC	28031	10701 HAN SP(CD)
01740103	ADE 883 LL	3715	ATLANTA	GA	30327	HAMBRIGI CB
01722108	ADE 859 LL	3535	MARIETTA	GA	30062	PATTERSO CB
01740102	PONCE, AN	10325	HUNTERSV	NC	28078	10325 HAN CB
01703207	HOFLER, RI	136 TWIN	NEWPORT	VA	23608	10516 HAN R
01703210	HOFLER, RI	136 TWIN	NEWPORT	VA	23608	10500 HAN R
01701102	TUCKER, C	10204	HUNTERSV	NC	28078	10400 HAN R
01703209	BIRMINGH.	1093	MOUNT UI	NC	28125	10600 HAN R(CD)

250 Feet Buffer

PARCEL_ID	OWNER_N	MAILING_	CITY	STATE	ZIP_CODE	PROPERTY_	LEGAL DES	DEED BOOI	DEED PAGE	LAND AREA
01740105	BURKERT S	11425	HUNTERSV	NC	28078	11425 MT	M59-825	29690	610	95.845 AC
01701108	HIGH STAN	10204	HUNTERSV	NC	28078	10204 HAN	NA	34405	611	20.198 AC
01740104	SPORTS VII	16930 W	CORNELIU	NC	28031	10701 HAN	N/A	30835	451	23.14 AC
01740103	ADE 883 LL	3715	ATLANTA	GA	30327	HAMBRIGI	NA	34791	534	15.408 AC
01722108	ADE 859 LL	3535	MARIETTA	GA	30062	PATTERSO L6	M56-60	33931	5	10.239 AC
01740102	PONCE, AN	10325	HUNTERSV	NC	28078	10325 HAN	NA	32325	15	5.684 AC
01703207	HOFLER, AI	136 TWIN	NEWPORT	VA	23608	10516 HAN	NA	6503	270	3.89 AC
01703210	HOFLER, RI	136 TWIN	NEWPORT	VA	23608	10500 HAN	NA	6503	270	6.34 AC
01701102	TUCKER, C	10204	HUNTERSV	NC	28078	10400 HAN	NA	30868	838	4.116 AC
01703209	BIRMINGH.	1093	MOUNT UI	NC	28125	10600 HAN	NA	23391	758	4 AC

Huntersville Personnel

Mayor - Huntersville NC

	MAILING_ADDRESS
John Aneralla	PO Box

BoardMembers@huntersville.org

Physical Ac Email
Huntersvil janeralla@huntersville.org

Town Board of Commissioners/ Town Council

Melinda Bales	PO Box
Dan Boone	PO Box
Lance Munger	PO Box
Brian Hines	PO Box
Stacy Phillips	PO Box
Nick Walsh	PO Box

Huntersvil mbales@huntersville.org
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Huntersvil bhines@huntersville.org
Huntersvil sphillips@huntersville.org
Huntersvil nwalsh@huntersville.org

Planning Board Members and Town Clerk

Janet Pierson - Town C	PO Box
Town Manager	PO Box
Anthony Roberts	PO Box

Huntersvil jpierson@huntersville.org
Huntersvil aroberts@huntersville.org

Assistant Town Manag PO Box

Jackie Huffman	PO Box
----------------	--------

Huntersvil jhuffman@huntersville.org

Planning Dept	attn:
Jack Simoneau	attn:
Brian Richards	attn:
Tracy Barron	attn:
Kimberly Behrenbrink	attn:
Au'Darius Blackwood	attn:
Dave Hill	attn:
David Peete	attn:
Brad Priest	attn:

Town of
Town of jsimoneau@huntersville.org
Town of brichards@huntersville.org
Town of tbarron@huntersville.org;
Town of kbehrenbrinker@huntersville.org
Town of ablackwood@huntersville.org
Town of dhill@huntersville.org
Town of dpeete@huntersville.org
Town of bpriest@huntersville.org

Paul Lowe attn:
Claudia Schruhl attn:
Lauren Speight attn:
Frances Tucker attn:

Town of plowe@huntersville.org
Town of cschruhl@huntersville.org
Town of lspeight@huntersville.org
Town of ftucker@huntersville.org

Planning members attn:
Greg Baber attn:
Jennifer Davis attn:
Frank Gammon attn:
Catherine Graffy attn:
Scott Hensley attn:
Derek Partee attn:
Jeff Sny attn:
Stephen Swanick attn:

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Huntersvil hensleyscott1@gmail.com
Huntersvil dpartee755@gmail.com
Huntersvil jeffrey.sny@gmail.com
Huntersvil stephen.swanick@gmail.com

HOA From Staff Compared to 2000 Feet Buffer Deed CSV Results

TBD by Brittany

Subdivision	Location	Emails	HOA Contact Info	Term Expires	Management Co. Contact	Address	Phone	Registered Agent	Website
Arrington Owners Association	Bud Henderson & Gilead Road		Lennar Christina Blue 3030 Latrobe Drive Charlotte 28211 704-535-1122x285	Builder	Henderson Properties Krystal Rogers		704-535-1122x285	Lennar 3030 Latrobe Drive Charlotte NC 28211	Krystal.Rogers@hendersonproperties.com
Birkdale, The Townhomes of	Behind Birkdale Village		Art Rouse 8253 Brick Lane 704-806-4085 artrouselkn@gmail.com	2020	Henderson Properties (Chesney Jackson)	3030 Latrobe Drive Charlotte NC 28211	704-535-1122		hoa@hendersonproperties.com
Caldwell Station HOA, Inc.	Old Statesville		Adam Nowocin 18249 Conductor Court Cornelius 540 219-3429	2019	CSI Property Management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394	CSI Property Management	adam_nowocin@live.com beth@csiproperties.com
Cashion Woods Community Assoc., Inc.	Beatties Ford		Karen Magoteaux 14318 Rhiannon lane 937-423-0546	2019	Hawthorne Management- Sarah Ziegler	4530 Park Road Ste 201 Charlotte NC 28209			Sarah Ziegler <sziegler@hawthornemgmt.com>
Cedarfield Plantation	McCoy	danny4911@verizon.com	Daniel Spencer 12725 Cedar Fall Dr 727-753-4584 danny4911@verizon.com	Dec-19	Cedar Management Group	9500 Statesville Road charlotte nc 28269	704-644-8808		James Stracener <jcszrs@att.net>
Cedarfield Park (aka Torrence Crossing)	Gilead & Bradford Hill		Cheryl Westlake 8516 Fox Tail Lane 704-728-1073 westny716@gmail.com	2019	Hawthorne Management	PO Box 11906, Charlotte 28220	704-377-0144	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	admin@hawthornemgmt.com
Centennial @ Historic Huntersville HOA, Inc.	Huntersville-Concord		Chris Parke 15752 Centennial Forest Dr 704-305-8572 christopherparke@yahoo.com	2020	Henderson Properties Yamile Hernandez	3030 Latrobe Drive Charlotte NC 28269	704-535-1122	Sellers, Sellers & Dorch 301 S McDowell St #410 Charlotte NC 28204 704-377-5050	yamile.hernandez@hendersonproperties.com
Cobblestone Manor	Off Ranson Road		Lester Olivia 8903 Bur Lane 704-303-0014	2021	Cusick Company Bill Gill	8008 Corporate Center Dr Ste 100 Charlotte NC 28226	704-800-3216		lolivia9432@gmail.com, bgill@cusickcompany.com
Courtyards of Huntersville Condominium			Bill Heckman 8209 Parknoll Drive 704-274-5968	2022	Henderson Properties Brayden Johnson	3030 Latrobe Drive Charlotte NC 28269	704-535-1122x255	Henderson Properties 3030 Latrobe Drive Charlotte NC 28269	wsheckman@yahoo.com brayden.johnson@hendersonproperties.com
Courtyards at Kinnamon Park Condo Association			Rick Cushing 9206 Edelweiss Lane 704-905-3300	2020	Henderson Properties Brayden Johnson	3030 Latrobe Drive Charlotte NC 28269	704-535-1122x255	Henderson Properties 3030 Latrobe Drive Charlotte NC 28269	rcushing@gmail.com brayden.johnson@hendersonproperties.com
Crosswinds	McCoy		Vincent Ragone, Pres vjragone@yahoo.com		Taylor Dasilva Red Rock Management		(888) 757.3376 ext. 732		http://www.crosswindshomeowners.com/ taylor@gowithredrock.com
Gilead Ridge HOA	Gilead		Richard Hirsch 8157 Bridgegate Dr 516-996-2727	2021	Henderson Properties	3030 Latrobe Drive Charlotte NC 28211	704-896-7224	Chesney Jackson Henderson Properties	gridgepres@gmail.com hendersonpr
Gilead Village Homeowners Association, Inc.			Mindy DeLano 6904 Dunton Street 704-281-7660	2020	Cedar Management Group Ashley Miller	PO Box 26844 Charlotte NC 28221	704-281-7660		Ashley Miller <amiller@cedarmanage
Henderson Park HOA, Inc.	off Bud Henderson Rd				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Lakemont Commons	Gilead Rd & Baytown Ct		Brian Welborn 14336 Baytown Ct Huntersville NC 28078 704-249-7753 bcowelborn14@gmail.com	Dec-19	CSI Properties Attn: Angela Benkovich	575 Davidson Gateway Dr Ste 200 Davidson 28036	704-892-1660		lakemontcommons@csiproperties.com
McAlpine-Rosedale Homeowners Association			Melissa Tuttle 9576 Blossom Hill Dr 336-408-3636	2019	CSI Property management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394		melissatuttle@bellsouth.net beth@csiproperties.com
McGinnis Village Homeowners Assoc., Inc.			Robert Maze Jr 12710 McGinnis Woods Dr 704-644-8808	Jul-05	Cedar Management Group Jennifer Cordell	9500 Statesville Road charlotte nc 28269			Jennifer Cordell <jcordell@mycmg.com>
Melbourne HOA, Inc.	Gilead & McCoy		Cameron Drennan, Pres, 9153 Hillston Ridge Rd., 28078; 704-947-6723	Jul-05	Cedar Management Group Nicole DeRiso	9500 Statesville Road charlotte nc 28269	704-565-5009		Nicole DeRiso <nderiso@mycmg.com>
Mirabella	Huntersville-Concord Rd				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Monteith Park Homeowners Assoc., Inc.	Stumptown Rd		Dan Mooney 15340 Barnsbury Dr 980-373-7155	Jul-05	CSI Property management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394		danhoamonteithpark@gmail.com beth@csiproperties.com
Northcross Professional Park Association, Inc					Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Olmsted	Eastfield				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Plum Creek	Old Statesville			2020	Hawthorne Management/Kendall Adair	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	kadair@hawthornemanagement.com m admin@hawthornemgmt.com
Skybrook Homeowners Assoc., Inc.			Craig Sandhaus 11255 Skytop Drive 914-320-3633	2022	Cedar Management Group Susan Rouanzion	PO Box 26844, Charlotte, NC 28221			Susan Rouanzion <susanr@mycmg.com>
Stephens Grove Homeowners Assoc., Inc	Off Beatties Ford on Stephen's Road		Bob Brethen 14332 McLauren Lane Huntersville 704-948-2457	2020	Hawthorne Management/Cass Shapard	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management PO Box 11906 Charlotte NC 28220	thehoaboard@stephensgrove.com, cshapard@hawthornemgmt.com, admin@hawthornemgmt.com
Stillwell Farms Property Owner's Assoc., Inc	Beatties Ford and Cashion Road		John Higbee 4905 Harrison's Sabbath Dr 704-875-0709	Jul-05	Hawthorne Management/Cass Shapard	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management PO Box 11906 Charlotte NC 28220	cshapard@hawthornemgmt.com, admin@hawthornemgmt.com
The Pavillion	Huntersville-Concord Rd		Catherine Graffy 15120 Pavillion Loop 860-805-1196	2021	Hawthorne Management/Kendall Adair	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	kadair@hawthornemanagement.com m admin@hawthornemgmt.com
Vermillion					Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Willowbrook POA, Inc.			Gary Mills 12600 Willow Grove Way 704-896-4948	2021	Hawthorne Management Company Sarah Ziegler	4530 Park Road Ste 201 Charlotte NC 28209			Sarah Ziegler <sziegler@hawthornemgmt.com>
Wynfield Forest HOA, Inc.	Off Wynfield Creek Pkwy				Hawthorne Management Ashleigh Jones	PO Box 11906 Charlotte NC 28220	704-377-0114		www.wynfieldforest.org, admin@hawthornemgmt.com

Exhibit B

June 29, 2021

Alexander Ricks PLLC
1420 E. 7th St., Suite 100
Charlotte, North Carolina 28204

VIA US MAIL

NOTICE TO INTERESTED PARTIES OF REZONING COMMUNITY MEETING

Date: Tuesday, July 20th at 5:30 p.m.
Meeting Location: Virtual Meeting, RSVP for link (details provided below)
Petitioner: McDonald Development Company
Property Owner: ADE 883 LLC
Property: North Chase at The Park, Building 100, Hambright Road, Huntersville NC
Rezoning #: R21-10

Dear Huntersville Neighbor:

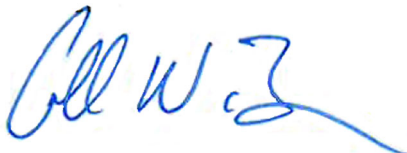
Our firm represents McDonald Development Company (the "Petitioner") in their evaluation of a potential rezoning request to modify the buffer requirements with alternative landscape plantings along Hambright Road as related to a warehouse/distribution development project. The alternative proposal would more effectively screen proposed surface parking areas while allowing some visibility of the building area to ensure a viable and successful development.

In accordance with the requirements of the Town of Huntersville Zoning Ordinance, the Petitioner will hold an Official Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Mecklenburg County records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the Property.

Due to federal and state executive orders directed at preventing the spread of COVID-19, the Official Community Meeting will be held virtually. We invite you to attend the virtual Official Community Meeting via Zoom on **Tuesday, July 20th at 5:30 p.m.** If you are interested in attending the live virtual presentation and discussion session at the scheduled time, **please send an email to Lisa.Tucker@alexanderricks.com and you will be provided with a link to RSVP and receive access information for the virtual meeting.** Please reference the site location ("Hambright Rd") in your email so we can send you the proper link.

If you expect you will be unable to access the virtual meeting and would like additional information, please contact Lisa.Tucker@alexanderricks.com or call 980-334-2003 and we can make alternative arrangements for you to receive the presentation information.

Sincerely,



Collin W. Brown

Exhibit C

Participants (17)

Find a participant

Brittany Lins (Host, me)



CB

Collin Brown



CB

Collin Brown (audio)



TW

Tracy White



AH

A Hofler



AP

Angelo Ponce



BM

Bob McLeod



BM

Bob McLeod



BP

Brad Priest



CG

Catherine Graffy



DB

Dan Boone



DN

Diann Norwood



FG

Frank Gammon



LT

Lisa Tucker



NW

Nick Walsh



RH

Richard Hofler



LT

Lisa Tucker



Exhibit D



REZONING PETITION #R21-10

NORTH CHASE AT THE PARK

MCDONALD DEVELOPMENT CO.

Official Community Meeting
July 19, 2021

Alexander
Ricks
PLLC

MEETING AGENDA

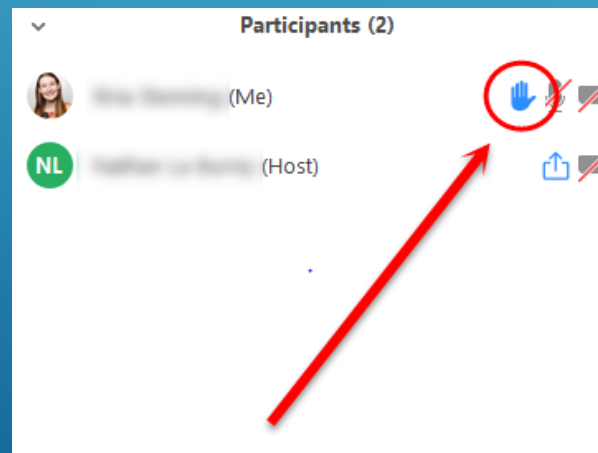
- **Introductions**
 - **Property Location**
 - **Development Considerations**
 - **Current Zoning**
 - **Proposed Adjustment**
 - **Example Rendering**
 - **Potential Rezoning Timeline**
 - **Questions/Discussion**
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner of the slide, creating a modern, abstract graphic element.

AT THE END: QUESTIONS & DISCUSSION

Type your
questions



Or ask out loud



TEAM INTRODUCTIONS

Property Owner: **ADE 883, LLC**

Petitioner: **McDonald Development Company**
Tracy White

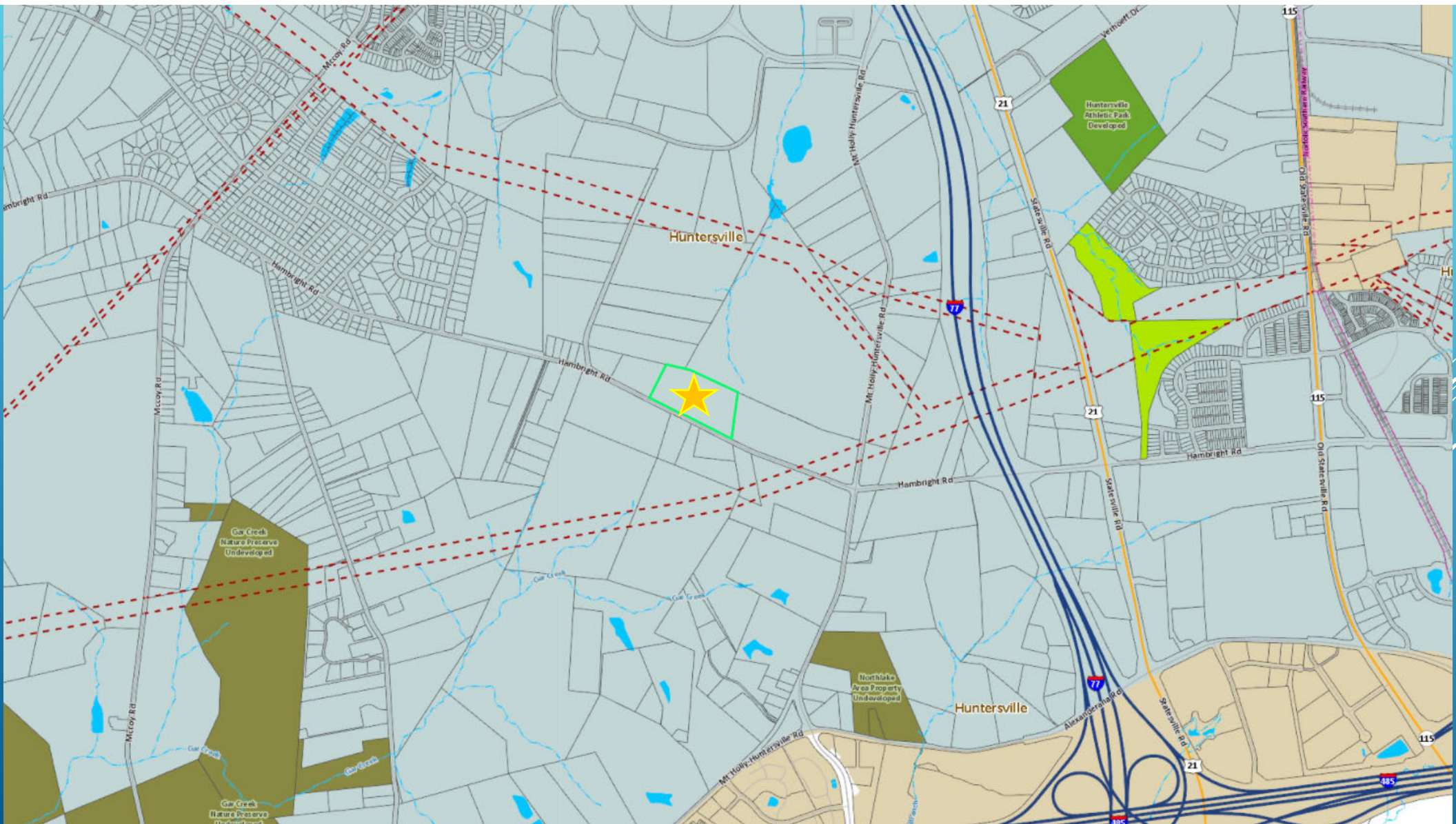


Brian Miller,
Steven Singleton

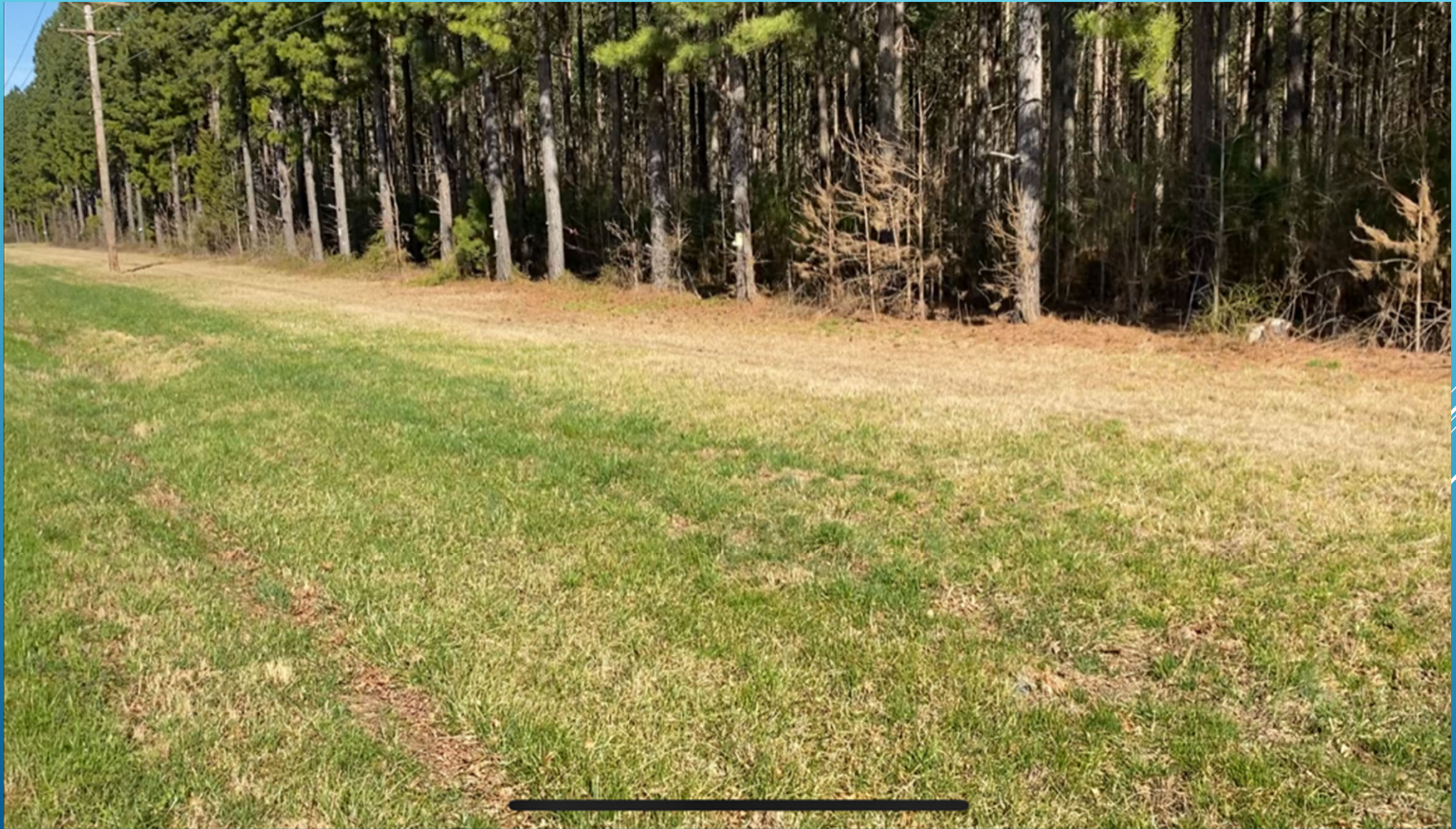


Collin Brown,
Brittany Lins, &
Lisa Tucker

PROPERTY LOCATION









DEVELOPMENT CONSIDERATIONS



DEVELOPMENT CONSIDERATIONS

- ▶ Property Owner Requirements
- ▶ Existing Zoning
- ▶ Natural / Environmental Constraints
- ▶ Access / Transportation Requirements
- ▶ Adjacent Owner Concerns
- ▶ Ordinance / Policy Requirements (non-zoning, e.g., Stormwater, Tree)
- ▶ Adopted Area Plans
- ▶ Town Priorities
- ▶ Adjacent Uses
- ▶ Broader Community Concerns
- ▶ Market Realities

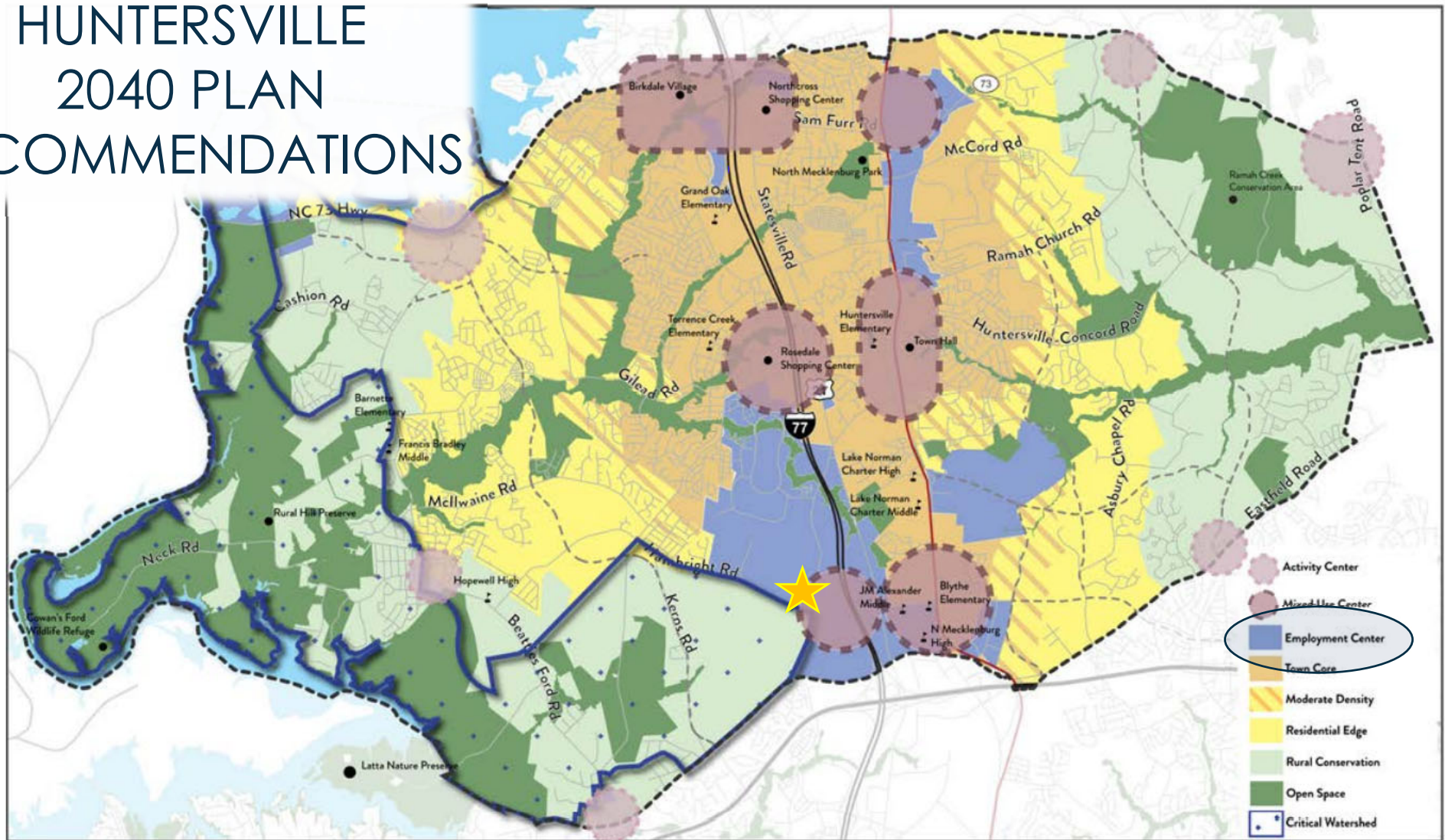


CURRENT ZONING

A map showing the current zoning for the area around the proposed site. The map includes various zoning districts such as GR(MH-O), C1(CD), R, R(CD), SP(CD), and NC. The proposed site is highlighted in green. The map also shows major roads like Patterson Rd, Hemlock Rd, and Mt Holly-Huntersville Rd, as well as Gar Creek and the I-77 highway.

TOWN OF HUNTERSVILLE FUTURE LAND USE MAP

HUNTERSVILLE 2040 PLAN RECOMMENDATIONS



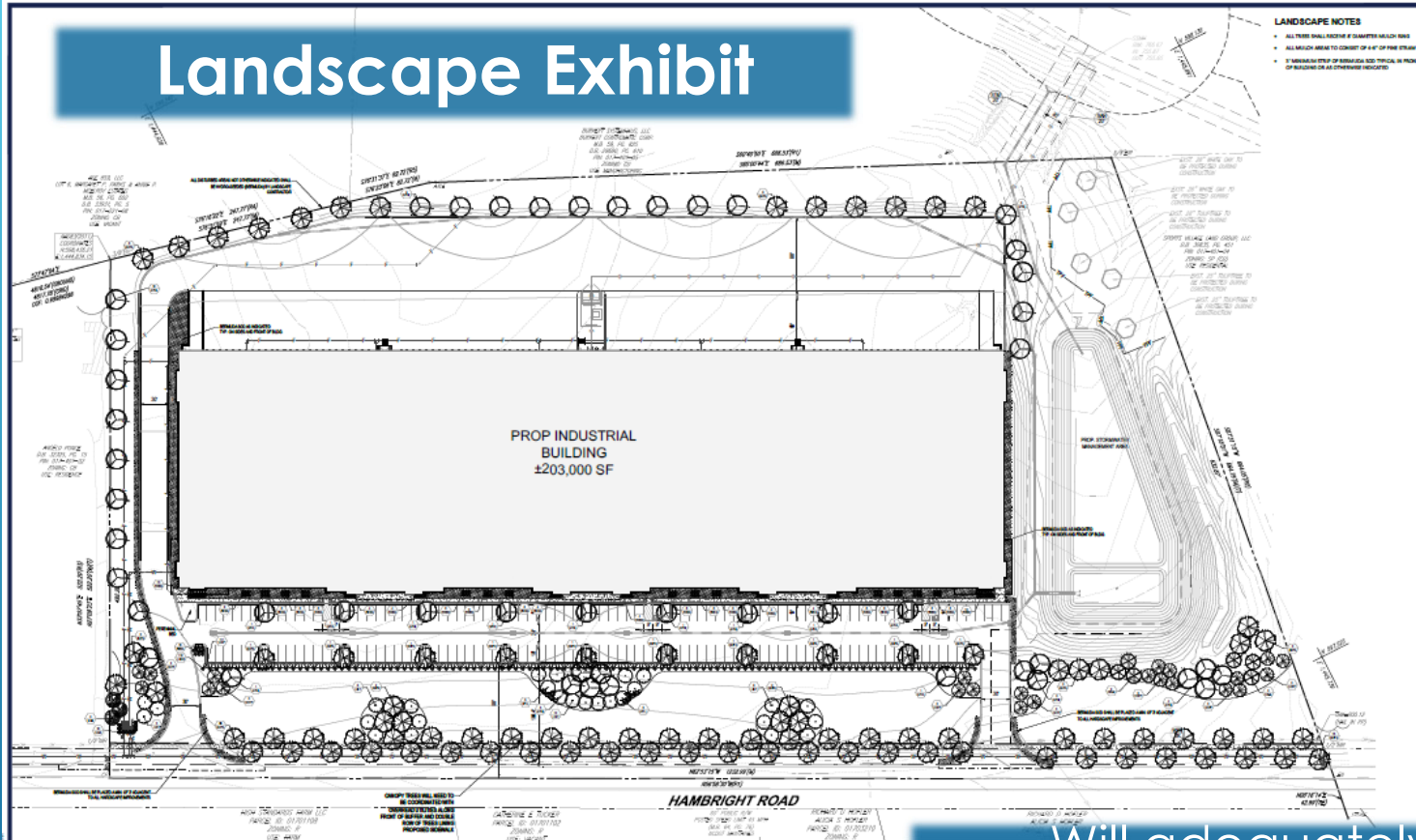
REZONING REQUEST

**For alternative
landscape plantings
within required 80' buffer**

Warehouse/flex already permitted under current zoning

HAMBRIGHT ROAD

Landscape Exhibit



- LANDSCAPE NOTES**
- ALL TREES SHALL RECEIVE 8" DIAMETER MULCH BARS
 - ALL MULCH BARS TO CONSIST OF 4" OF PINE STRAW
 - EXAMINATION OF TOP OF EXISTING AND SPECIAL IN FRONT OF BUILDING OR AS OTHERWISE INDICATED

PROP INDUSTRIAL
BUILDING
±203,000 SF

HAMBRIGHT ROAD

TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS		
SECTION	REQUIREMENTS	COMMENTS/REMARKS
GENERAL	ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS.	
PLANTING	ALL PLANTING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL PLANTING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL PLANTING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS.	
MAINTENANCE	ALL MAINTENANCE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL MAINTENANCE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS. ALL MAINTENANCE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS.	

LANDSCAPE SCHEDULE			
ITEM	QTY.	SYMBOL NAME	COMMON NAME
1.01	1	Small Tree	Small Tree
1.02	1	Medium Tree	Medium Tree
1.03	1	Large Tree	Large Tree
1.04	1	Shrub	Shrub
1.05	1	Flower Bed	Flower Bed
1.06	1	Grass	Grass
1.07	1	Gravel	Gravel
1.08	1	Concrete	Concrete
1.09	1	Brick	Brick
1.10	1	Stone	Stone
1.11	1	Wood	Wood
1.12	1	Plastic	Plastic
1.13	1	Paint	Paint
1.14	1	Sealant	Sealant
1.15	1	Adhesive	Adhesive
1.16	1	Fastener	Fastener
1.17	1	Tool	Tool
1.18	1	Material	Material
1.19	1	Equipment	Equipment
1.20	1	Personnel	Personnel

Will adequately screen vehicles and provide plantings while allowing for successful/marketable building

BOHLER
BOHLER ENGINEERING NC, PLLC
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
TRANSPORTATION SERVICES

REVISIONS			
REV	DATE	DESCRIPTION	BY

811
Call before you dig
ALWAYS CALL 811
It's Not. It's Free. It's the Law.

ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT No. 10010000000000000000
DESIGNED BY: CH
CHECKED BY: ST
DATE: 01/10/2019
SCALE: 1/8" = 1'-0"

PROJECT
**NORTH CHASE
AT THE PARK
BUILDING 100**

FOR
**MCDONALD
DEVELOPMENT**

PROPOSED
DEVELOPMENT
HAMBRIGHT ROAD
HUNTERVILLE, NC

BOHLER
1807 S. TRYON STREET, SUITE 510
CHARLOTTE, NC 28203
Phone: 980.270.5400
Fax: 980.270.5401
NC@bohlere.com

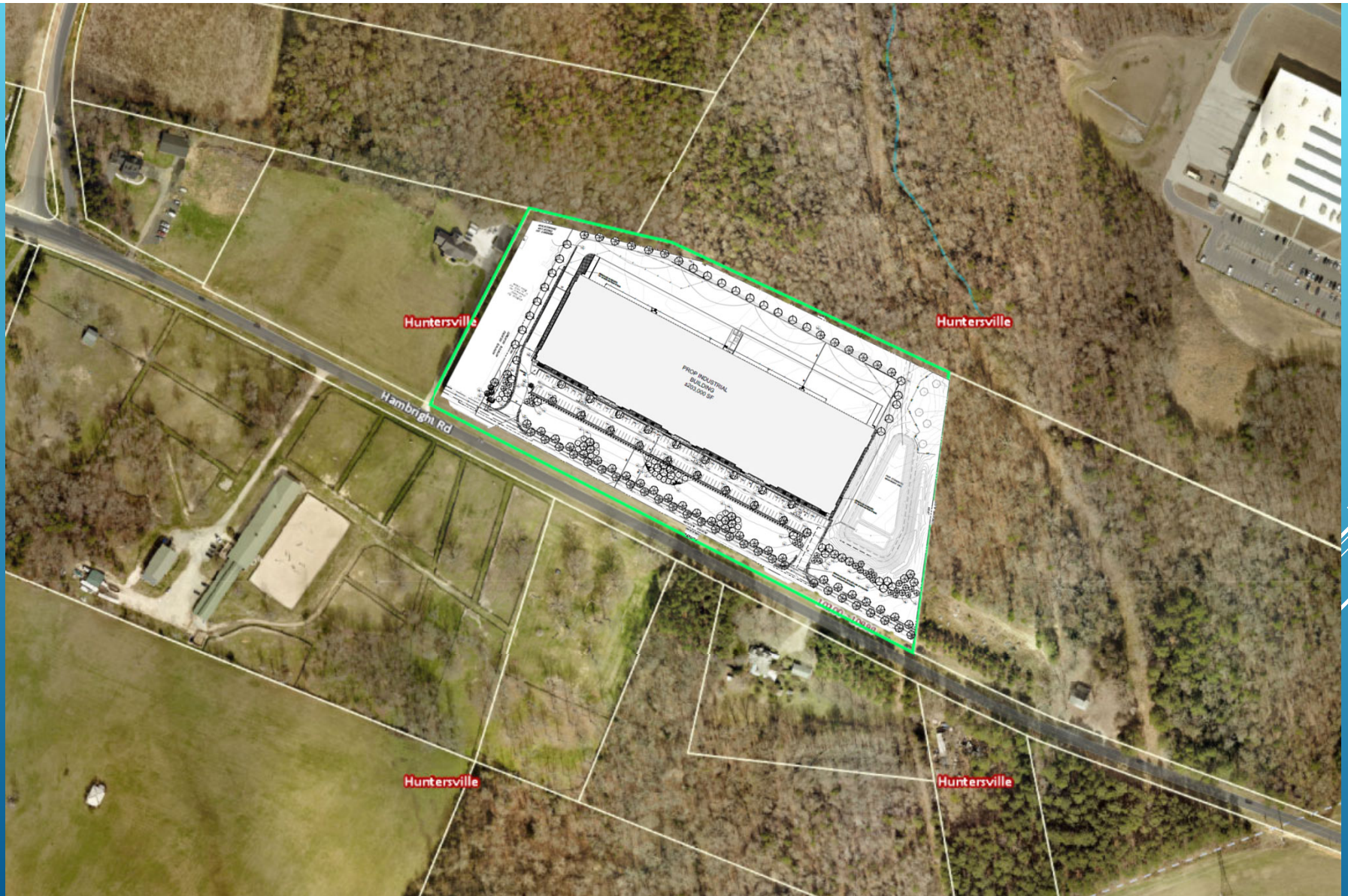
SEAL
NORTH CAROLINA
Professional Engineer
No. 10010000000000000000
J. L. S. MALL
6/16/2020

SHEET TITLE

LANDSCAPE PLAN

SHEET NUMBER
RZ - 4

ORG. DATE - 3/1/2019



Example Rendering



REZONING TIMELINE

Several thin, white, parallel diagonal lines are positioned in the bottom right corner of the slide, extending from the right edge towards the center.

POTENTIAL REZONING TIMELINE

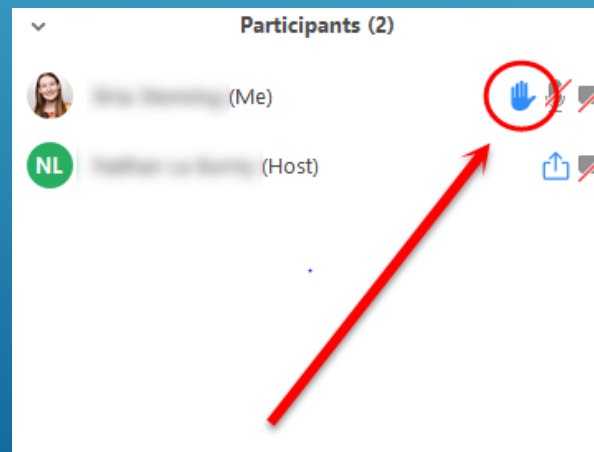
- Filed Application: June 1st
 - Community Meeting: TODAY
 - Earliest Possible Public Hearing: September 7th
 - Planning Board Meeting: September 28th
 - Earliest Possible Decision: October 18th
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner of the slide, creating a modern, abstract graphic element.

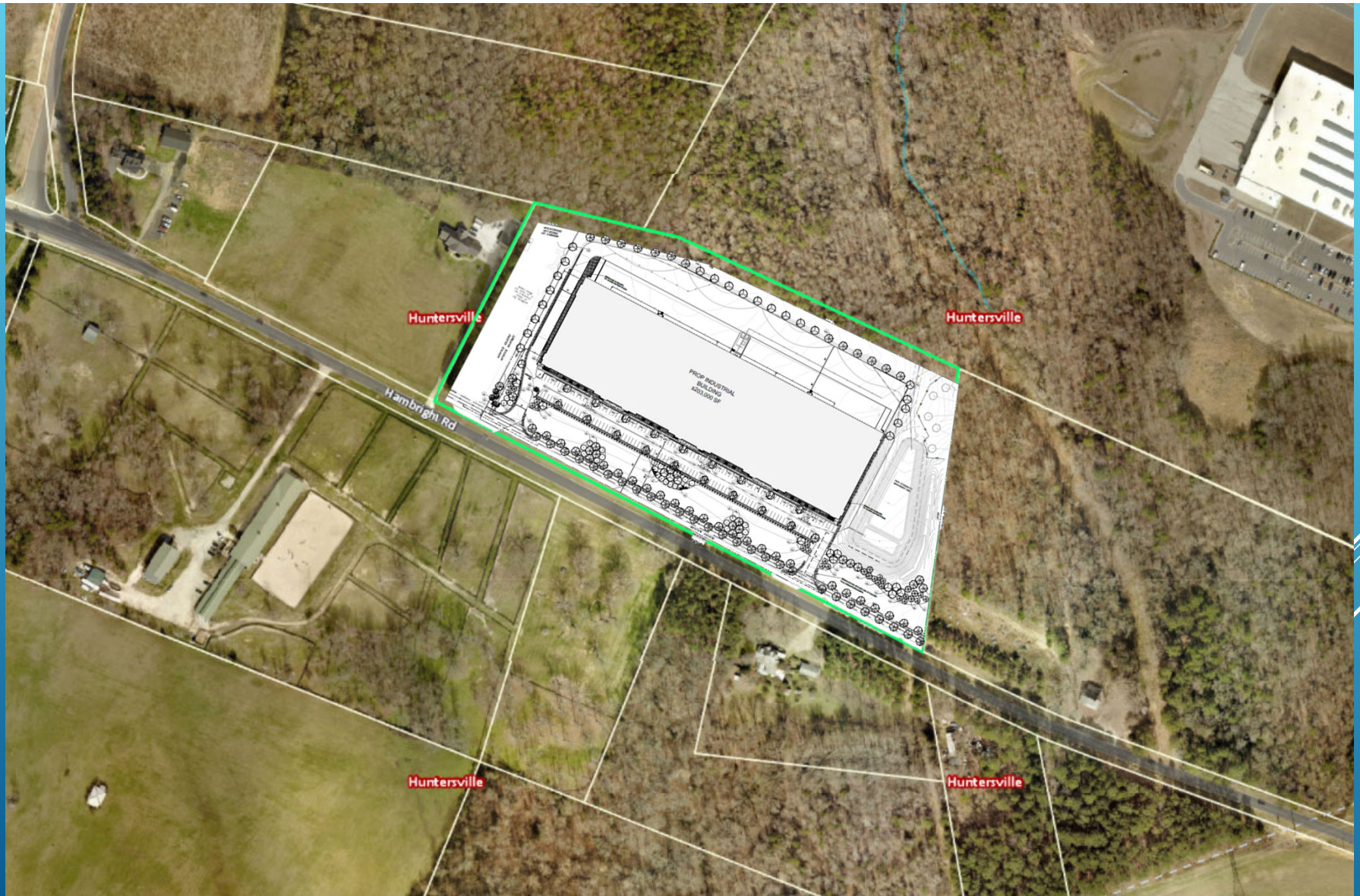
QUESTIONS & DISCUSSION

Type your
questions



Or ask out loud





THANK YOU!



Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (100) or more peak hour vehicle trips or 1,000 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: McDonald Development Company

Project Name: North Chase at The Park, Building 100

Project Address: Hambright Road

Project Description (including square footage for each proposed land use):
Warehouse building containing 203,000 square feet.

Applicant

Printed Name McDonald Development Company Phone 404-239-0885

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jay A. White

Title Senior Vice President Email twhite@mcdco.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 4/8/2021

Daily Trips Anticipated 1357

Peak Hour Trips Anticipated AM 81 PM 81

TIA Required (Yes/No) Yes

Date of Determination: 4/8/2021

Comments: Determination made based on 203,000 sq ft of Industrial Park Use (Land Use Code 130).



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 6/1/2021

Name of Project North Chase at The Park, Building 100 Phase # (if subdivision) _____

Project Address Hambright Road

Parcel Identification Number(s) (PIN) 01740103

Current Zoning District CB Proposed District (for rezoning only) CB (CD)

Property Size (acres) 15.408 acres Street Frontage (feet) 1,219 feet

Current Land Use Vacant

Proposed Land Use(s) Industrial/warehouse/flex

Is the project within Huntersville's corporate limits?

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

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

(see attached sheet)

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

Printed Name ADE 883, LLC Phone _____
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature _____ Printed Name: _____

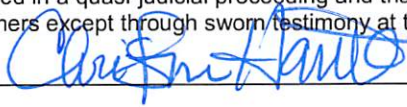
Title _____ Email _____

Address of Applicant _____

7. Property Owner (if different than applicant)

*Printed Name ADE 883, LLC Phone 678-403-4202
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name Christina Hamilton

Title Manager Email thamilton@ade1031.com

Address of Property Owner 3535 Roswell Road, Suite 63, Marietta GA 30062

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

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

8. Development/Design Firm Contact Information

McDonald Development Company	Tracy White	704-378-8757	twhite@mcdco.com
Development Firm	Name of Contact	Phone	Email
Bohler Engineering	Brian Miller	980-272-3400	bmiller@bohlereng.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

Section #3.

The Petitioner proposes a conditional rezoning plan to accommodate a warehouse/distribution development project with alternative landscape plantings within the required eighty (80) foot wide buffer area along Hambright Road.

The existing area includes pine trees intended to be harvested and provides very little visual screening at lower levels. The alternative proposal would more effectively screen surface parking areas while allowing some visibility of the building area to ensure a viable and successful development.

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE	PROPERTY_ADDRESS	Zoning
01740105	BURKERT SYSTEMHAUS LLC,	11425 MOUNT HOLLY	HUNTERSVILLE	NC	28078	11425 MT HOLLY-HUNTERSVILLE RD HUNTERSVILLE	CB
01701108	HIGH STANDARDS FARM LLC,	10204 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	10204 HAMBRIGHT RD HUNTERSVILLE	R
01740104	SPORTS VILLAGE LAND GROUP LLC,	16930 W CATAWBA AVE STE	CORNELIUS	NC	28031	10701 HAMBRIGHT RD HUNTERSVILLE	SP(CD)
01740103	ADE 883 LLC,	3715 NORTHSIDE PKWY NW	ATLANTA	GA	30327	HAMBRIGHT RD HUNTERSVILLE	CB
01722108	ADE 859 LLC,	3535 ROSWELL RD STE 63	MARIETTA	GA	30062	PATTERSON RD HUNTERSVILLE	CB
01740102	PONCE, ANGELO	10325 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	10325 HAMBRIGHT RD HUNTERSVILLE	CB
01703207	HOFER, RICHARD D HOFER, ALICIA S	136 TWIN LAKE CIRCLE	NEWPORT NEWS	VA	23608	10516 HAMBRIGHT RD HUNTERSVILLE	R
01703210	HOFER, RICHARD D HOFER, ALICIA S	136 TWIN LAKE CIRCLE	NEWPORT NEWS	VA	23608	10500 HAMBRIGHT RD HUNTERSVILLE	R
01701102	TUCKER, CATHERINE E	10204 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	10400 HAMBRIGHT RD HUNTERSVILLE	R
01703209	BIRMINGHAM, TAMMY	1093 READSBORO DR	MOUNT ULLA	NC	28125	10600 HAMBRIGHT RD HUNTERSVILLE	R(CD)

OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Charlotte Observer** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(202) 713-5613**.

Notice ID: AcpZXKWKjBtK9RYZdOc3 | **Proof Updated: Aug. 20, 2021 at 06:55am EDT**
Notice Name: September 7 | Publisher ID: IPL0037956

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Tracy Barron
tbarron@huntersville.org

FILING FOR

Charlotte Observer

Columns Wide: 1**Ad Class: Legals**

08/23/2021: Other Public Notices Notice	39.10
08/30/2021: Other Public Notices Notice	39.10

Subtotal	\$78.20
Tax %	0.00
Processing Fee	\$7.82
Total	\$86.02

NOTICE OF PUBLIC HEARING

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, September 7, 2021 on the following petition. This public hearing will be held virtually or in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive Huntersville NC 28078. COVID-19 protocols will be in place for an in-person meeting, details regarding this will be available one week prior to the meeting, as published on the meeting agenda.

Petition #R21-10, a request by ADE 883, LLC to rezone 10401 Hambright Road (tax ID 01740103) from Corporate Business to Corporate Business Conditional District, to reduce the planting requirements of the 80 foot CB buffer.

Petition #TA 21-07, a request by Nick Lombardo on behalf of North American Properties, to amend Article 4: Shopfront Building Architectural Standards and Principles of the Huntersville Zoning Ordinance, to allow metal panel accents up to 30 percent of any building façade visible from the street.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further information please contact the Planning Dept. at 704-875-7000 or go to www.huntersville.org.

W000000000000

Published Monday, August 23 and 30, 2021

ADE 883 LLC
3715 NORTHSIDE PKWY NW BLD 200 STE 700
ATLANTA GA 30327

RICHARD D HOFLER
ALICIA S HOFLER
136 TWIN LAKE CIRCLE
NEWPORT NEWS VA 23608

ANGELO PONCE
10325 HAMBRIGHT RD
HUNTERSVILLE NC 28078

TAMMY BIRMINGHAM
1093 READSBORO DR
MOUNT ULLA NC 28125

SPORTS VILLAGE LAND GROUP LLC
16930 W CATAWBA AVE STE 205
CORNELIUS NC 28031

ADE 859 LLC
3535 ROSWELL RD STE 63
MARIETTA GA 30062

BURKERT SYSTEMHAUS LLC
11425 MOUNT HOLLY HUNTERSVILLE RD
HUNTERSVILLE NC 28078

HIGH STANDARDS FARM LLC
10204 HAMBRIGHT RD
HUNTERSVILLE NC 28078

CATHERINE E TUCKER
10204 HAMBRIGHT RD
HUNTERSVILLE NC 28078

RICHARD D HOFLER
ALICIA S HOFLER
136 TWIN LAKE CIRCLE
NEWPORT NEWS VA 23608

CROSSWINDS PHASE 3 HOMEOWNERS ASSOCIATION INC
PO BOX 49443
CHARLOTTE NC 28277

HUNTERSVILLE BUSINESS PROPERTY OWNERS
ASSOCIATION INC
C/O SUSAN MELTON
13801 REESE BOULEVARD
HUNTERSVILLE NC 28078

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Jack Simoneau

Date: October 4, 2021

Subject: TA 21-13 Trinity Capital Advisors

EXPLAIN REQUEST:

Conduct public hearing on Petition #TA21-13, a request by Trinity Capital Advisors to amend the Zoning Ordinance allowing the Board of Commissioners to approve modification of a SWIM buffer in the Mountain Island Lake Overlay zone through a conditional rezoning process in the Corporate Business zoning district. (*Jack Simoneau*)

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA21-13 Staff Report
2. Signed Text Amendment Application
3. Text Amendment Application Attachment 9.6.21
4. Ordinance TA 21-13

TA 21-13 – Trinity Capital Advisors Mountain Island Lake Text Amendment

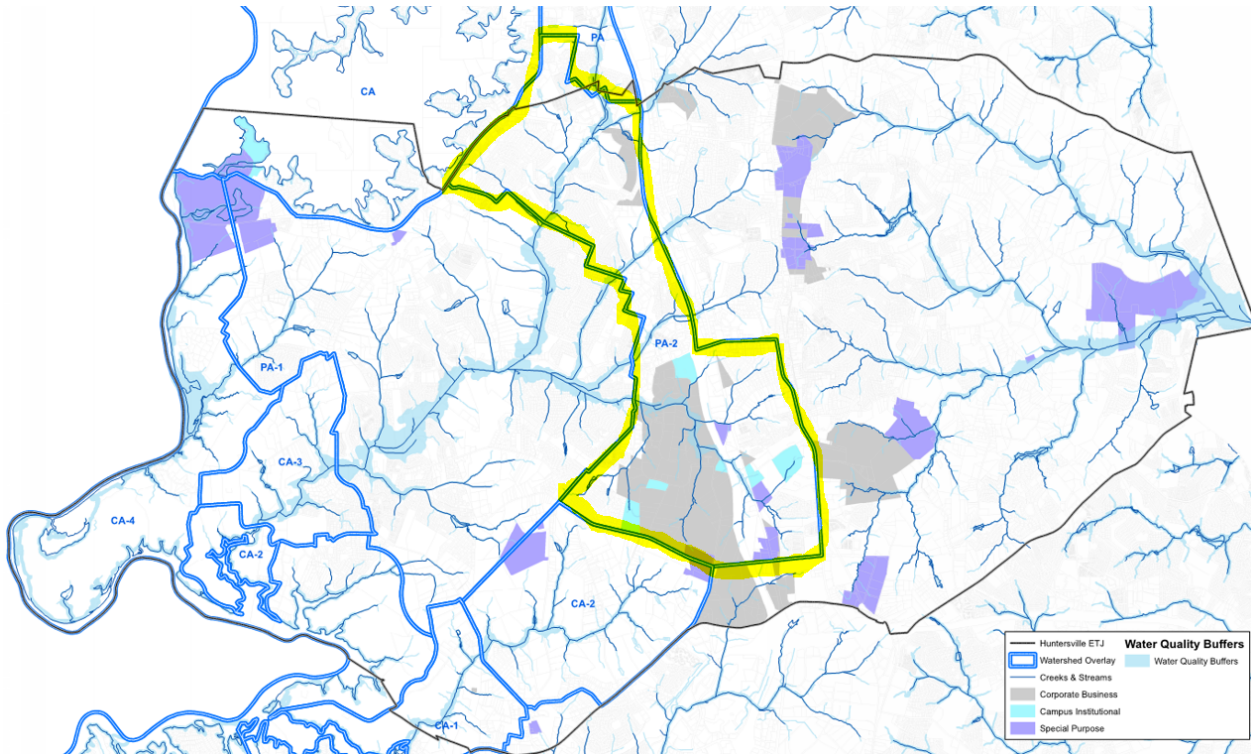
PART 1: DESCRIPTION

TA 21-13 is a text amendment request by Trinity Capital Advisors, LLC allowing small SWIM Buffers located in the PA-1 & PA-2 areas of the Mountain Island Lake Overlay Zone to be impacted in the Corporate Business district with a conditional district rezoning and mitigation.

PART 2: BACKGROUND

Under current standards, the only way to impact SWIM Buffers is by being one of the 8 exceptions listed in Section 8.25.10 OR by variance in accordance with Section 11.3 and implementing one of the nine mitigation options listed in Section 8.25.11(b).

Text amendment TA-09 allows an additional option to impact small SWIM Buffers (intermittent streams & perennial streams draining less than 50 acres) through a Corporate Business conditional district rezoning. However, this text amendment does not apply to small SWIM buffers that are also located in the PA-2 area of the Mountain Island Lake Overlay Zone UNLESS TA 21-13 is also approved. The below map illustrates the location of SWIM Buffers (streams) AND the Mountain Island Lake Overlay Zone (dark blue lines on the western side of Huntersville draining to Mountain Island Lake - yellow highlighted line is the PA-2 boundaries applicable to this text amendment). Small SWIM buffers within the Mountain Island Lake Overlay Zone PA-2 areas would be eligible to be impacted subject to a Corporate Business Conditional District rezoning and mitigation under TA 21-13. (NOTE Critical Areas 1, 2, 3 & 4 and PA-1 will not be impacted by this text amendment).



Because the Mountain Lake Overlay District is part of the state required Water Supply Watershed Protection regulations, text amendments must be approved by the State. On September 2, 2021, Mr. Paul

Clark, NC Water Supply Watershed Protection Coordinator, gave preliminary approval for the text amendment.

Huntersville Planning Department supports a text amendment providing an additional option to impact small SWIM Buffers through conditional rezoning in the Mountain Island Lake Overlay Zone because it is difficult for large footprint flex space buildings to design around them. Mr. Rusty Rozzelle, Program Manager for Mecklenburg County’s Water Quality Program is not opposed to the text amendment because of the limited number of properties potentially impacted and because mitigation would be provided to offset any negative water quality impacts.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers.

Comment: Proposed amendment provides flexibility in the employment center where development options are limited for large footprint flex space buildings. Conditional zoning process and mitigation per Section 8.25(11)(b) allows town to consider impact on SWIM buffers in the Mountain Island Lake Overlay zone on the merits of each case.

Policy EV-1: Support a balanced economy through job growth in target industry sectors.

EV 1.4: Review development standards to support business growth.

- Support efforts to improve efficiency and responsiveness of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand.

Comment: Staff finds providing another option for minor SWIM buffer impacts in the Mountain Island Lake Overlay zone through conditional zoning in the CB district reflects a proper balance of environmental protection and economic development.

Policy EOS-1: Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

Comment: While the amendment allows impacts to intermittent streams and perennial streams draining under 50 acres in the Mountain Island Lake Overlay Zone, mitigation per Section 8.25.11(b) would be required.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the text amendment language.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the proposed text amendment 6-1 on September 2, 2021.

PART 6: PUBLIC HEARING

September 20, 2021

PART 7: PLANNING BOARD RECOMMENDATION

September 28, 2021

PART 8: ATTACHMENTS

1. Applicant's Text Amendment Application
2. Applicant's Text Amendment Language
3. Ordinance

PART 9: STATEMENT OF CONSISTENCY – TA 21-13

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-13, Planning Staff recommends approval based on consistency with LU-8, EV-1 and EOS-1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment allows an additional option to impact SWIM buffers subject to a conditional rezoning and mitigation.	APPROVAL: In considering the proposed amendment TA21-13, Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because... <i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA21-13, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: N/A In considering the proposed amendment TA20-13, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>	DENIAL: In considering the proposed amendment TA20-13, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>



Text Amendment Application

Date of Application August 26, 2021

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 8 Section(s): 8.25.10

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed
Change

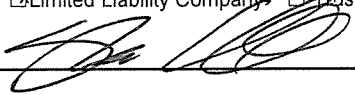
Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Sherrie Chaffin / Trinity Capital Advisors, LLC

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature  Date 8/26/21

Title Director of Development Email sls@trinitycapitaladvisors.com

Address of Applicant 440 S. Church Street, Suite 800, Charlotte, NC 28202

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

8.25. 10 and 3.3.2 B.(g) ATTACHMENT TO TEXT AMENDMENT

ORDINANCE: Huntersville Zoning Ordinance

Sections:

Section 8.25.10 Buffer Impacts Permitted Under Section 8.25, S.W.I.M.

Section 3.3.2-B Protected Areas (PA-1, PA-2)

Party Proposing the Amendment: Trinity Capital Advisors, LLC

Reason for Requested Change:

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville Community Plan and other adopted long range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Vision Statement, 2040 Town of Huntersville Community Plan, by, among other things, helping to provide meaningful economic development, balance the tax base, attract target industries, and provide more opportunities for people to work in Huntersville due to expansion of the industrial and commercial base.
3. The proposed amendment is consistent with the Policy Recommendations, 2040 Town of Huntersville Community Plan, by facilitating industrial and commercial growth in areas that are suitable for business and industrial development.
4. The proposed amendment is consistent with the Policy Recommendations, 2040 Town of Huntersville Community Plan, because the amendment improves a development standard that supports business growth.
5. The proposed amendment adds the Protected Area (PA2) of the Mountain Island Lake Watershed Overlay District (MIL District) to Section 8.25.10 and allows, as part of a conditional zoning, the Board of Commissioners to approve a modification of perennial tributary buffers in the PA2 areas of the MIL District which drain less than 50 acres, without a variance as long as one of the nine mitigation techniques set forth in Subsection 11(b) are implemented. The provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.
6. Section 3.3.2, Mountain Island Lake Watershed Overlay District, imposes additional buffer restrictions on property that is located in the critical and protected areas of the overlay district. The PA2 of the MIL District is the larger, less restricted area of the overlay district and, as such, a significant amount of property that is designated for Corporate Business in the Community Plan is in the PA2. The PA2 area has fewer restrictions than critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. This amendment will allow for industrial and commercial buildings in the Corporate Business, PA2 of the MIL District, that are shown in the 2040 Community Plan as preserved for industrial and commercial businesses, to be built without being required to reduce the size of the building, or not built at all, due to a perennial tributary. Mitigation is

still required and the amendment is limited only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

Proposed Changes to the Ordinance:

In order to accomplish this purpose, the Applicant proposes the following changes to the Ordinance:

Amend Section 8.25.10 by adding the underlined section to .10:

The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.

- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
- Near perpendicular (75° or greater) utility crossings as approved by Charlotte-Mecklenburg Utilities.
- Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated, where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.
- Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate stormwater.
- Incidental drainage improvements/repairs for maintenance.
- Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
- Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.
- In the Corporate Business Zoning District as part of an approved conditional zoning, the Board of Commissioners may approve a modification to an intermittent stream buffer and perennial stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Subsection 11(b) below
- In the event the property is also in the Protected Area (PA2), of the Mountain Island Lake Watershed Overlay District, as defined in Section 3.3.2, and as part of an approved conditional zoning in the Corporate Business Zoning District, the Board of Commissioners may approve a modification to a perennial stream buffer draining under 50 acres without a variance subject to implementing one of the

nine mitigation techniques in Subsection 11(b) below. This provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

Amend Section 3.3.2. B. g) by adding the underlined section as 10):

g) Buffer Protection

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- 1) The surveyed buffer boundary must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance.
- 2) The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
- 3) No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the “Watershed Buffer Guidelines for Mecklenburg County, NC” and as approved by the Mecklenburg County Water Quality Program.
- 4) Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Mecklenburg County Engineering Department and the Mecklenburg County Water Quality Program.
- 5) Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs and pervious materials.
- 6) During new development or the expansion of existing development, the Town, upon the advice of the Mecklenburg County Water Quality Program, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the “Watershed Buffer Guidelines for Mecklenburg County, NC”.
- 7) Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the “Watershed Buffer Guidelines for Mecklenburg County, NC” so that the buffer can effectively perform its filtering and absorption functions.

8) Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the “Watershed Buffer Guidelines for Mecklenburg County, NC.” If in a common area, such development and trails must be located a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the Mecklenburg County Water Quality Program.

9) Non-conforming structures and increasing built-upon area may be permitted if the following criteria are met:

a. The existing structure (to be expanded) was built prior to the enactment of the 1993_watershed ordinance.

b. The Built-upon area (BUA) of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.

c. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA in the buffer is 4%.

d. Existing BUA shall not be increased within the State minimum 50-foot buffer.

e. Best Management Practices (BMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):

i. 85% removal of Total Suspended Solids (TSS)

ii. 60% removal of Total Phosphorus (TP)

f. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville’s Water Quality Ordinance.

g. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville’s Water Quality Ordinance.

h. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.

i. All structural BMPs must be inspected and certified annually for compliance with design criteria by a licensed NC. engineer in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.

j. Any deficiencies detected to the BMP or any other mitigation measure must be corrected within 30 days of detection at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.

10) Property in the Mountain Island Lake Overlay District Protected Area (PA2), which is also part of an approved conditional zoning in the Corporate Business Zoning District, may request the Board of Commissioners to approve a modification to a perennial stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Section 8.25. 11(b). This provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

TA 21-13 Attachment 3: AN ORDINANCE TO AMEND ARTICLE 3.3.2-B(g)(10)

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.2-B(g) of the **Zoning Ordinance** is hereby amended by adding (10) below:

10) Property in the Mountain Island Lake Overlay District Protected Area (PA2), which is also part of an approved conditional zoning in the Corporate Business Zoning District, may request the Board of Commissioners to approve a modification to a perennial or intermittent stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Section 8.25. 11(b). This provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

Section 2. That this ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021 (Approval 6-1)

PUBLIC HEARING DATE: 10-4-2021

PLANNING BOARD MEETING: 10-14-2021

TOWN BOARD DECISION: 10-18-2021

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Stephen Trott

Date: October 4, 2021

Subject: Petition #TA21-12, Article 14 of Zoning Ordinance

EXPLAIN REQUEST:

Conduct a public hearing on Petition TA21-12, a request by the Huntersville Engineering Department to amend Article 14 of the Huntersville Zoning Ordinance regarding traffic impact analysis.

ACTION RECOMMENDED:

None

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. TA21-12 Article 14 Modification Staff Report
2. Draft Option 1 Article 14 Edits
3. Draft Option 1 Article 14 changes for threshold increase
4. Option 2 Article 14 repeal
5. Draft Option 2 Section 6 of Subdivision Ordinance Change
6. Text Amendment Application

TA 21-12 – TIA Ordinance Modification

PART 1: DESCRIPTION

TA21-12 is a request by the Huntersville Engineering Department to amend the requirements of Article 14 of the Huntersville Zoning Ordinance to modify the Traffic Impact Analysis (TIA) requirements for the Town.

PART 2: BACKGROUND

On June 21, 2021 and August 2, 2021, the Town Board was presented information on the Town's TIA Ordinance performance over the past several years. Based on direction received from the Town Board at the August 2, 2021 Town Board Meeting, two options for modification to Article 14 of the Zoning Ordinance were prepared.

One option (Option 1) is to raise the threshold to require a Town TIA from 100 peak hour or 1,000 daily trips to 150 peak hour or 1,500 daily trips. Additionally, as presented, language was added to provide the Town Engineer the ability to waive a Town TIA if a TIA for the development was being required by the North Carolina Department of Transportation (NCDOT). Additional changes are also proposed to raise the thresholds on intersections to be studied when a TIA is required from 30 site trips on an intersection approach or 50 site trips at an intersection to 40 site trips on an intersection approach or 70 site trips at an intersection.

A second option (Option 2) is to repeal Article 14 of the Town Zoning Ordinance in its entirety.

The draft Ordinance language for Options 1 and 2 are attached. Language to be removed is indicated with a strike through and new language is underlined.

PART 4: STAFF RECOMMENDATION

Engineering staff recommends Option 1 to raise the threshold to require a TIA, provide the Town Engineer the option to waive a TIA if NCDOT requires a TIA, and to raise the threshold for required study at intersections.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) reviewed the proposed text on September 2nd, 2021. After discussion, the HOAB recommended approval (6 for, 3 against) of raising the study threshold to 150 peak hour trips/1500 daily trips and provide the Town Engineer the ability to waive a Town required TIA if NCDOT required one. The HOAB recommendation did not include the portion of the option to increase the thresholds for intersections to be studied.

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for October 4, 2021.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment on October 26, 2021.

PART 8: ATTACHMENTS AND ENCLOSURES

- Draft Language Ordinance

ARTICLE 14: TRAFFIC IMPACT ANALYSIS

14.1 Overview

To lessen congestion in the streets and to facilitate the efficient and adequate provision of transportation and other public services pursuant to N.C.G.S § 160D-701, proposed development plans shall be subject to a determination of the sufficiency of infrastructure as defined by predetermined levels of service in accordance with this Article.

When a Traffic Impact Analysis (TIA) is required to determine the sufficiency of infrastructure pursuant to Section 14.2, the TIA will be prepared by a qualified traffic engineering consultant retained by the applicant or petitioner and reviewed and approved by the Town.

Infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demand generated by the proposed development, as well as other approved developments and the Comprehensive Transportation Plan.

Pursuant to subsection 14.4.2, when infrastructure is determined to have insufficient capacity to accommodate the demand generated by the proposed development, the applicant or petitioner may propose to mitigate the impact of the development by constructing, or providing sufficient funding for the construction of, infrastructure or facilities necessary to provide sufficient capacity to accommodate the development. The commitment to construct or fund the construction of infrastructure or facilities shall be included as a condition of development.

14.2 Applicability

14.2.1 Generally.

- a) A TIA is required for any development or portion thereof, which is expected to create one hundred fifty (15000) or more peak hour vehicle trips or one thousand five hundred (1,500000) or more daily vehicle trips except as provided in subsections (c) through (f) below or when road improvements are excluded by North Carolina State Law. Daily trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the ITE (Institute of Transportation Engineers) Trip Generation Manual, with the exception of public and private schools which will be based on the North Carolina Department of Transportation's (NCDOT's) most recent MSTA School Traffic Calculator. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town Engineering staff approval. The Town Engineer may waive the TIA requirement set forth herein when a TIA is required by NCDOT and completed pursuant to NCDOT standards.
- b) The determination of the number of trips generated also shall take into account pass-by trips, internal trip capture for integrated mixed-use projects (e.g., roadway and/or pedestrian connectivity) and any proposed transportation demand management system where adequate warranties are provided by the applicant to the Town, which ensure the proposed demand management system will function as proposed for the life of the project. In addition, if the proposed development is designed and integrated with an adjacent mixed-use project, a credit for trips may be permitted.
- c) For redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development over and above the number of trips generated by the current use of the site.
- d) Where a development is expected to generate less than one hundred fifty (15000) peak hour trips, but is anticipated to adversely impact intersections within the Town, a TIA may be required as determined by the Town Engineer.

- e) No TIA shall be required for special events, which either are temporary in nature, consistent with the Town Zoning Ordinance, or which generate trips that meet or exceed the thresholds set forth in (a), but which do not occur during the peak hours of the roadways adjacent to the proposed development.
- f) A “Determination of Need” for a TIA shall be made by the Town in accordance with the trip generation standards set forth in subsection 14.2.1. (See the *Town of Huntersville TIA Process and Procedures Manual* for additional information.).
- g) Nothing herein shall prohibit the Town from determining the sufficiency of infrastructure as defined by the predetermined levels of service in accordance with this Article, regardless of whether the thresholds set forth above for requiring a TIA have been met.
- h) The provisions of this Article shall not be interpreted or deemed to affect any rights that have vested prior to the effective date of this Article, nor shall any provision of this Article be applied to a specific property or applicant in a manner that would result in a taking of property.
- i) The provisions of this Article shall not apply to any development proposal that was part of a conditional zoning plan or subdivision plan submitted prior to the effective date of this Article.

14.2.2 Consecutive or Sequential Applications.

Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of this Article. Two or more developments represented to be separate developments shall be aggregated and treated as a single development under this Article if the Administrator determines them to be part of a unified plan of development and physically proximate to one another, based on the following factors:

- a) There is unified ownership, indicated by the fact that:
 - 1) The same person has retained or shared control of the developments;
 - 2) The same person has ownership or a significant legal or equitable interest in the developments; or
 - 3) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
- b) There is a reasonable closeness in time between the completion of eighty (80) percent or less of one development and the submission to the Town of a development proposal for a subsequent development that is indicative of a common development effort.
- c) The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.
- d) There is a common advertising scheme or promotional plan in effect for the developments.
- e) Any information provided by the applicant that the project is not being phased or subdivided to avoid the requirements of this Article.

14.2.3 TIA Submission and Completion Requirement

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA scoping. Once the TIA scoping is complete, the applicant may proceed with the TIA study report, in accordance with the terms of the most recent version of the *Town of Huntersville TIA Process and Procedures Manual*, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to either the Town Board Public Hearing (for rezoning cases) or the Planning Board Meeting (subdivisions). Resubmittals of TIAs ~~are to be received~~ shall be submitted a minimum of 20 business days prior to the scheduled Town Board final action. The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

14.3 Impact Study Area

The impact study area designates the intersections for a TIA study where potential increases in traffic from the development may cause degradation of levels of service. Where traffic from the proposed development is anticipated to increase a signalized or major unsignalized intersection single approach by ~~30-40~~ vehicles in a peak hour or increase the total of all approaches by ~~50-70~~ vehicles in a peak hour, the intersection shall be studied in the TIA. Should an intersection be considered at its ultimate buildout laneage or configuration or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) prior to final action taken by the Town Board, the Town Engineer may waive the requirement to include the intersection for study in the TIA.

14.4 Intersection Capacity Utilization Percentage Standards; Mitigation; Compliance; Excess Capacity

14.4.1 Intersection Capacity Utilization Percentage Standards

The following Intersection Capacity Utilization (ICU) percentage standards, measured using the most recent methodology, shall be used when determining the adequacy of intersections within the applicable impact area:

Zoning District	Adopted ICU Percentage*
Rural and TR Districts	73.0 (LOS C)
Town Center and TOD	91.0 (LOS E)
All other Districts	82.0 (LOS D)

**ICU percentage relates to the relative capacity of an intersection to accommodate vehicular traffic where a value of 100 percent means that the intersection is at capacity and likely experiences congestion periods of 60 minutes.*

Where an intersection is located within more than one zoning district, the less restrictive ICU percentage shall apply to the entire intersection for purposes of complying with this Article.

14.4.2 Mitigation

Infrastructure shall be considered sufficient if the ICU percentage is at or below those established in Section 14.4.1 or when, as a result of proposed development, an increase in the ICU percentage is three (3) percent or less.

Where an ICU percentage is above those established in Section 14.4.1 or, as a result of proposed development, becomes greater than the adopted standard ~~and~~ ~~AND~~ has increased by more than 3 percent; a development application may be approved if the applicant proposes measures that fully mitigate the transportation impacts of the proposed development.

Proposed mitigation shall fully reduce the ICU percentage of the impacted intersection to either the adopted standard in Section 14.4.1 or to within 3 percent of the no-build ICU percentage.

Proposed mitigation measures ~~required~~ to meet the ICU percentage standards of Article 14.4.1 may be modified, subject to Town Board approval, in order to substantially achieve the intent of this ordinance with input provided by the Town Engineer.

A modification to the proposed mitigation, which may be considered by the Town Board as meeting the intent of the ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond ~~that required to meet the minimum~~ ICU percentage standards/requirements) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections. The method of measurement considered in determining the acceptability of such modifications will be the net effect on the cumulative ICU percentage totals.

Proposed mitigation may also include the provision of funding for transportation improvements on planned or funded Town or NCDOT projects previously adopted such that the improvements can be advanced to mitigate the impacts of the proposed development. This funding mitigation may be accepted by the Town Board only where it is shown that such mitigation is a reasonable substitute for actual construction based on the ICU percentage totals and anticipated construction schedules of the projects. Proposed mitigation shall be included as a condition of approval.

Transportation improvements provided through mitigation, pursuant to this Article, shall be completed and available within three (3) years of the approval of the development proposal, unless expressly provided otherwise by the Town Board or other applicable Town permitting authority. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be secured by a performance guarantee at 115 percent of the cost to complete of the remaining ~~required~~ improvement(s), as reviewed and approved by the Town Engineer. All necessary right-of-ways for the ~~required~~ transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy, whenever practicable.

Mitigation measures shall be consistent with the Standards found within the Town of Huntersville TIA Process and Procedures Manual and the Town Engineering Standards and Procedures Manual.

14.4.3 Compliance

- a) If the ICU percentage for an impacted intersection is greater than the adopted ICU percentage identified in Section 14.4.1 or, as a result of the proposed development, is anticipated to be greater than the adopted ICU percentage in Section 14.4.1, no application or petition subject to the requirements of this Article shall be approved unless the applicant or petitioner proposes sufficient mitigation of the impact of the proposed development. This determination shall be based on methodology identified in section 14.4.2
- b) In the alternative to mitigation, the developer may elect to phase the project, reduce its intensity, or delay the project until the ICU percentage standards have been met as a result of a constructed transportation improvement by the Town, NCDOT or other party.

14.5 Contents of TIA

14.5.1 General.

TIAs shall generally follow the guidelines set forth by the ITE's publication entitled *Transportation Impact Analysis for Site Development* and be consistent with the *Town of Huntersville TIA Process and Procedures Manual*, or guidelines as required by the Town Engineer, and may include, but are not limited to, the following:

- a) traffic analysis information related to trip generation, peak hour impacts, and other factors evaluated to determine compliance with applicable ICU percentage standards for intersections within the impact area;
- b) site location map and site layout;
- c) existing and proposed land uses;
- d) timing and phasing of the proposed development, by month and/or year;
- e) a narrative describing the project, including any special transportation-related impacts or considerations; and
- f) other information determined by the Town's Traffic Engineer to be necessary in order to determine whether the proposed project complies with the requirements of this Article and the requirements of the ITE guidelines for the preparation of transportation impact analysis for site development.

14.5.2 Demand Measures. TIAs shall take into account the following demand factors:

- a) Existing traffic volumes;
- b) Background traffic, including, historical growth traffic and projected trips associated with approved, but unbuilt development(s); and
- c) The trips to be generated by the proposed development.

14.5.3 Capacity Measures. TIAs shall take into account the following existing or anticipated capacity measures:

- a) Existing road segments and intersections;
- b) –Roadway and intersection improvements funded by the Town in the current year Capital Improvement Plan, NCDOT, or other party, scheduled to be completed ~~and available within three (3) years of the approval of the development proposal,~~ or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) and which either have or are reasonably certain to have all necessary governmental approvals and funding such that these timeframes can be met.

14.5.4 Description-.

TIAs shall describe what, if any, transportation facility improvements within the impact area are needed in order for the proposed development to comply with Section 14.4 of this Article. A TIA that does not identify the transportation facility improvements within the impact area to comply with Section 14.4 will be returned to the applicant or petitioner as incomplete.

14.6 Intergovernmental Coordination

While the Town coordinates with NCDOT and other appropriate governmental agencies on development proposals, it is the responsibility of the applicant or petitioner to contact NCDOT to discuss access and traffic impact issues on state roads.

14.7 Appeals and Variances

An applicant may seek a variance from the terms of this Article or appeal a determination by the Zoning Administrator or other administrative official-, made pursuant to the terms of this Article, to the Board of Adjustment, as provided in Article 11.3 of the Zoning Ordinance.

AN ORDINANCE TO AMEND ARTICLE 14 OF THE ZONING ORDINANCE TO MODIFY THE THRESHOLD TO REQUIRE A TIA, THE THRESHOLD TO REQUIRE AN INTERSECTION TO BE STUDIED, AND OTHER VARIOUS CLARIFICATIONS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.1(a) of the **Zoning Ordinance** is hereby amended as follows:

- a) A TIA is required for any development or portion thereof, which is expected to create one hundred **fifty** (~~100~~ **150**) or more peak hour vehicle trips or one thousand **five hundred** (~~1,000~~ **1,500**) or more daily vehicle trips except as provided in subsections (c) through (f) below or when road improvements are excluded by North Carolina State Law. Daily trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the ITE (Institute of Transportation Engineers) Trip Generation Manual, with the exception of public and private schools which will be based on the **North Carolina Department of Transportation's** (NCDOT's) most recent MSTC School Traffic Calculator. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town Engineering staff approval. **The Town Engineer may waive the TIA requirement set forth herein when a TIA is required by NCDOT and completed pursuant to NCDOT standards.**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.1(d) of the **Zoning Ordinance** is hereby amended as follows:

- d) Where a development is expected to generate less than one hundred **fifty** (~~100~~ **150**) peak hour trips, but is anticipated to adversely impact intersections within the Town, a TIA may be required as determined by the Town Engineer.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.3 of the **Zoning Ordinance** is hereby amended as follows:

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA **scoping**. **Once the TIA scoping is complete, the applicant may proceed with the TIA** ~~report~~, in accordance with the terms of the most recent version of the *Town of Huntersville TIA Process and Procedures Manual*, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to either the Town Board Public Hearing (for rezoning cases) or the Planning Board Meeting (subdivisions). Resubmittals of TIAs ~~are to be received~~ **shall be submitted** a minimum of 20 business days prior to the scheduled Town Board final action. The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.3 of the **Zoning Ordinance** is hereby amended as follows:

The impact study area designates the intersections for a TIA study where potential increases in traffic from the development may cause degradation of levels of service. Where traffic from the proposed development is anticipated to increase a signalized or major unsignalized intersection single approach by ~~30~~ **40** vehicles in a peak hour or increase the total of all approaches by ~~50~~ **70** vehicles in a peak hour, the intersection shall be studied in the TIA. Should an intersection be considered at its ultimate buildout laneage or configuration or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) prior to final action taken by the Town Board, the Town Engineer may waive the requirement to include the intersection for study in the TIA.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.4.2 of the **Zoning Ordinance** is hereby amended as follows:

Infrastructure shall be considered sufficient if the ICU percentage is at or below those established in Section 14.4.1 or when, as a result of proposed development, an increase in the ICU percentage is three (3) percent or less.

Where an ICU percentage is above those established in Section 14.4.1 or, as a result of proposed development, becomes greater than the adopted standard ~~and~~ **AND** has increased by more than 3 percent; a development application may be approved if the applicant proposes measures that fully mitigate the transportation impacts of the proposed development.

Proposed mitigation shall fully reduce the ICU percentage of the impacted intersection to either the adopted standard in Section 14.4.1 or to within 3 percent of the no-build ICU percentage.

Proposed mitigation measures ~~required~~ to meet the ICU percentage standards of Article 14.4.1 may be modified, subject to Town Board approval, in order to substantially achieve the intent of this ordinance with input provided by the Town Engineer.

A modification to the proposed mitigation, which may be considered by the Town Board as meeting the intent of the ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond ~~that required to meet the minimum~~ **ICU percentage standards requirements**) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections. The method of measurement considered in determining the acceptability of such modifications will be the net effect on the cumulative ICU percentage totals.

Proposed mitigation may also include the provision of funding for transportation improvements on planned or funded Town or NCDOT projects previously adopted such that the improvements can be advanced to mitigate the impacts of the proposed development. This funding mitigation may be accepted by the Town Board only where it is shown that such mitigation is a reasonable substitute for actual construction based on the ICU percentage totals and anticipated construction schedules of the projects. Proposed mitigation shall be included as a condition of approval.

Transportation improvements provided through mitigation, pursuant to this Article, shall be completed and available within three (3) years of the approval of the development proposal, unless expressly provided otherwise by the Town Board or other applicable Town permitting authority. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be secured by a performance guarantee at 115 percent of the cost **to complete** ~~of the~~ remaining ~~required~~ improvement(s), as reviewed and approved by the Town Engineer. All necessary right-of-way for the ~~required~~ transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy, **whenever practicable**.

Mitigation measures shall be consistent with the Standards found within the Town of Huntersville TIA Process and Procedures Manual and the Town Engineering Standards and Procedures Manual.

Section 6. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.5.3b) of the **Zoning Ordinance** is hereby amended as follows:

Roadway and intersection improvements funded by the Town in the current year Capital Improvement Plan, NCDOT, or other party, scheduled to be completed ~~and available within three (3) years of the approval of the development proposal~~ or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) and which

either have or are reasonably certain to have all necessary governmental approvals and funding such that these timeframes can be met.

Section 7. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

PLANNING BOARD MEETING: October 26, 2021

TOWN BOARD DECISION: November 1, 2021

**AN ORDINANCE REPEALING ARTICLE 14 OF THE ZONING ORDINANCE AND AMENDING ARTICLES 9 AND 11 OF THE
HUNTERSVILLE ZONING ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 14 of the Huntersville Zoning Ordinance is repealed, and Articles 9 and 11 of the Huntersville Zoning Ordinance is amended as follows:

Section 1. Article 14 of the Zoning Ordinance entitled "Traffic Impact Analysis (TIA)" is repealed in its entirety.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.23b of the **Zoning Ordinance** is hereby amended as follows:

~~b. That the proposed or existing use will be in compliance with the rules and regulations as established by Traffic Impact Analysis (TIA) Article 14.~~

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.6.1b4) of the **Zoning Ordinance** is hereby amended as follows:

~~4) if required under Article 14, no Traffic Impact Assessment has been approved by the Town.~~

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.6.2a) of the **Zoning Ordinance** is hereby amended as follows:

a) Site plans shall be required from applicants prior to issuance of any Permit (building, zoning, special use permit, variance) if deemed necessary by the Zoning Administrator to determine zoning compliance. ~~If required by Article 14, a Traffic Impact Assessment shall be submitted with the residential or nonresidential site plan.~~

Section 5. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

PLANNING BOARD MEETING: October 26, 2021

TOWN BOARD DECISION: November 1, 2021

AN ORDINANCE TO AMEND SECTION 6 OF THE HUNTERSVILLE SUBDIVISION ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 6 of the Subdivision Ordinance is hereby amended as follows:

Section 1. Section 6.200(19) shall be amended to read as follows:

19. Impact of Development on Public Facilities

When reviewing certain subdivisions, the town shall consider the impacts the proposed development will have on public facilities in light of the requirements of Section 6.300(13) and ~~Article 14 of the Town Zoning Ordinance~~, as applicable. The developer shall demonstrate the proposed subdivision does not adversely affect the health, safety and welfare of the community, and where applicable, the developer may provide mitigation measures to minimize adverse impacts. Examples of mitigation measures include altering development layout and plans, providing improvements at nearby intersections to address impacts of that development (not existing deficiencies), and providing street connections to adjoining property for safe and efficient movement of traffic, as further provided in Section 6.300(13) and ~~Article 14 of the Zoning Ordinance~~.

Section 2. Section 6.300(13) shall be amended to read as follows:

13. ~~Traffic Impact Assessments~~; Physical Analysis.

- ~~1. a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.~~
- ~~2.~~1. for developments of twenty (20) or more residential units or equivalent traffic generation a Physical Analysis (type of units expected including number of bedrooms, projected values, size and timing of phases, etc.).

Section 3. Section 6.850 shall be amended to read as follows:

~~6.850 TRAFFIC IMPACT ASSESSMENTS~~

~~Where required, Traffic Impact Assessment shall be provided by the applicant, in accordance with Article 14 of the Town Zoning Ordinance, which are incorporated by this reference.~~

Section 4. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

PLANNING BOARD MEETING: October 26, 2021

TOWN BOARD DECISION: November 1, 2021



Text Amendment Application

Date of Application 8-10-21

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / ~~Other~~

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): See Attached Article(s): _____ Section(s): _____

Current Ordinance

See Attached

Proposed Text

Option 1: increase TIA thresholds
Option 2: Delete TIA and refer to NCDOT

Reason for Proposed
Change

To Address concerns with TIA
Regulations

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Jack Simoneau

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jack Simoneau Date 8-10-21

Title Planning Director Email jssimoneau@huntersville.org

Address of Applicant PO Box 664 Huntersville NC 28070

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: 8-10-21

Staff Initials: [Signature]

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Lauren Speight

Date: October 4, 2021

Subject: Public Hearing - Petition #TA21-08

EXPLAIN REQUEST:

Conduct public hearing for TA21-08 is a text amendment request submitted by the Town of Huntersville Planning Department to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance.

ACTION RECOMMENDED:

Conduct a public hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Attachment 1 Draft Ordinance
2. Attachment 2 Application
3. TA21-08 SWIM Delineation - PH Staff Report _10 4 21

**AN ORDINANCE TO AMEND ARTICLE 8.25.4: S.W.I.M. Stream Buffers, Buffer Delineation;
ARTICLES 8.17.12(a)(2) and 8.17.12 (b)(1): WATER QUALITY, PERFORMANCE CRITERIA,
PERFORMANCE CRITERIA FOR LOW DENSITY PROJECTS; PERFORMANCE CRITERIA FOR HIGH
DENSITY PROJECTS; AND, ARTICLE 12.2.3: DEFINITIONS, WATERSHED DEFINITIONS**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.25.4: S.W.I.M. Stream Buffers, Buffer Delineation of the **Zoning Ordinance** is hereby amended as follows:

S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville, shall be delineated by: **1)** Mecklenburg County through its geographic information system (GIS) ~~using the most current digital elevation model (DEM) of no greater than 10-foot cells;~~ **or, 2)** **if seeking a land development permit or when a property owner believes that the GIS buffer delineations inaccurately depict buffer requirements, an on-site stream delineation prepared by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology and which is approved by the Town.** ~~This stream buffer delineation including buffer widths shall be periodically updated as new data becomes available. The most recent delineation shall be provided for public use through Mecklenburg County's website.~~

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Articles **8.17.12(a)(2); 8.17.12(b)(1):** Water Quality, Performance Criteria, Performance Criteria for Low Density Projects; Performance Criteria for High Density Projects of the **Zoning Ordinance** is hereby amended as follows:

Article 8.17.12(a)(2)

Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). **delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.** ~~An exception to this requirement shall be granted if one or more of the following is satisfied and documented:~~

~~(a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:~~

~~–Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.~~

~~–Manmade ponds and lakes located outside natural drainage ways.~~

~~–Ephemeral (storm water) streams~~

Article 8.17.12(b)(1)

Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be ~~deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).~~ **delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.** An exception to this requirement shall be granted if one or more of the following is satisfied and documented:

~~(a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:~~

~~–Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.~~

~~–Manmade ponds and lakes located outside natural drainage ways.~~

~~–Ephemeral (storm water) streams~~

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.3: Definitions, Watershed Definitions of the **Zoning Ordinance** is hereby amended as follows:

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. ~~They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.~~ **They shall be delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.**

Section 4. That this ordinance shall become effective immediately.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: October 7, 2021 - Tentative

PUBLIC HEARING DATE: October 4, 2021 - Tentative

PLANNING BOARD MEETING: October 26, 2021 - Tentative

TOWN BOARD DECISION: November 15, 2021 - Tentative



Text Amendment Application

Date of Application 7/28/2021 (Amended 9/7/2021)

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 8.25 See Attached Section(s): 4 See Attached

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed
Change

See Attached

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature LSpeight Date 7/28/2021

Title Planner II Email LSPEIGHT@HUNTERSVILLE.ORG

Address of Applicant 106 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

TA 21-08 – S.W.I.M. Buffer Delineation

PART 1: DESCRIPTION

TA21-08 is a text amendment request submitted by the Town of Huntersville Planning Department to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify which buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, prevent unintended disturbance of S.W.I.M Buffers throughout the Town of Huntersville, and provide greater consistency with the Buffer Implementation Guide and the delineation methods of several surrounding communities.

PART 2: BACKGROUND

Staff recently process Variance 21-05 submitted by Chris Stanley on behalf of MDH F1 Huntersville JV, LLC is requesting a variance from Article 8.25.11 S.W.I.M Buffers to allow disturbance and mitigation of an intermittent stream as established in Section 8.25.11 (b) of the Zoning Ordinance. The subject property of Variance 21-05, 12802 Jamesburg Drive, Huntersville, NC 28078, is included within the boundary of Rezoning 19-13 as well as the MMF Huntersville Distribution Park properties. During the course of the rezoning and commercial site plan an intermittent stream was not delineated on the plans submitted to the Town of Huntersville. Currently, Article 8.25.4 requires that S.W.I.M. stream buffers throughout the Town of Huntersville be delineated by Mecklenburg County through its geographic information system (GIS). The intermittent stream that was ultimately disturbed at the Jamesburg Drive property is not delineated by Mecklenburg County GIS, but was identified by the applicant through an on-site analysis. Per Article 8.25.9 (a), buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for Board of Commissioner approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans. Buffers are already required to be shown on all plans indicated in Article 8.25.9 (a) of the Zoning Ordinance. This proposed text amendment seeks to clarify the methods by which intermittent streams shall be identified.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- Policy EOS-1: Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets. COMMENT: The proposed text amendment seeks to require that when an applicant is seeking a land development permit or when a property owner believes that the that the GIS buffer delineations inaccurately depict buffer requirements, an on-site stream delineation be prepared by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology. An on-site delineation would provide the most accurate analysis of the conditions of the property to greater preserve any intermittent streams.
- Policy EOS-5: Protect water quality. COMMENT: Per Article 8.25, the purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure.” Stream systems are comprised of each stream and its respective drainage basin. Streams have the primary natural functions of conveying storm and ground water, storing floodwater,

and supporting aquatic life. Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife. The proposed text amendment seeks to provide requirements during plan review to prevent unintended disturbance to water quality.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application. EOS-1 and EOS-5 support the preservation of the natural environment and protection of water quality. The purpose of the amendment to Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation is to clarify which buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, prevent unintended disturbance of S.W.I.M Buffers throughout the Town of Huntersville, and provide greater consistency with the Buffer Implementation Guide and the delineation methods of several surrounding communities. Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance are proposed to be amended to be consistent with the proposed language of Article 8.25.4.

Please see the drafted text below and the proposed amendment ordinance included in the agenda packet. Removed language is struck out, new language is **bold underline**.

Article 8.25.4: S.W.I.M. Stream Buffers, Buffer Delineation

S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville, shall be delineated by: **1)** Mecklenburg County through its geographic information system (GIS) ~~using the most current digital elevation model (DEM) of no greater than 10-foot cells;~~ **or, 2) if seeking a land development permit or when a property owner believes that the GIS buffer delineations inaccurately depict buffer requirements, an on-site stream delineation prepared by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology and which is approved by the Town.** ~~This stream buffer delineation including buffer widths shall be periodically updated as new data becomes available. The most recent delineation shall be provided for public use through Mecklenburg County’s website.~~

Articles 8.17.12(a)(2); 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects; Performance Criteria for High Density Projects

Built-Up Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be ~~deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).~~ **delineated in the field by a certified professional using U.S. Army Corps of Engineers**

and/or N.C. Division of Water Quality methodology. An exception to this requirement shall be granted if one or more of the following is satisfied and documented:

~~(a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:~~

- ~~–Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.~~
- ~~–Manmade ponds and lakes located outside natural drainage ways.~~
- ~~–Ephemeral (storm water) streams~~

Article 8.17.12(b)(1)

Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). **delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.** An exception to this requirement shall be granted if one or more of the following is satisfied and documented:

~~(a) Based on an on-site determination by the Storm Water Administrator, surface waters are not present on the site. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult the Storm Water Administrator. Upon request, the Storm Water Administrator shall make on-site determinations. Surface waters that appear on the maps shall not be subject to this ordinance if this on-site determination shows that they fall into one of the following categories:~~

- ~~–Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.~~
- ~~–Manmade ponds and lakes located outside natural drainage ways.~~
- ~~–Ephemeral (storm water) streams~~

Article 12.2.3: Definitions, Watershed Definitions

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. ~~They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.~~ **They shall be delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.**

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) reviewed a previous draft of the proposed text August 5, 2021 and recommended approval. The currently revised language will be presented to the HOAB for the October 7, 2021 meeting.

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for October 4, 2021.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment October 26, 2021.

PART 8: ATTACHMENTS AND ENCLOSURES

- Attachment 1 - Draft Language Ordinance
- Attachment 2 - Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-08

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-08, to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance to clarify which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EOS-1 and EOS-5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it clarifies which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville and helps to prevent unintended disturbance of S.W.I.M Buffers throughout the Town of Huntersville.	APPROVAL: : In considering the proposed amendment TA21-08, to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance to clarify which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: : In considering the proposed amendment TA21-08, to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance to clarify which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)

	DENIAL: : In considering the proposed amendment TA21-08, to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance to clarify which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: : In considering the proposed amendment TA21-08, to amend Article 8.25.4: S.W.I.M Stream Buffers, Buffer Delineation; Articles 8.17.12(a)(2) and 8.17.12(b)(1): Water Quality, Performance Criteria, Performance Criteria for Low Density Projects, Performance Criteria for High Density Projects; and, Article 12.2.3: Definitions, Watershed Definitions of the Huntersville Zoning Ordinance to clarify which and how buffers must be shown on land development plans submitted for review and approval by the Town of Huntersville , the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>
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**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: David Hill, Principal Planner

Date: October 4, 2021

Subject: Downtown Plan Steering Committee

EXPLAIN REQUEST:

One of the priorities of the adopted 2040 Community Plan was the preparation of an updated Downtown Plan. Project funding will not exceed \$150,000, and the consultant selection process for the Plan is already underway. Similar to the 2040 Community Plan process, a Downtown Plan Steering Committee will be created to provide citizen oversight during Plan creation. The Steering Committee will be composed of 15 members, representing Downtown businesses, nearby neighborhoods, and the community at-large. Eight non-voting ex-officio members will also be appointed to involve boards, commissions, and other agencies involved in matters related to Downtown Huntersville. The planning process is anticipated to take approximately 1 year to complete.

ACTION RECOMMENDED:

Staff recommends approval of the resolution and all selected appointees.

FINANCIAL IMPLICATIONS:

Funding in an amount not to exceed \$150,000 have been allocated in the FY 2021-22 budget for the Downtown Plan.

ATTACHMENTS:

1. R-2021-63 Resolution - Downtown Plan Steering Committee Appts 10042021



RESOLUTION TO CREATE THE 2022 DOWNTOWN PLAN STEERING COMMITTEE

WHEREAS, the Huntersville Downtown Plan was adopted in 2006 and needs to be updated, and the Huntersville 2040 Community Plan adopted in 2020 addressed several improvement policies and objectives related to the Downtown; and

WHEREAS, the Town of Huntersville Board of Commissioners has decided to create a 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, during the months of May and June 2021, Town of Huntersville residents, property owners, and business owners were invited to complete an application to be appointed and serve on the 2022 Downtown Plan Steering Committee, and

WHEREAS, upon appointment to the 2022 Downtown Plan Steering Committee, members will be asked to work with Town staff and professional consultants during the development of the 2022 Downtown Plan, including efforts to encourage public participation and engagement during the project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS AS FOLLOWS:

1. There is hereby created the 2022 Downtown Plan Steering Committee.
2. The purpose of creating the 2022 Downtown Plan Steering Committee is to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners until such time as the Plan is adopted by the Board of Commissioners.
3. The 2022 Downtown Plan Steering Committee shall consist of 15 voting members, who are Town of Huntersville residents, property owners, or business owners and appointed by the Town of Huntersville Board of Commissioners. The appointees have been selected from the pool of applicants who volunteered to serve on the Committee, and include the following voting members:
 1. Nate Bowman
 2. Gatewood Campbell
 3. Doug Ferguson
 4. Sean Flynn
 5. John Foster
 6. Don Gest
 7. Charles Guignard
 8. Lee Hallman
 9. Janelle Harris
 10. Elaine Kerns
 11. Bob Lemon
 12. Sarah McAulay
 13. Elizabeth Rodriguez
 14. Cindy Trevisan
 15. Jessika Tucker
4. The 2022 Downtown Plan Steering Committee shall also consist of 8 nonvoting ex-officio members to inform and obtain input from specific Huntersville boards and interested organizations as development of the Plan progresses. The non-voting ex-officio members include the following representatives:
 - 1) Stephen Swanick (Planning Board)
 - 2) Kathy Jones (Ordinances Advisory Board)

- | | |
|---------------------|---|
| 3) Diane McLaine | (Greenway, Trail, and Bikeway Commission) |
| 4) John O'Neill | (Parks and Recreation Committee) |
| 5) April Dunn | (Public Art Committee) |
| 6) Jill Swain | (Huntersville Chamber of Commerce) |
| 7) Mike Russell | (Lake Norman Chamber of Commerce) |
| 8) Barbara Gerhardt | (Olde Huntersville Historic Society) |

5. The Steering Committee will meet at least eight (8) times during the project, with an anticipated timeframe extending from October 2021 through September 2022, subject to change. The Planning Director shall have the authority to call the meetings of the Committee, which will be called and advertised as a special-called meeting, and to set the agenda for each meeting as part of the special-called meeting notice. Only items of business specified in the special-called meeting notice may be conducted at each meeting.
6. The Steering Committee will elect a Chairperson and Vice-Chairperson from its voting membership. The Chairperson will lead the meetings, manage discussion in a civil and orderly fashion, and coordinate the making of decisions, whether by consensus or by a motion made, seconded, and approved by majority vote.
7. For the Committee to carry out its responsibilities, it is necessary for members to attend the meetings. If a member is absent for two (2) meetings, the Committee may request that the member be replaced by the Town Board of Commissioners.
8. Meetings will be advertised and conducted in accordance with the North Carolina Open Meetings Law. Minutes shall be kept for each meeting.
9. Upon adoption of the Huntersville 2022 Downtown Plan, the Huntersville 2022 Downtown Plan Steering Committee may be dissolved by the Board of Commissioners.
10. The Huntersville Town Board of Commissioners is deeply appreciative of the spirit of volunteerism and community interest shown by the Steering Committee Members, including all the applicants interested in serving on the Committee.

Adopted this the 4th day of October, 2021.

ATTEST:

Janet Pierson, Town Clerk

John Aneralla, Mayor

Approved as to form:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Tracy Houk

Date: October 4, 2021

Subject: Consider updates to the Greenway, Trail, & Bikeway 2014 Map

EXPLAIN REQUEST:

Current routes on the 2014 GTB Master Plan map have changed or been re-routed. Consider approving these updates listed below, also shown on the map.

1. The Park - Huntersville (will not go under 77, it will follow Reese Blvd to Mt Holly-Huntersville Rd.)
2. Recycling Center off Holbrooks Road (will now run along Holbrooks Rd.)
3. The Stonefly protected area along US21 (Mecklenburg County)
4. Lake Norman Bike Route re-alignment
5. Proposed greenway through North Mecklenburg Park
6. Mark as “under construction” (Torrence Trib II / Downtown Greenway)

ACTION RECOMMENDED:

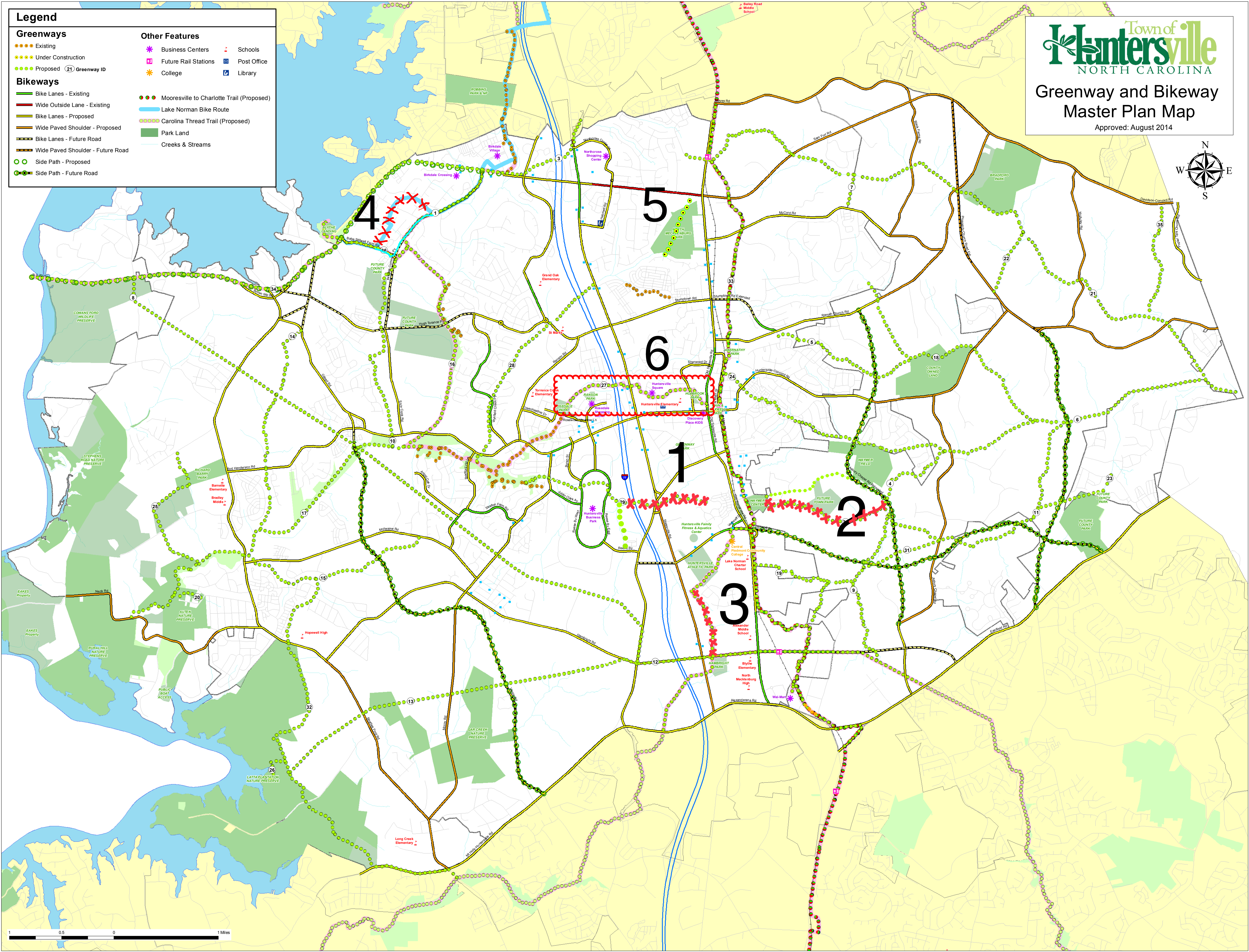
Consider approving the route updates as shown on the map.

FINANCIAL IMPLICATIONS:

N/A

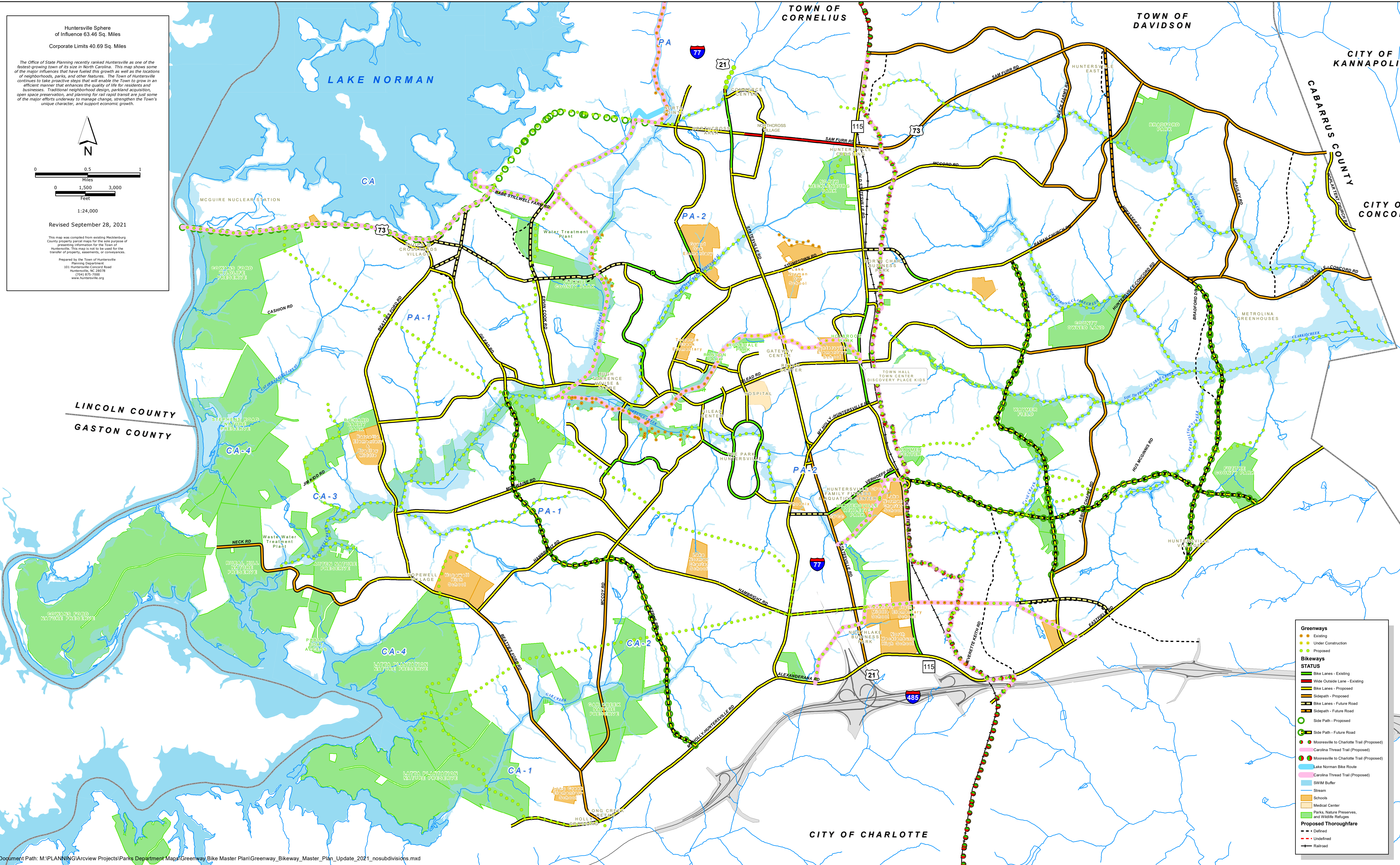
ATTACHMENTS:

1. GTB 2014 Map 2021-09-15 12_48_37
2. Greenway_Bikeway_Master_Plan_Update_2021_nosubdivisions



2021 Greenway & Bikeway Master Plan

Town of Huntersville, North Carolina



**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: Lora Mastrofrancesco

Date: October 4, 2021

Subject: Intent to Close and Abandon a portion of Patterson Rd

EXPLAIN REQUEST:

Close and abandon a portion of Patterson Road that is no longer needed.

ACTION RECOMMENDED:

To Adopt the Resolution of Intent to Close and Abandon a portion of Patterson Road

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. R-2021-64 Resolution - Intent to close ROW - Old Patterson Section
2. Additional Visuals for Resolutions



RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE A PORTION OF PATTERSON ROAD

WHEREAS, Mr. Tyler R Wyatt has filed a petition to close a part of Patterson Road, in the Town of Huntersville, as further described in Exhibit A; and

WHEREAS, N.C.G.S. § 160A-299 allows for a municipality to permanently close any street or public alley; and

WHEREAS, N.C.G.S. § 160A-299 requires that the Board of Commissioners for the Town of Huntersville (the "Board") first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

WHEREAS, the Board desires to, pursuant to N.C.G.S. § 160A-299, declare its intent to close a portion of Patterson Road, as further described in Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby resolves that it intends to close a portion of Patterson Road, as further described in Exhibit A.
2. The Board hereby calls a public hearing the question of closing a portion of Patterson Road to be held at 6:00pm on Monday, the 15th day of November, 2021, both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this 4th day of October, 2021.

ATTEST:

Janet Pierson, Town Clerk

John Aneralla, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

Exhibit A – Legal Description

AREA #1 - DESCRIPTION OF ABANDONMENT

AREA: 3,405 SF / 0.078 ACRES MORE OR LESS

COMMENCING AT A FOUND #4 REBAR MARKING THE SOUTHEASTERLY CORNER OF LANDS OWNED BY TYLER R. WYATT AND WIFE, JESSICA L. WYATT IN DEED BOOK 34205 PAGE 441 OF THE PUBLIC RECORD OF THE MECKLENBURG COUNTY, NORTH CAROLINA AND HAVING COORDINATES OF N:598,270.49, E:1,444,099.07; POINT ALSO LYING ON THE NORTHERLY RIGHT OF WAY BOUNDARY OF HAMBRIGHT ROAD (S.R. No. 2117) (VARIABLE WIDTH RIGHT OF WAY); THENCE ALONG SAID NORTHERLY RIGHT OF WAY BOUNDARY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: N62°32'07"W 95.18' TO A SET #5 REBAR; N62°27'50"W 100.21' TO A SET #5 REBAR; N56°49'41"W 70.38' TO A SET #5 REBAR; N64°21'08"W 47.99' TO A COMPUTED POINT; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY BOUNDARY N07°14'39"W 3.30' TO A SET #5 REBAR AND THE POINT OF BEGINNING; THENCE THE FOLLOWING TEN (10) COURSES AND DESCRIPTIONS: N47°08'03"W 31.96' TO A COMPUTED POINT; N34°23'19"W 1.10' TO A COMPUTED POINT; N07°14'39"W 20.80' TO A COMPUTED POINT; N08°33'51"W 115.55' TO A COMPUTED POINT; N04°52'51"W 46.57' TO A COMPUTED POINT; N08°55'18"E 61.64' TO A SET #5 REBAR; S05°02'26"E 105.94' TO A COMPUTED POINT; S08°33'51"E 130.51' TO A COMPUTED POINT; S17°54'20"E 30.53' TO A COMPUTED POINT; S07°14'39"E 1.20' TO THE POINT OF BEGINNING.
CONTAINING 3,405 SQUARE FEET OR 0.078 ACRES MORE OR LESS.

AREA #2 - DESCRIPTION OF ABANDONMENT

AREA: 2,891 SF / 0.066 ACRES MORE OR LESS

COMMENCING AT A FOUND #4 REBAR MARKING THE SOUTHEASTERLY CORNER OF LANDS OWNED BY TYLER R. WYATT AND WIFE, JESSICA L. WYATT AS RECORDED IN DEED BOOK 30488, PAGE 607 OF THE PUBLIC RECORD OF THE MECKLENBURG COUNTY, NORTH CAROLINA AND HAVING COORDINATES OF N:598,270.49, E:1,444,099.07; POINT ALSO LYING ON THE NORTHERLY RIGHT OF WAY BOUNDARY OF HAMBRIGHT ROAD (S.R. No. 2117) (VARIABLE WIDTH RIGHT OF WAY); THENCE ALONG SAID NORTHERLY RIGHT OF WAY BOUNDARY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: N62°32'07"W 95.18' TO A SET #5 REBAR; N62°27'50"W 100.21' TO A SET #5 REBAR; N56°49'41"W 70.38' TO A #4 REBAR; N64°21'08"W 73.00' TO A COMPUTED POINT; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY BOUNDARY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: N07°14'39"W 15.22' TO A COMPUTED POINT AND THE POINT OF BEGINNING; THENCE CONTINUE FOR THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: N34°23'19"W 68.38' TO A COMPUTED POINT; N07°35'33"W 2.64' TO A COMPUTED POINT; N00°45'25"E 15.08' TO A COMPUTED POINT AND A POINT ON A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 25.75', HAVING A RADIUS OF 181.12' AND A CHORD BEARING AND DISTANCE OF N04°51'24"E 25.73'; N08°55'18"E 82.53' TO A COMPUTED POINT; S04°52'51"E 46.57' TO A COMPUTED POINT; S08°33'51"E 115.55' TO A COMPUTED POINT; S07°14'39"E 20.80' TO THE POINT OF BEGINNING.
CONTAINING 2,891 SQUARE FEET OR 0.066 ACRES MORE OR LESS.

North



Huntersville

Patterson Rd

Portion of Patterson Rd to Abandon

9800-10131

Huntersville

Hambright Rd



GENERAL NOTES:

DATUM
NORTH BASED ON NC GRID NAD83(2011) FROM GPS OBSERVATIONS ESTABLISHED ON JULY 31, 2018 USING THE NORTH CAROLINA RTK NETWORK. NGS CORS STATION NC49 WERE USED AS THE NETWORK BASE. THE HORIZONTAL DATUM IS REFERENCED TO NAD83(EPOCH 2011) AND THE VERTICAL DATUM IS NAVD88 USING GEOID MODEL 12B IN THE GPS OBSERVATIONS. THIS SURVEY WAS LOCALIZED AT MERRICK POINT 209 WITH A NORTHING OF 599,585.978 FT, AN EASTING OF 1,444,064.603 FT, AND A ELEVATION OF 797.26 FT (NAVD88) AND A COMBINED GRID SCALE FACTOR OF 0.999841982. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.

RELATIVE POSITIONAL ACCURACY
THE RELATIVE POSITIONAL ACCURACY (RPA) FOR ANY CONTROL POINT OR PROPERTY CORNER ON THIS SURVEY DOES NOT EXCEED 0.12 FEET FOR EITHER AXIS OF THE 95% CONFIDENCE ERROR ELLIPSE.

EQUIPMENT STATEMENT
MEASUREMENTS OBTAINED USING A TRIMBLE S5 & 6 ROBOTIC TOTAL STATION AND A TRIMBLE R10 GPS RECEIVER.

UTILITIES
SURFACE AND SUB-SURFACE UTILITIES SHOWN HEREON ARE BASED UPON SURFACE OBSERVATIONS AND PUBLIC RECORDS. UNDERGROUND UTILITIES WERE MARKED ON THE SURFACE BY NC ONE CALL 811. MERRICK CANNOT GUARANTEE ABSOLUTE ACCURACY OR THAT THERE ARE NO OMISSIONS IN LOCATION OF UNDERGROUND UTILITIES. THEREFORE MERRICK DISCLAIMS ALL LIABILITY FOR ANY DAMAGES BASED ON UTILITY INFORMATION PROVIDED BY THIS SURVEY. USER OF THIS INFORMATION ASSUMES ALL RISK AND NOTICE IS HEREBY GIVEN THAT NORTH CAROLINA 811 UTILITY LOCATION SERVICE IS TO BE NOTIFIED PRIOR TO ANY EXCAVATION OF THE SITE AS REQUIRED BY LAW.

STREAMS, BODIES OF WATER, & WETLANDS
ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS OR RESTRICTIONS. SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS OR RESTRICTIONS. USER OF THIS SURVEY IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.

ENVIRONMENTAL DATA
REGULATED DRINKING WATERSHED: MTN ISLAND LAKE (PA-2 MCDOWELL) (CA-2 CAR)
POST CONSTRUCTION DISTRICT: TOWN OF HUNTERSVILLE
DFIRM PANEL: 4549
FLOOD MAP: 3710454900K
DATED: 09/02/2015
FLOOD ZONE: ZONE X
NOTE - NO PORTION OF THIS PARCEL IS WITHIN A FEMA OR COMMUNITY FLOOD ZONE.

SURVEY DATE(S)
THIS SURVEY WAS PERFORMED FROM JUNE 8, 2021 TO JUNE 11, 2021.

REFERENCES
ALL DEEDS AND MAPS REFERENCED AS SHOWN.

GENERAL NOTES
THE PURPOSE OF THIS PLAT IS TO ABANDON THE OLD RIGHT OF WAY OF PATTERSON ROAD AND PER NCGS 160A-299(c) CONVEYED TO TYLER R. WYATT AND JESSICA L. WYATT.

IRON PINS AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED.

THE PURPOSE OF THE FINAL PLAT IS TO INDICATE THE ENFORCEABLE RESTRICTIONS ON PROPERTY USAGE THAT RUN WITH THE LAND TO ENSURE THAT FUTURE DEVELOPMENT AND REDEVELOPMENT MAINTAINS THE SITE IN COMPLIANCE WITH ORDINANCE REQUIREMENTS. THE RESTRICTIONS ON THIS RECORDED FINAL PLAT SHALL BE SHOWN ON ANY SURVEY OF ANY OF THE PROPERTIES WITHIN THE PLAT. PROPERTY OWNERS HAVE RECORD NOTICE OF THESE RESTRICTIONS AND SHALL MAINTAIN THE SITE IN COMPLIANCE WITH ORDINANCE REQUIREMENTS. IT IS RECOMMENDED THAT REAL ESTATE PROFESSIONALS (SURVEYORS, TITLE COMPANY REPRESENTATIVES, REAL ESTATE AGENTS, CLOSING ATTORNEYS) MAKE PROPERTY OWNERS OR PURCHASERS AWARE OF THESE RESTRICTIONS AT OR PRIOR TO CLOSING.

THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAYS.

DEVELOPMENT OF PROPERTIES IS SUBJECT TO THE TOWN OF HUNTERSVILLE SEDIMENT AND EROSION CONTROL ORDINANCE. CONTACT THE TOWN OF HUNTERSVILLE TO DETERMINE IF DEVELOPMENT THRESHOLDS REQUIRE ADDITIONAL PLAN APPROVAL.

01723302
ADE 872 LLC
A CALLED 13.38 ACRES
DB 34310, PG 139

01723310
ROBERT TONY BROFFMAN
DB 12045, PG 898
LOT 4
MAP 24, PG 910

01723311
TOWN OF HUNTERSVILLE
DB 32691, PG 459
LOT 5
MAP 24, PG 910

01701103
BRADLEY NEAL DALEY
and TARYN DALEY
DB 33367, PG 669
LOT A, MB 64 PG 76

01701108
HIGH STANDARDS FARM LLC
DB 34405, PG 611
A CALLED 21.00 ACRES

01722108
ADE 859 LLC
DB 33931, PG 5
MAP 56, PG 602
LOT 6
A CALLED 10.432 ACRES

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N07°14'39"W	3.30'
L2	N47°08'03"W	31.96'
L3	N34°23'19"W	1.10'
L4	N07°14'39"W	20.80'
L5	S17°54'20"E	30.53'
L6	S07°14'39"E	1.20'
L7	S00°45'25"W	15.08'
L8	S07°35'33"E	2.64'
L9	N07°14'39"W	15.22'

CURVE TABLE				
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH
C1	8°08'50"	181.12'	S4°51'24"W	25.73'

0 12.5 25 50 100
1 inch = 50 ft.

LEGEND	
○	IRON ROD SET
△	IRON ROD FOUND
△	COMPUTED POINT
MPFB No.	MONUMENT FOUND IRON PIPE
P.O.B.	MONUMENT FOUND REBAR NUMBER
S.R. No.	POINT OF BEGINNING
VOL., PG.	STATE ROUTE NUMBER
R.G.W.	VOLUME, PAGE
	RIGHT OF WAY
AREA #1 EXISTING RW (PROPERTY OF TYLER R. WYATT and JESSICA L. WYATT) TO BE ABANDONED	
AREA #2 EXISTING RW (NO OWNER) TO BE ABANDONED	
BOUNDARY LINE	
ADJOINING PROPERTY	
STORM DRAINAGE EASEMENT	

EXEMPT SUBDIVISION/RECOMBINATION PLAT

THIS PLAT REPRESENTS A DIVISION OF PROPERTY WITHIN THE JURISDICTION OF THE TOWN OF HUNTERSVILLE THAT MAY OR MAY NOT RESULT IN THE CREATION OF TRACTS OF LAND THAT ARE COMPLIANT WITH THE STANDARDS OF THE ZONING AND SUBDIVISION ORDINANCE. IT IS NOT SUBJECT TO THE PROVISIONS OF THE HUNTERSVILLE SUBDIVISION ORDINANCE AND DOES NOT REQUIRE THE APPROVAL OF THE HUNTERSVILLE BOARD OF COMMISSIONERS. HOWEVER ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS.

TOWN PLANNER _____ DATE _____

Review Officer Statement

I, _____ REVIEW OFFICER
OF MECKLENBURG COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

AREAS:

1. EXISTING BOUNDARY AREA (OUTSIDE R/W) 116,215 SQ. FT.
2. AREA #1 RW TO BE ABANDONED (REVERT BACK TO OWNER) +3,405 SQ. FT.

TOTAL AREA OF TYLER R. WYATT and JESSICA L. WYATT 119,620 SQ. FT.

R/W ABANDONMENT:

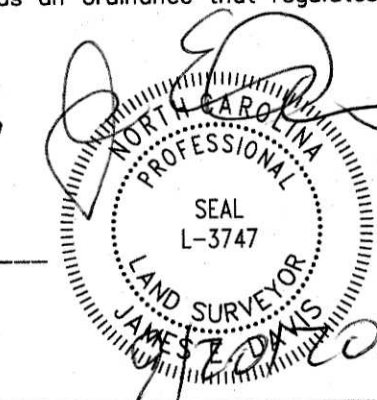
1. AREA #1 ABANDONED R/W (TO TYLER R. WYATT and JESSICA L. WYATT) 3,405 SQ. FT.
2. AREA #2 ABANDONED R/W (REMAINING ABANDONED AREA) +2,891 SQ. FT.

AREA #3 TOTAL ABANDONED R/W 6,296 SQ. FT.

I, James E. Davis, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 34205, page 441; that the boundaries not surveyed are clearly indicated as drawn from information found in references as shown; that the positional accuracy as calculated does not exceed 0.12 feet for either axis of the 95% confidence error ellipse; that this plat was prepared in accordance with G.S. 47-30 as amended; and that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my original signature, registration number, and seal this 31st day of August, A.D. 2021.

James E. Davis, NC PLS No. 3747
Date: 08/31/2021
Job no. 65320932
For and on behalf of
Merrick and Company, INC.



REV	REVISION DESCRIPTION	DATE	CHANGED BY	CHECKED BY	APPROVED BY
1.	ADDED MISSING CALLS	09/15/21	BKL	JED	JED



F-0908 - 301 S. McDowell St., Ste 300 Charlotte, NC 28204

THIS AND ANY OTHER ELECTRONIC MEDIA COUNTERPART IS AN INSTRUMENT OF SERVICE PREPARED BY MERRICK AND COMPANY FOR A DEFINED PROJECT. IT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE IN WHOLE OR IN PART ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. REUSE OR MODIFICATION, OF ANY UTILIZATION IF NOT A FINISHED INSTRUMENT, WITHOUT THE PRIOR EXPRESS WRITTEN CONSENT OF MERRICK AND COMPANY SHALL BE AT THE SOLE RISK FOR THE UNAUTHORIZED USER WITHOUT LIABILITY OR LOSS EXPOSURE TO MERRICK AND COMPANY.

MERRICK	SIGNATURE	DATE
DRAWN	BKL	8-9-21
DESIGNED		
QC REVIEW	JED	8-9-21
APPROVED		
CLIENT	SIGNATURE	DATE
REVIEW		
APPROVED		
CAD FILE NAME		

Huntersville Road Improvements Survey

Survey For: Town of Huntersville
105 GILEAD RD., HUNTERSVILLE, N.C. 28070

CLIENT PROJECT NO.

MERRICK PROJECT NO. 65320932

SCALE: 1" = 50'

TITLE: RIGHT OF WAY ABANDONMENT PLAT

TYLER R. WYATT and
and JESSICA L. WYATT
10201 HAMBRIGHT RD, HUNTERSVILLE
MECKLENBURG COUNTY, NC

REVISION:	DRAWING NO.	SHEET NO.
1	65320932	1

**Town of Huntersville
Town Board
October 4, 2021**

To: Town Board

From: John Aneralla

Date: October 4, 2021

Subject: Merit Increase - Town Attorney

EXPLAIN REQUEST:

Consider approving 3 percent merit increase for Town Attorney.

ACTION RECOMMENDED:

Approve Increase

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None