



AGENDA

Regular Town Board Meeting

November 1, 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**
- 6. Agenda Changes**
- 7. Public Hearings**
 - 7.A. Conduct public hearing on Petition #R21-10, a 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. Applicant requests public hearing be continued to December 6, 2021. (*Brad Priest*)
- 8. Other Business**
 - 8.A. Consider decision 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*)
 - 8.B. Consider adopting Resolution to approve the contract with Shook Kelley to produce the Town of Huntersville 2022 Downtown Plan. (*David Hill*)
- 9. Consent Agenda**

- 9.A. Approve the minutes of the October 4, 2021 Regular Town Board Meeting. (*Janet Pierson*)
- 9.B. Approve the minutes of the October 18, 2021 Regular Town Board Meeting. (*Janet Pierson*)
- 9.C. Award Formal Bid for Electric Material McCord Road Powerline Extension. (*Don Mitchell*)
- 9.D. Approve budget amendment in the amount of \$262,829.63 to fund fire truck equipment. (*Pattie McGinnis*)

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
November 1, 2021**

To: Town Board

From: Brad Priest, Principal Planner

Date: November 1, 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 40 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. Please note the applicant has asked for the public hearing to be continued again until December 6, 2021.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-10 Northchase at the Park - PH 11 1 21
2. December 6 Continuance Request
3. SUB1_North_Chase_at_the_Park_Bldg_100_-_Rezoning Plan 1 - 9 7 21
4. SUB1_North_Chase_at_the_Park_Bldg_100_-_Building_Elevations_210601
5. Community Meeting Report
6. SUB1_North_Chase_at_the_Park_Bldg_100_-_TIA_Determination_Form_210601
7. SUB1_North_Chase_at_the_Park_Bldg_100_-_General_Application_210601
8. Sept 7 Legal Ad
9. 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:

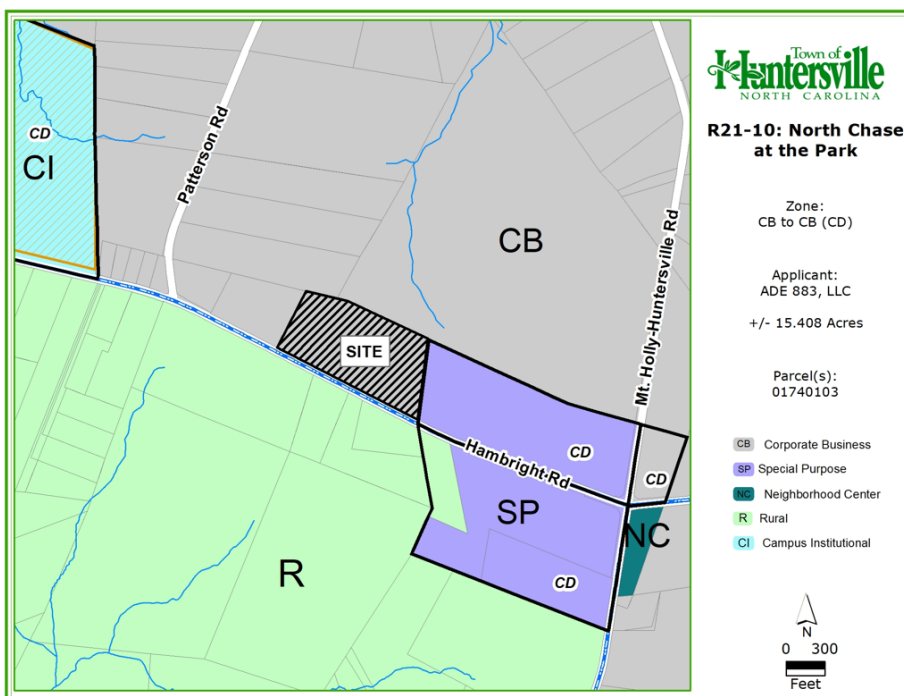
01740103

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.

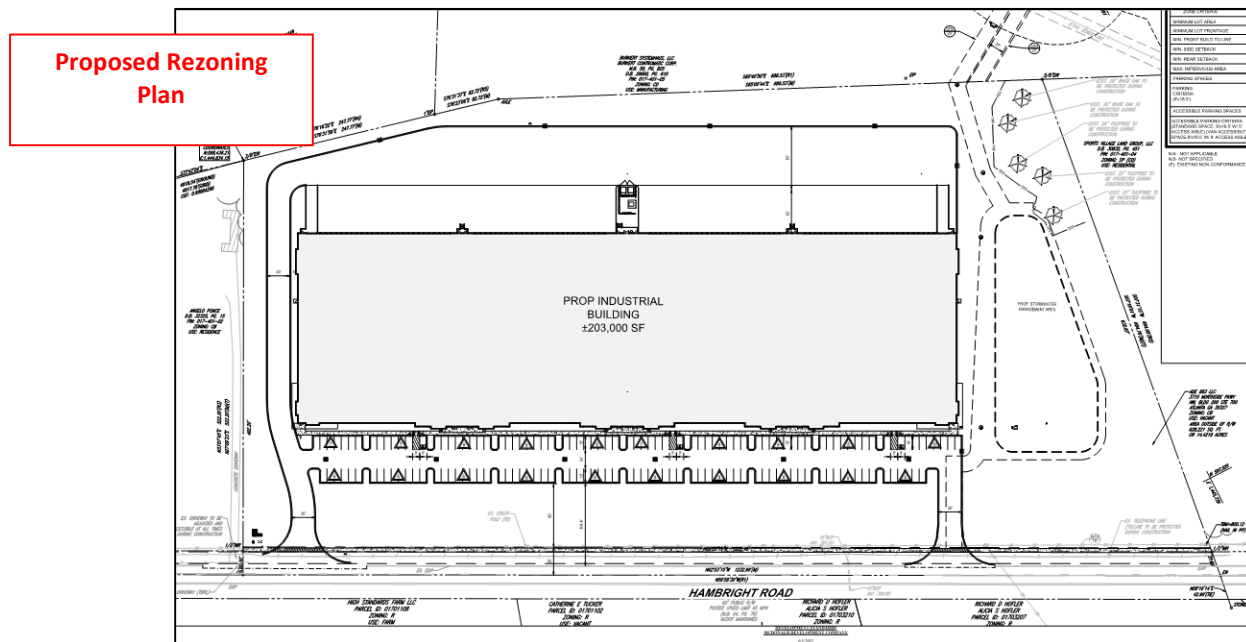
Planting Requirements – Article 7.5.3

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

Requirement/ Landscaping	Previous <u>80 foot buffer</u> Planting Requirement	Updated TA21-10 <u>40 foot buffer</u> Planting Requirements (Approved)	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***:

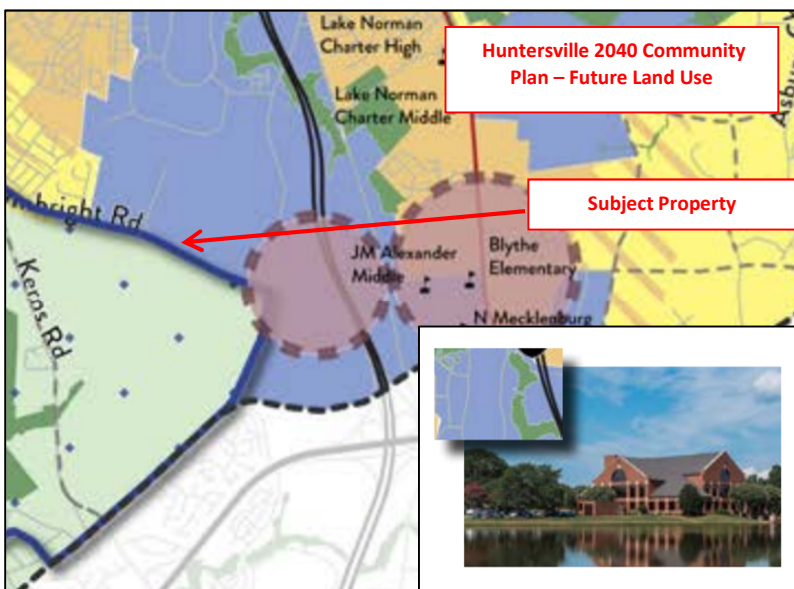
- **Policy LU 1.1** – *Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.* **STAFF COMMENT:** The application proposed includes office, light industrial, warehousing,

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.

On September 7, 2021 the Town Board continued the public hearing until October 4, 2021. On October 4, 2021 the Town Board continued the application again at the applicants request until November 1, 2021. The applicant has requested another continuation until December 6, 2021. Staff supports the continuation request.

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 is not consistent with text amendment TA21-10 (approved September 20, 2021), which added flexibility to the required CB buffers along the street. In the text approved by the Town Board, width reductions are 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 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 November 16th, 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...<u>[Explain]</u>

Bradley Priest

From: Tracy White <TWhite@mcdco.com>
Sent: Friday, October 22, 2021 4:27 PM
To: Bradley Priest
Cc: Jack Simoneau; Daniel Hines; Collin Brown; Brittany Lins; Austin McDonald; Robert McLeod; Greg Toepp
Subject: RE: North Chase at the Park - Rezoning Update?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad,

This will conform our phone conversation today regarding our request for a continuance to the December 6 public hearing. Thank you.

Tracy White

Senior Vice President - Development



McDonald Development Company
525 N. Tryon Street, Suite 1600, Charlotte, NC 28202
Direct 704.378.8757 **Cell** 404.309.6050
twhite@mcdco.com | [vCard](#) | mcdco.com



From: Bradley Priest <bpriest@huntersville.org>
Sent: Tuesday, October 19, 2021 8:43 AM
To: Tracy White <TWhite@mcdco.com>
Cc: Jack Simoneau <jsimoneau@huntersville.org>; Daniel Hines <DHines@bohlereng.com>; Collin Brown <Collin.Brown@alexanderricks.com>; Brittany Lins <brittany.lins@alexanderricks.com>; Austin McDonald <amcdonald@mcdco.com>; Robert McLeod <RMcLeod@mcdco.com>
Subject: RE: North Chase at the Park - Rezoning Update?

Hey Tracy,

Good morning. I'm following up on the North Chase at the Park rezoning application. My deadline for the November 1 public hearing staff report is this Friday. Are you prepared to move forward with the application for the November 1 public hearing, or would you like to request another continuance until December?

Again, no changes can be made before the public hearing for November 1st, but if any changes are proposed I'd request they be submitted ASAP well prior to the Planning Board agenda deadline of November 5th for review (Planning Board is a week early next month due to the Thanksgiving holiday). Thank you.

Bradley D. Priest, AICP
Principal Planner
Town of Huntersville
Planning Department
704-766-2214
105 Gilead Road – 3rd Floor
Huntersville, NC 28070
www.huntersville.org



From: Tracy White <TWhite@mcdco.com>
Sent: Wednesday, September 29, 2021 12:13 PM
To: Bradley Priest <bpriest@huntersville.org>
Cc: Jack Simoneau <jsimoneau@huntersville.org>; Daniel Hines <DHines@bohlereng.com>; Collin Brown <Collin.Brown@alexanderricks.com>; Brittany Lins <brittany.lins@alexanderricks.com>; Austin McDonald <amcdonald@mcdco.com>; Robert McLeod <RMcLeod@mcdco.com>
Subject: Re: North Chase at the Park - Rezoning Update?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad,

Thank you for your email. We are evaluating how the recent text amendment to the landscape buffer ordinance impacts our plan and our conditional zoning case, so we request a continuance from the October 4 hearing to the next hearing date.

Thank you for your assistance.

Tracy White
twhite@mcdco.com

On Sep 28, 2021, at 3:05 PM, Bradley Priest <bpriest@huntersville.org> wrote:

Hey Tracy,
Please find the updated staff report attached for the rezoning request going to public hearing October 4. I have not received any updates on this application since the first cycle was closed out in EPM on June 25th. My understanding is that there has been some discussion with Jack about modifying the plan and the plantings in the buffer. Is the intent to modify the plan, or to keep it as is?

Separate of the buffer, staff had many other comments referenced that I recommend be addressed as we move forward to the Planning Board and later final action with the Town Board.

No changes can be made prior to the public hearing (October 4), but if you're making changes I'd ask that they please be submitted asap so staff can get to it and review well before the Planning Board deadline of October 15th. If you have any questions, let me know. Thanks.

Bradley D. Priest, AICP

Principal Planner

Town of Huntersville

Planning Department

704-766-2214

105 Gilead Road – 3rd Floor

Huntersville, NC 28070

www.huntersville.org



<R21-10 Northchase at the Park - PH 10 4 21.pdf>

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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

R.B. PHARR & ASSOCIATE, P.A.
420 HAWTHORNE LANE
CHARLOTTE, NC 28204
(704) 376-2186

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

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

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

un 01, 2021
BOHLERENG.NET\SHARES\NC-PROJECTS\2018\NC-182042\DRAWINGS\PLAN SETS\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 FURTHERANCE WITH ALL APPLICABLE REGULATIONS 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

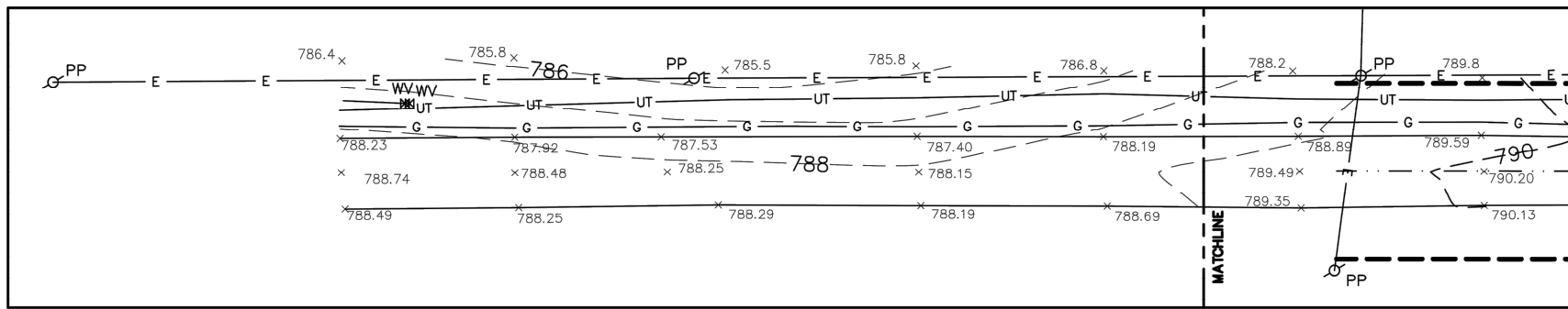
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-257-6500

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.

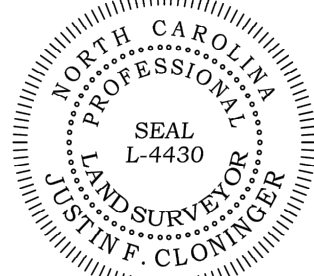
FLOOD CERTIFICATION

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.

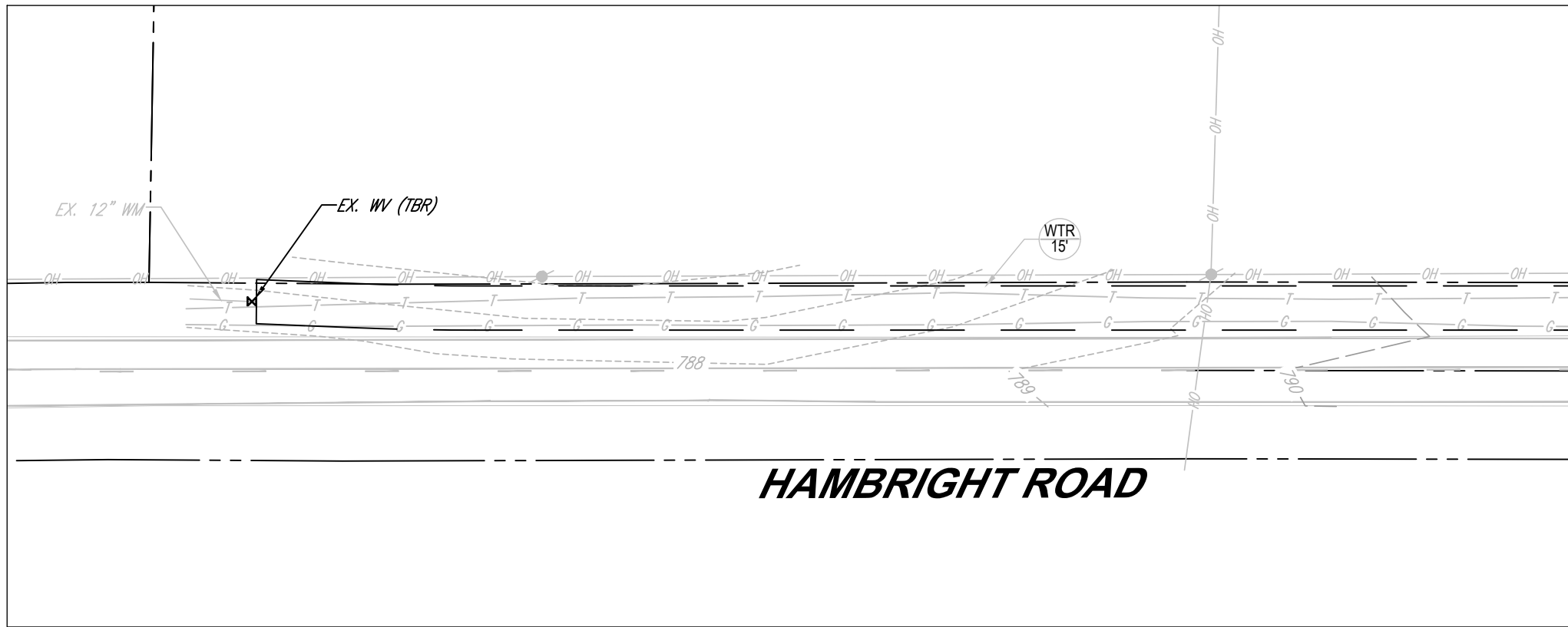
SIGNED *Justin F. Cloninger*



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 HAMBRIGHT ROAD 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

PLOTTED: 7/22/2020
C:\CARLSON\PROJECTS\91217\DWG\91217.DWG



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THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN

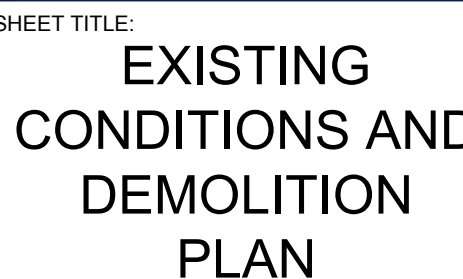
[illegible]

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REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT:

HAMBRIGHT ROAD
HUNTERSVILLE, NC

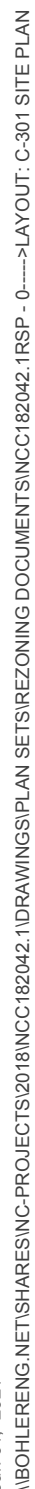
1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
 Phone: (980) 272-3400
 Fax: (980) 272-3401
NC@BohlerEng.com



100

RZ - 1

ORG. DATE - 3/13/2019



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

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

[illegible]

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PROJECT:

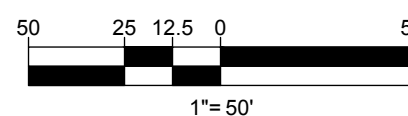
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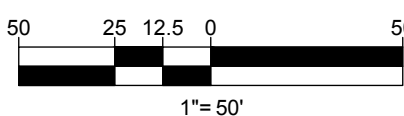
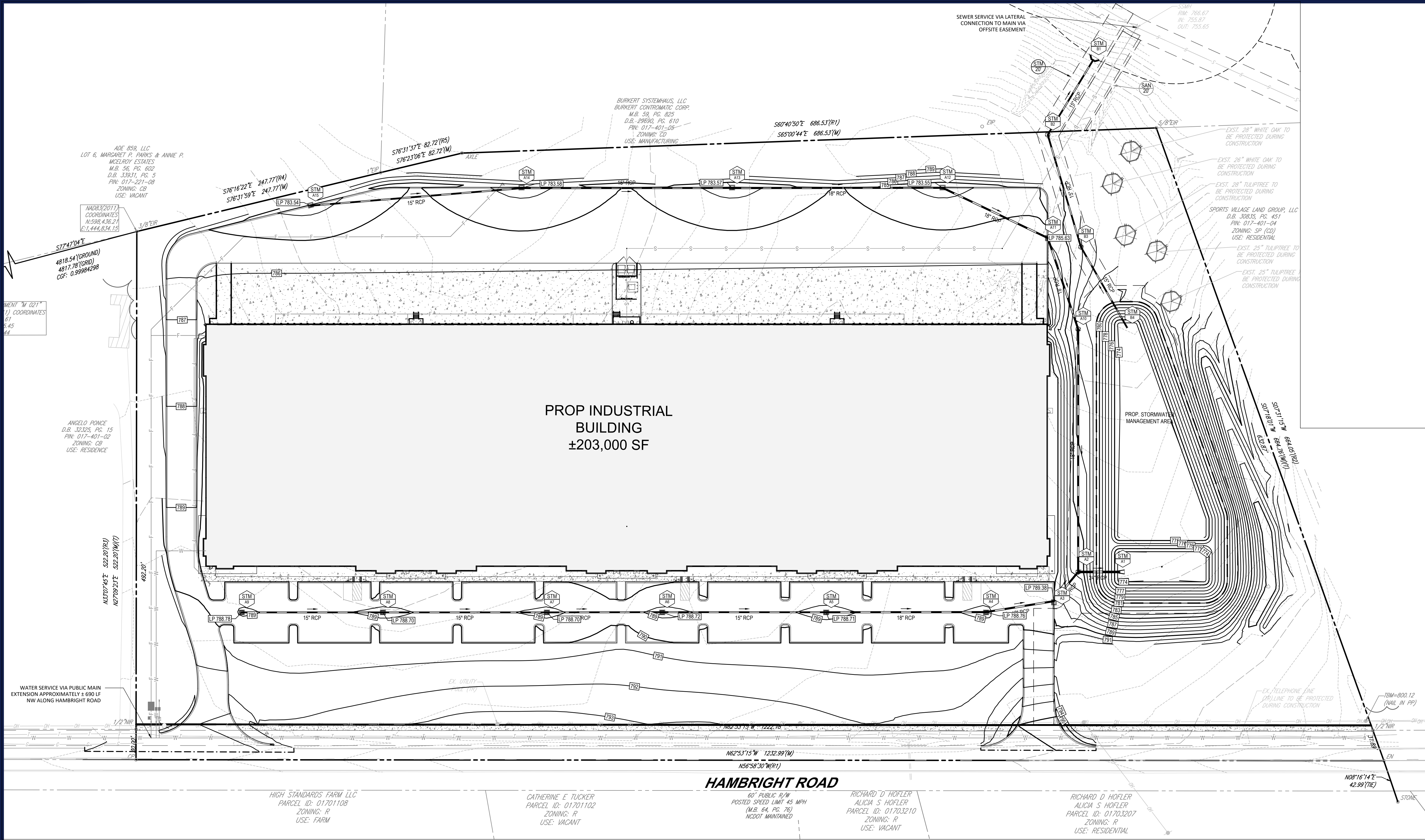
PROPOSED
DEVELOPMENT

BOHLER 
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NCBELS P-1132

ORG. DATE - 3/13/2019

- 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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SITE CIVIL AND CONSULTING ENGINEERING
LANDSCAPE ARCHITECTURE
PROGRAM MANAGEMENT
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	

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PROJECT No.: NCC182042.1
DRAWN BY: RB
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

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

Professional Engineer
NORTH CAROLINA
DR. BRIAN B. MILLER
045609
6/1/2021

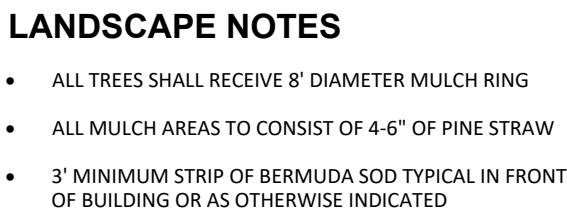
SHEET TITLE:

GRADING PLAN

SHEET NUMBER:

RZ - 3

ORG. DATE - 3/13/2019



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BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING

PROGRAM MANAGEMENT

LANDSCAPE ARCHITECTURE

SUSTAINABLE DESIGN

PERMITTING SERVICES

TRANSPORTATION SERVICES

THE DESIGN AND CONSTRUCTION OF THE ROAD AND HIGHWAY SYSTEMS ARE THE RESPONSIBILITY OF THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, REGULATIONS, AND STANDARDS. THE DESIGNER SHALL BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, REGULATIONS, AND STANDARDS. THE DESIGNER SHALL BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, REGULATIONS, AND STANDARDS.

REVISIONS

[illegible]

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DOCUMENT UNLESS INDICATED OTHERWISE.

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

PROJECT:

**NORTH CHASE
AT THE PARK
BUILDING 100**

- FOR

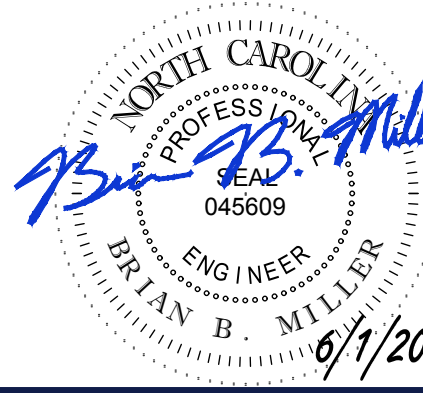
MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC

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



SHEET TITLE:

LANDSCAPE PLAN

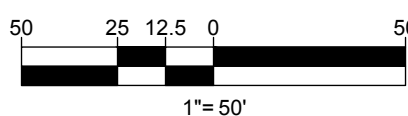
SHEET NUMBER

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 7' 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 40 FEET ON CENTER. TREE PLANTING STRIPS AT PERIMETER OF LOTS SHALL BE A MINIMUM OF 10 FEET IN WIDTH.	PROVIDED REQUIRED TREES: 23 CALCULATION: 89740x22.4 PROVIDED TREES: 23 PROVIDED SHRUBS: 225 CALCULATION: 8974x224.3 PROVIDED TREES: 225
ARTICLE 7.5 BUFFER YARDS	ANY PROPERTY ZONED CL, C8, OR SP ABUTTING STREET RIGHT OF WAY AND PROPERTY LINES.	SEE PLANS
ARTICLE 12 STREET TREES/EXTENSIVE 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 OBSTRUCTIONS. (B) SMALL MATURING "CANOPY" LINE TREES SHALL BE PLANTED 30 FEET ON CENTER 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 "TWO-STEP" LANDSCAPE ELEMENT 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: 10984x44.7 PROVIDED INTERIOR TREES: 55 PROVIDED STREET TREES: 53
ARTICLE 14 TREE PRESERVATION, PROTECTION, & REMOVAL	30% SPECIMEN TREE SAVE REQUIRED PER TABLE 1.2 (a) (i) OF ARTICLE 7.4	EXISTING SPECIMEN TREES + 15 5+ x 4 = 5 SPECIMEN TREES REQUIRED 5 TREES PROVIDED

LANDSCAPE SCHEDULE								
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	Remarks	
OVERSTORY TREES								
	QTL	47	Gleditsia thurbinata	Thames River Locust	2 1/2" CAL	B+B	12-14 HT	Full Central Leader
	QLPA	99	Quercus palustris	Pin Oak	2 1/2" CAL	B+B	12-14 HT	Full Central Leader
SUBTOTAL:		137						
UNDERSTORY TREES								
	CCSP	23	Cercis canadensis "Forest Pansy"	Forest Pansy Redbud	2" CAL	B+B	8-10 HT	Full
	LIST	27	Lagerstromia indica "Tussock"	Tussock Craple Myrtle	1" CANES	B+B	8-10 HT	Full, 3-6 canes
SUBTOTAL:		50						
EVERGREEN TREES								
	CRJA	6	Cryptomeria japonica	Cryptomeria	2" CAL	B+B	8 HT	Full
	ENJS	3	Illex x Nellore R. Stevens	Nellore Stevens Holly	2" CAL	B+B	8 HT	Full TO GROUND
SUBTOTAL:		9						
SHRUBS								
	HPLL	10	Hydrangea paniculata "Little Lime"	Little Lime Hydrangea	N/A	3 GAL	24" HT	Full
	BLGS	10	Illex glabra "Shamrock"	Shamrock Inkberry Holly	N/A	3 GAL	19" HT	Full
	LJAP	111	Ligustrum japonicum	Waxleaf Ligustrum	N/A	3 GAL	24" HT	Multi Trunk
	LOCR	112	Coronilla chinensis "Ruby"	Ruby Coronilla	N/A	3 GAL	24" HT	
	ROEN	142	Rhododendron x "Encore"	Encore Azalea Variety	N/A	3 GAL	32" HT	Full
SUBTOTAL:		385						



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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
Huntersvil dboone@huntersville.org
Huntersvil lmunger@huntersville.org
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:

Huntersvil bogeybabber@gmail.com
Huntersvil cbpack51@yahoo.com
Huntersvil jenniferdavis078@gmail.com
Huntersvil gammonf@roadrunner.com
Huntersvil cgraffy@outlook.com
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 & Dortch 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.			Linda Hopkins 13510 Damson Drive 252-334-2348	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:

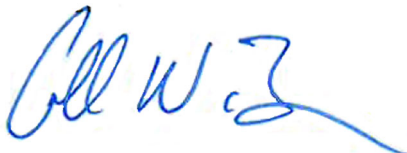
Our firm represents McDonald Development Company (the "Petitioner") in their evaluation of a potential rezoning request to modify the buffer requirements with alternative landscape plantings along Hambright Road as related to a warehouse/distribution development project. The alternative proposal would 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)



Collin Brown



Collin Brown (audio)



Tracy White



A Hofler



Angelo Ponce



Bob McLeod



Bob McLeod



Brad Priest



Catherine Graffy



Dan Boone



Diann Norwood



Frank Gammon



Lisa Tucker



Nick Walsh



Richard Hofler



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

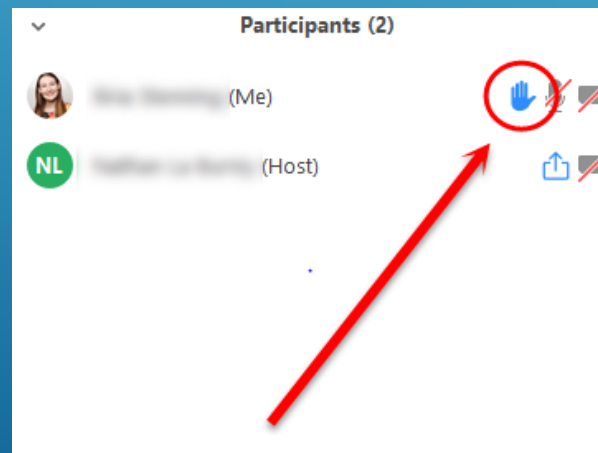
- **Introductions**
 - **Property Location**
 - **Development Considerations**
 - **Current Zoning**
 - **Proposed Adjustment**
 - **Example Rendering**
 - **Potential Rezoning Timeline**
 - **Questions/Discussion**
- 
- A series of several thin, white, parallel diagonal lines extending from the middle-right towards the bottom-right corner of the slide.

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

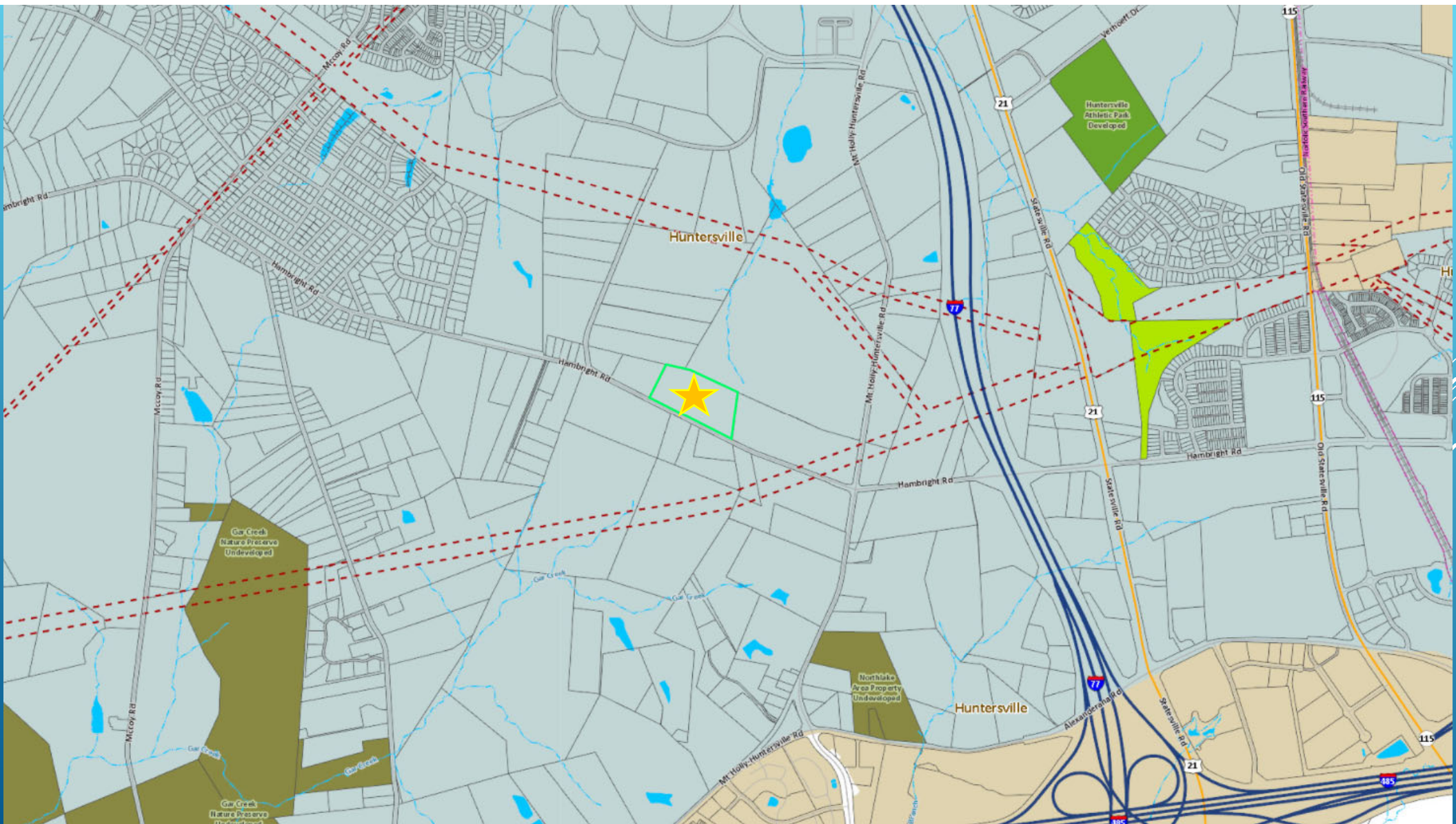


Brian Miller,
Steven Singleton



Collin Brown,
Brittany Lins, &
Lisa Tucker

PROPERTY LOCATION









DEVELOPMENT CONSIDERATIONS



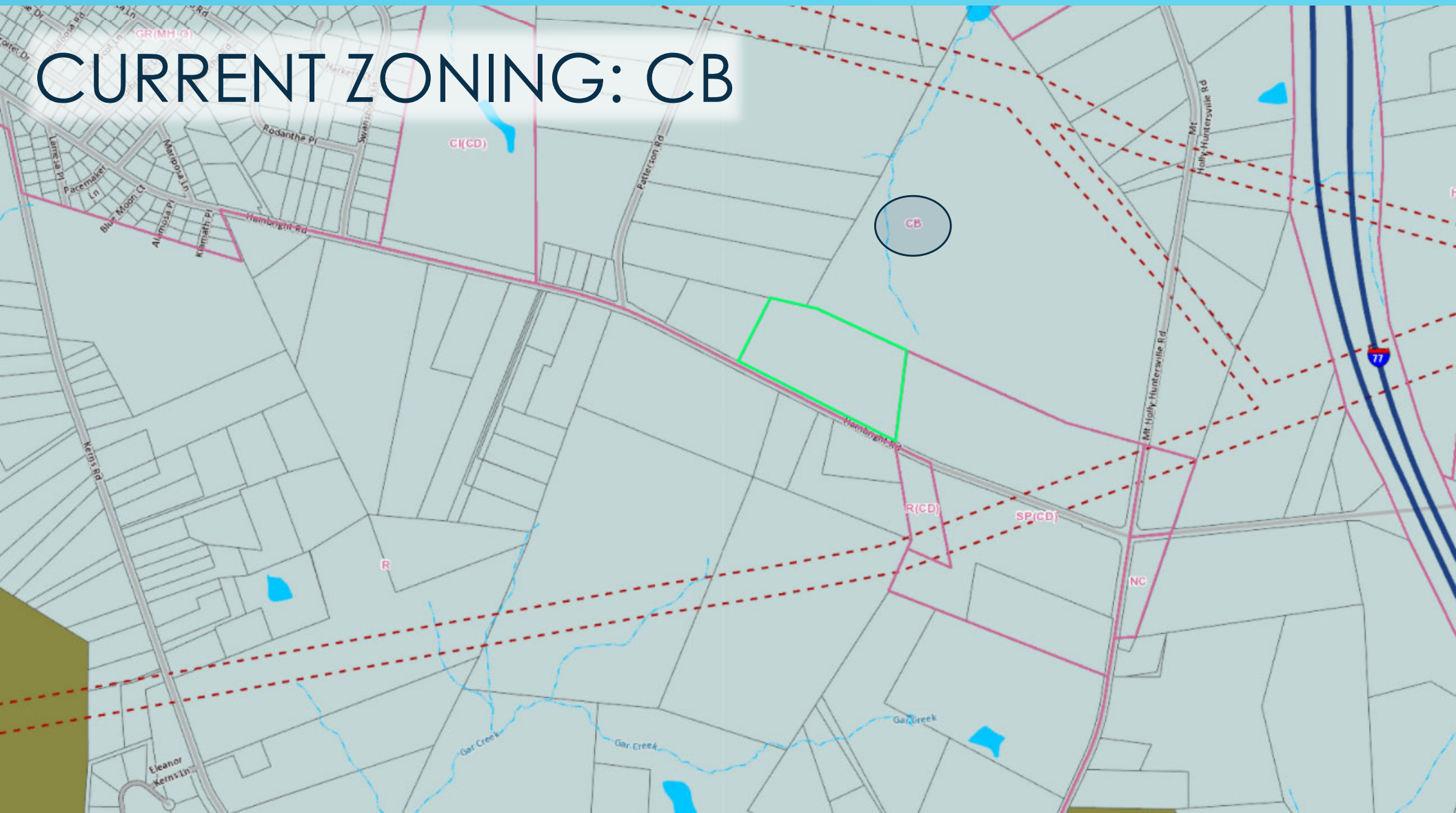
DEVELOPMENT CONSIDERATIONS

- ▶ 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



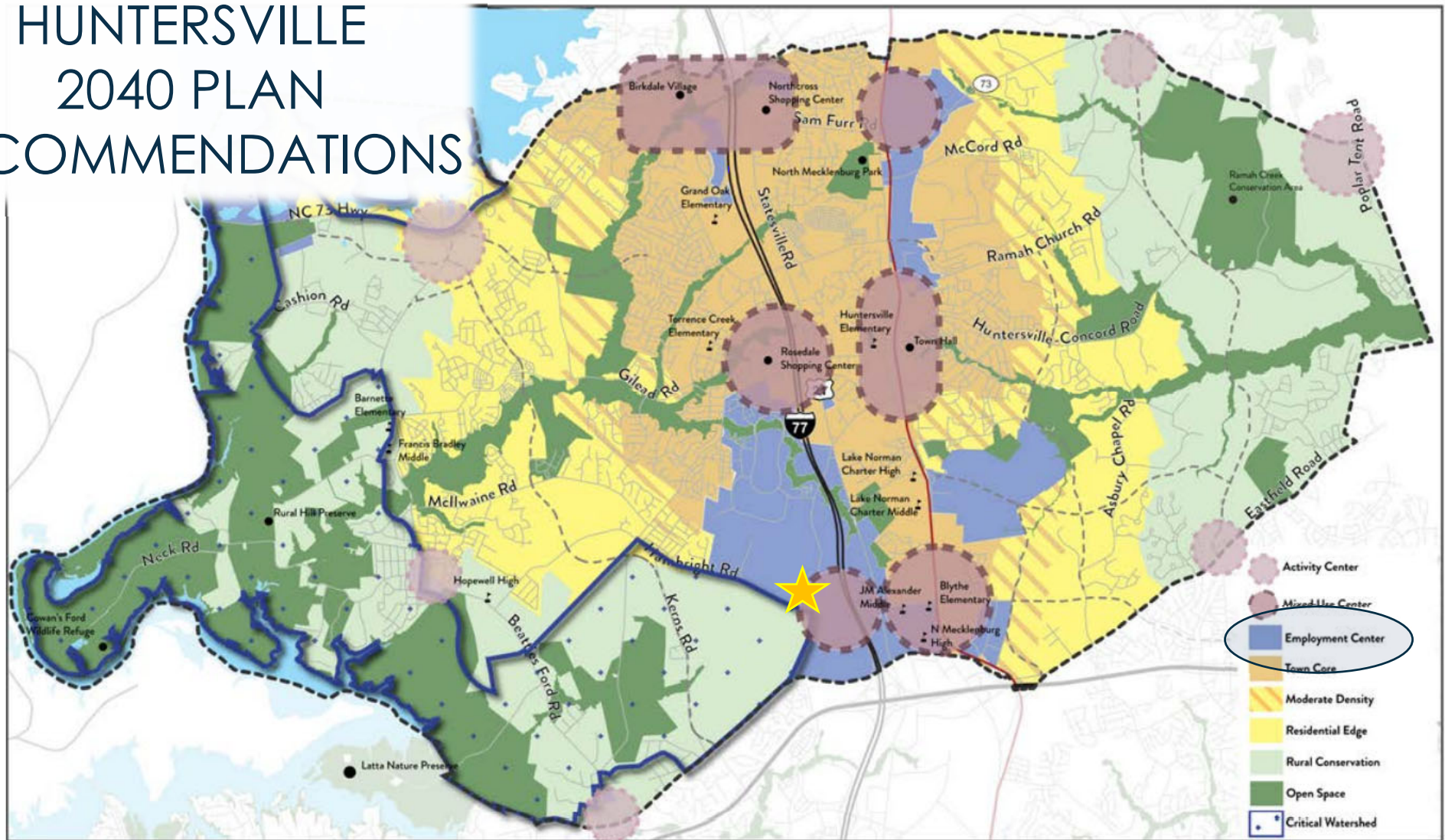
CURRENT ZONING

CURRENT ZONING: CB



TOWN OF HUNTERSVILLE FUTURE LAND USE MAP

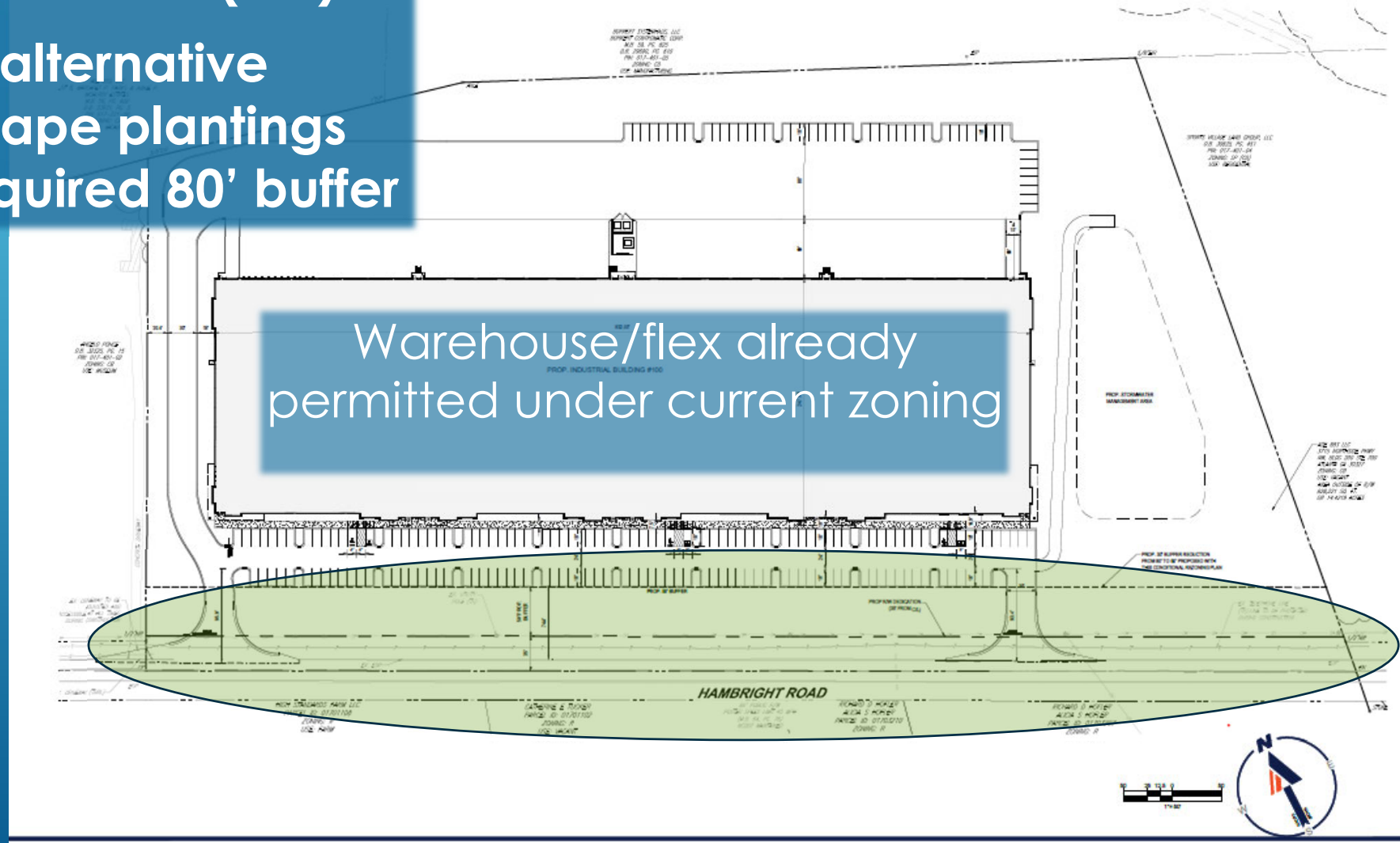
HUNTERSVILLE 2040 PLAN RECOMMENDATIONS



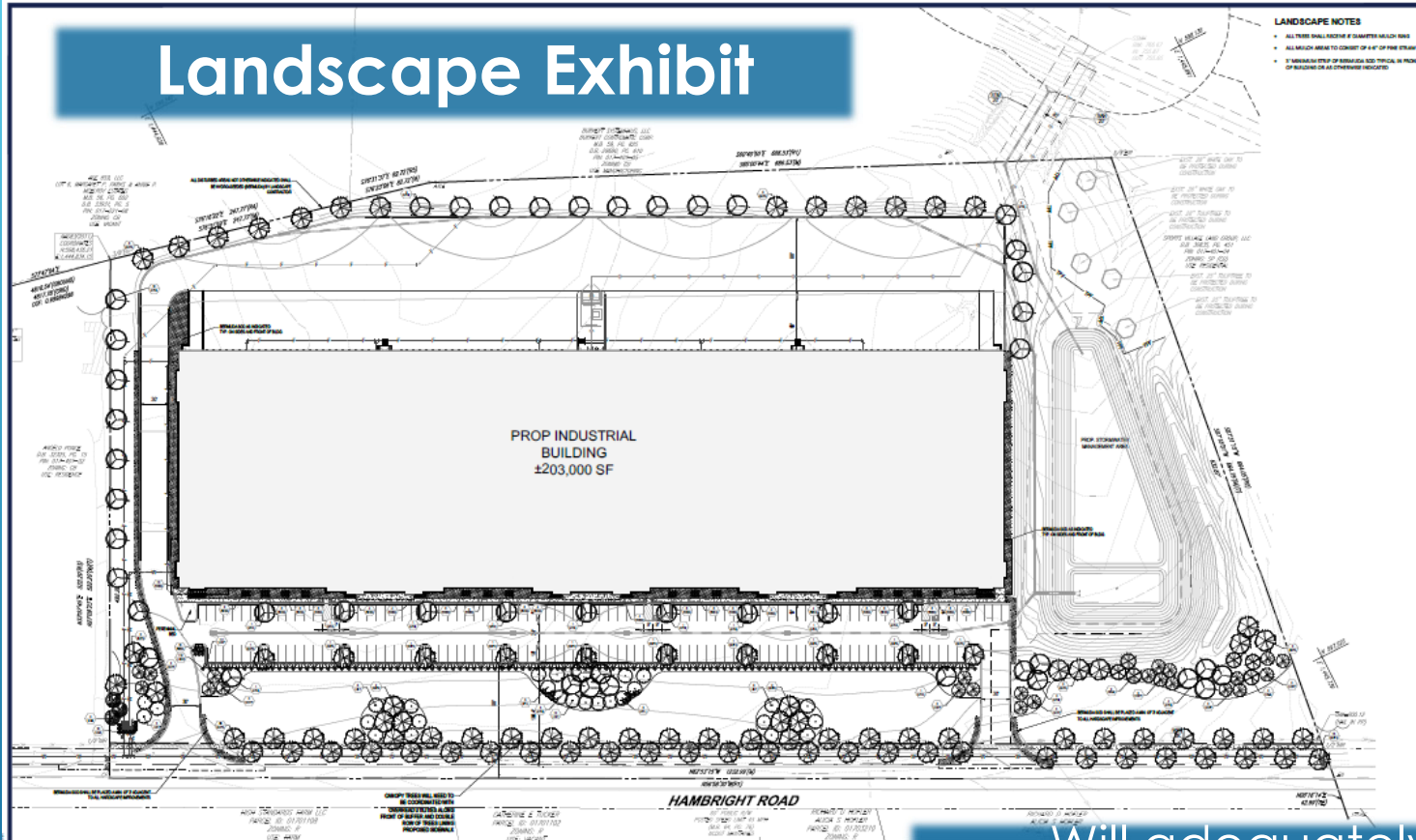
REZONING REQUEST

Conditional CB(CD)

For alternative
landscape plantings
within required 80' buffer



Landscape Exhibit



- LANDSCAPE NOTES**
- ALL TREES SHALL RECEIVE 8" DIAMETER SHELTER SHAGS
 - ALL MULCH SHALL BE COMPOST OF 4" OF PINE STRAW
 - IF REMOVAL OF EXISTING TREES IS NECESSARY, THE REMOVAL SHALL BE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS		
SECTION	REQUIREMENTS	COMMENTS/NOTES
1. GENERAL	ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A SCREENING OF THE BUILDING AND TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS.	
2. PLANTING	ALL PLANTING SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS. THE PLANTING SHALL BE DESIGNED TO PROVIDE A SCREENING OF THE BUILDING AND TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE PLANTING SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE PLANTING SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS.	
3. MAINTENANCE	ALL MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS. THE MAINTENANCE SHALL BE DESIGNED TO PROVIDE A SCREENING OF THE BUILDING AND TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE MAINTENANCE SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS. THE MAINTENANCE SHALL BE DESIGNED TO PROVIDE A BUFFER BETWEEN THE BUILDING AND THE ADJACENT AREAS.	

LANDSCAPE SCHEDULE			
ITEM	QTY.	SYMBOL NAME	COMMON NAME
1.01	1	Shrub	Shrub
1.02	1	Shrub	Shrub
1.03	1	Shrub	Shrub
1.04	1	Shrub	Shrub
1.05	1	Shrub	Shrub
1.06	1	Shrub	Shrub
1.07	1	Shrub	Shrub
1.08	1	Shrub	Shrub
1.09	1	Shrub	Shrub
1.10	1	Shrub	Shrub
1.11	1	Shrub	Shrub
1.12	1	Shrub	Shrub
1.13	1	Shrub	Shrub
1.14	1	Shrub	Shrub
1.15	1	Shrub	Shrub
1.16	1	Shrub	Shrub
1.17	1	Shrub	Shrub
1.18	1	Shrub	Shrub
1.19	1	Shrub	Shrub
1.20	1	Shrub	Shrub

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

BOHLER
BOHLER ENGINEERING INC. 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

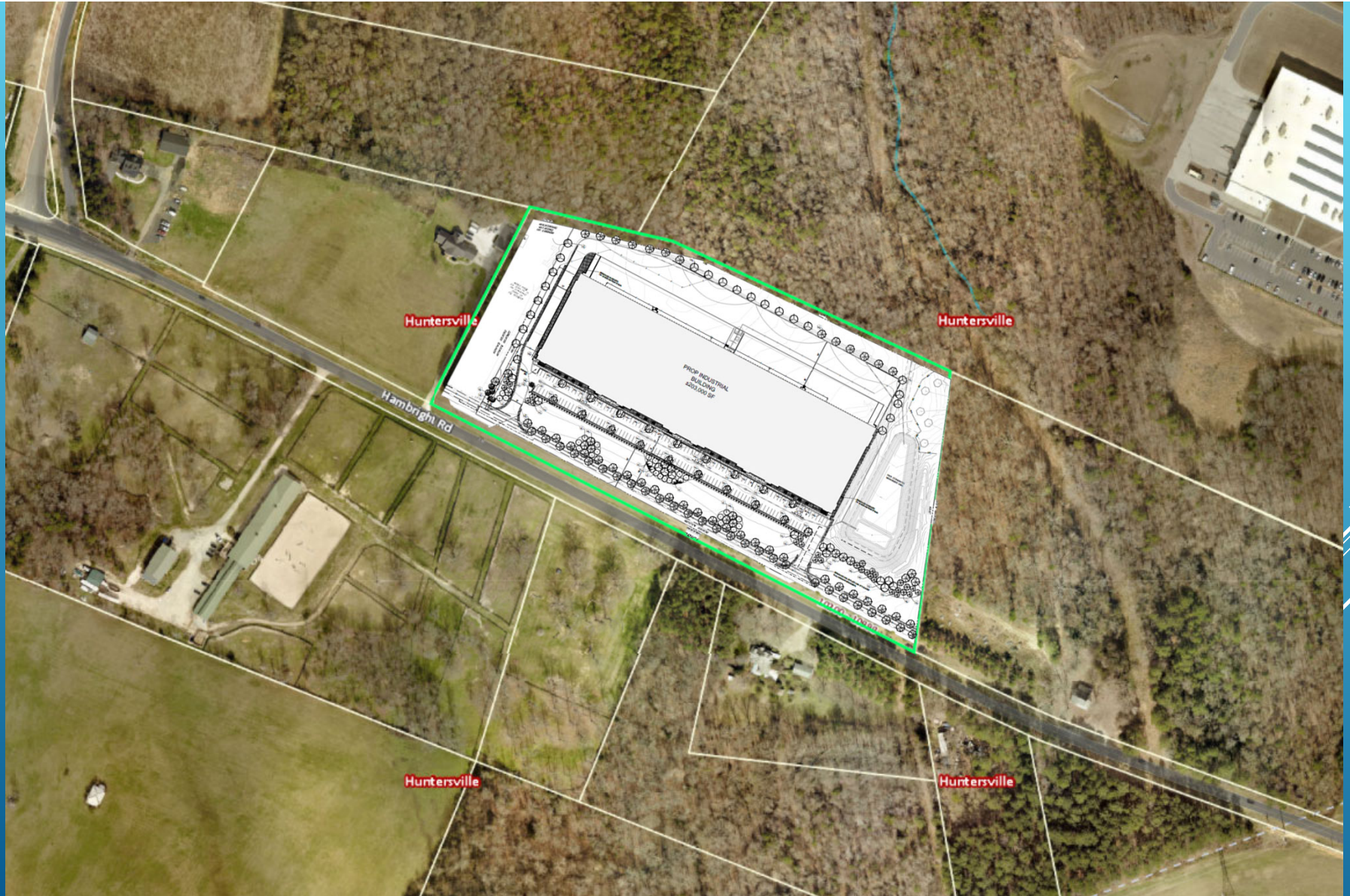
SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT
J. L. S. MALL
6/16/2020

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

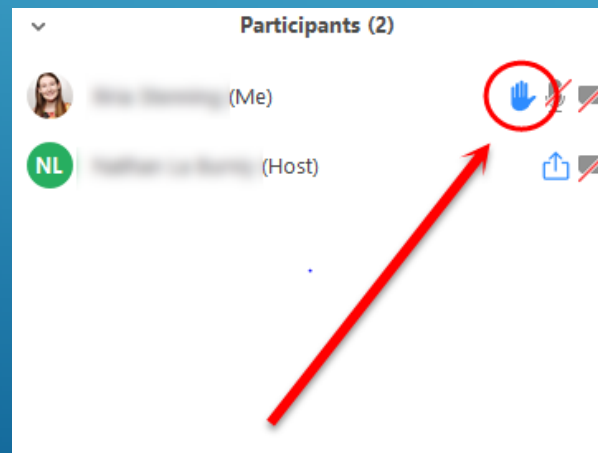
- Filed Application: June 1st
 - Community Meeting: TODAY
 - Earliest Possible Public Hearing: September 7th
 - Planning Board Meeting: September 28th
 - Earliest Possible Decision: October 18th
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner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

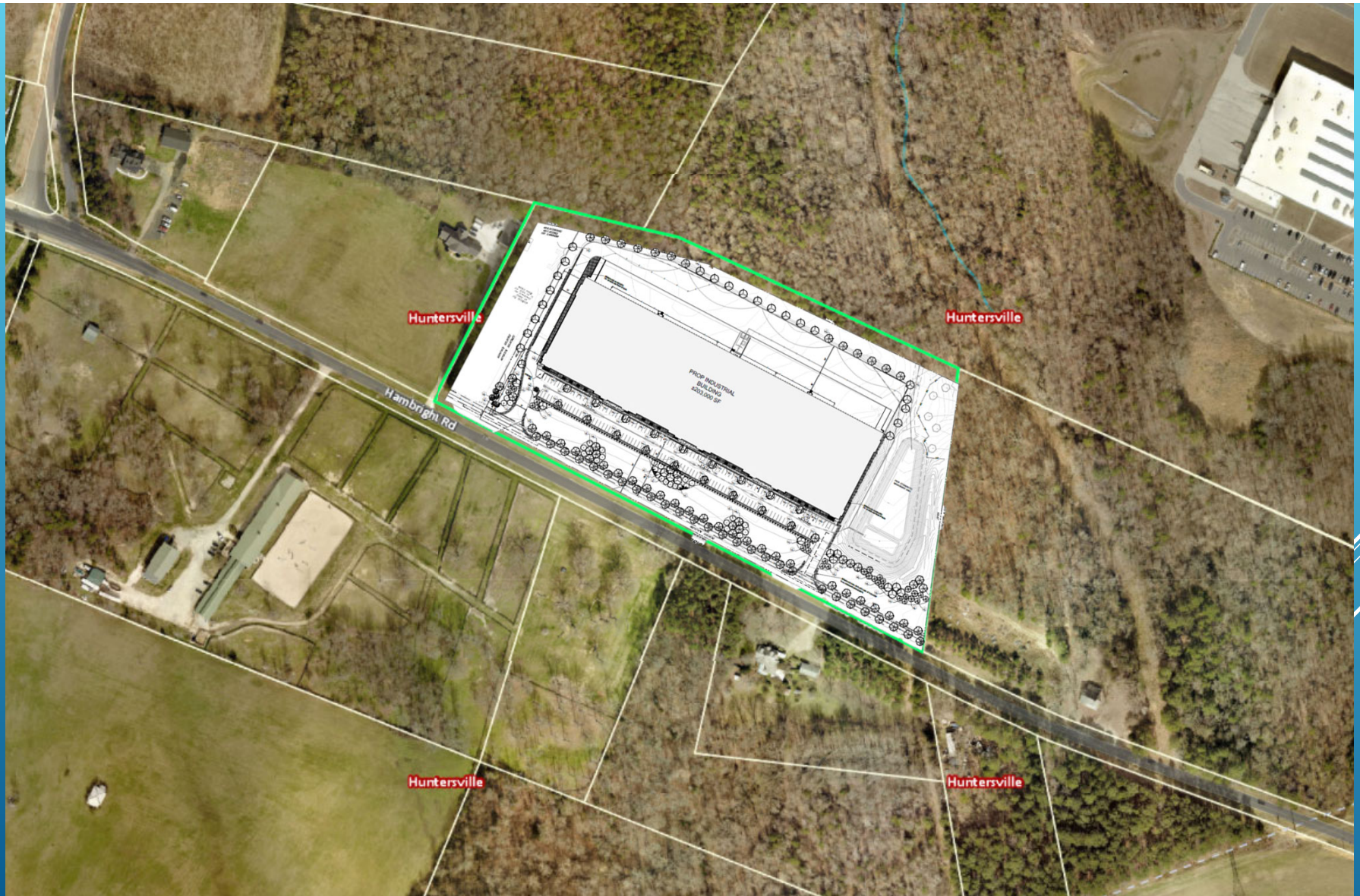
QUESTIONS & DISCUSSION

Type your
questions



Or ask out loud





THANK YOU!

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



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: _____

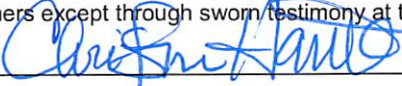
Title _____ Email _____

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

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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
November 1, 2021**

To: Town Board

From: Stephen Trott

Date: November 1, 2021

Subject: TA21-12 Article 14 (TIA) Amendments

EXPLAIN REQUEST:

Consider a decision 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:

Decision on options presented.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Article 14 Mod staff report
2. Draft Option 1 Article 14 changes for threshold increase
3. Draft Option 1 Article 14 Edits
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 occurred on 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

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~~ **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

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~~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 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
November 1, 2021**

To: Town Board

From: David Hill

Date: November 1, 2021

Subject: 2022 Downtown Plan Contract Approval

EXPLAIN REQUEST:

Shook Kelley, a Charlotte-based architectural and urban design firm, has been selected to perform all services needed to produce the 2022 Downtown Plan. The project follows on the heels of the 2040 Community Plan, and will focus on specific design concepts, infrastructure, and implementation related to the downtown and surrounding neighborhoods. The Downtown Plan Steering Committee, created on October 4, 2021, will provide project oversight. The Plan is scheduled to be completed by early summer 2022.

ACTION RECOMMENDED:

Staff recommends approval of the resolution.

FINANCIAL IMPLICATIONS:

The contract contains a "Not to Exceed" amount of \$150,000. This reflects the approved budget for the project for Fiscal Year 2021-22.

ATTACHMENTS:

1. Shook Kelley Contract - Master Agreement 11012021
2. Shook Kelley Contract - Exhibit A 11012021
3. Shook Kelley Contract - Exhibit B - Scope Outline 11012021
4. Shook Kelley Contract - Exhibit C - Scope of Work 11012021
5. Shook Kelley Contract - Exhibit D - Work Plan & Schedule 11012021
6. Shook Kelley Contract - Exhibit E - Standard Terms & Conditions 11012021
7. R-2021-69 - Shook Kelley Contract Approval - Downtown Plan 11012021

Huntersville 2022 Downtown Plan

Agreement Between Town of Huntersville, NC and Shook Kelley, Inc.

AIA® Document B102™ – 2017

Standard Form of Agreement Between Owner and Architect *without a Predefined Scope of Architect's Services*

AGREEMENT made as of the «First » day of «November » in the year «Two Thousand Twenty-One »

(In words, indicate day, month and year.)

BETWEEN the Architect's client identified as the Owner:
(Name, legal status, address and other information)

«Town of Huntersville»«»
«105 Gilead Road»
«3rd Floor»
«Huntersville, NC 28078»
«Telephone Number: (704)766-2213 »

and the Architect:
(Name, legal status, address and other information)

«Shook Kelley, Inc. d/b/a Shook Kelley»
«1545 West Trade Street »
«Charlotte, North Carolina 28216»
«Telephone Number: (704) 377-0661»
«Fax Number: (704) 377-0953»

for the following (hereinafter referred to as "the Project"):
(Insert information related to types of services, location, facilities, or other descriptive information as appropriate.)

«Huntersville - 2022 Downtown Master Plan»
« For purposes of defining the approximate Project Study Area see Exhibit A . For purposes of defining the Scope of Work and level of service required for the various tasks identified within, refer to Article 1: Architect's Responsibilities.»

The Owner and Architect agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

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TABLE OF ARTICLES

1	ARCHITECT'S RESPONSIBILITIES
2	OWNER'S RESPONSIBILITIES
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6	COMPENSATION
7	MISCELLANEOUS PROVISIONS
8	SPECIAL TERMS AND CONDITIONS
9	SCOPE OF THE AGREEMENT

ARTICLE 1 ARCHITECT'S RESPONSIBILITIES

§ 1.1 The Architect shall provide the following professional services:

(Describe the scope of the Architect's services or identify an exhibit or scope of services document setting forth the Architect's services and incorporated into this document in Section 9.2.)

«See Exhibit B and Exhibit C»

§ 1.1.1 The Architect represents that it is properly licensed in the jurisdiction where the Project is located to provide the services required by this Agreement, or shall cause such services to be performed by appropriately licensed design professionals.

§ 1.2 The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

§ 1.2.1 The Architect shall retain the consultants identified in Sections 1.2.1.1 and 1.2.1.2 under Basic Services:
(List name, legal status, address, and other contact information.)

.1 Transportation and Infrastructure Consultant:

«Gannett Fleming, Inc. »
« One Glenwood Avenue »
«Suite 900 »
« Raleigh, North Carolina 27063»
«Telephone Number: (919) 420-7660 »

.2 Economic Development Consultant:

«Gibbs Planning Group, Inc. »
« 240 Martin Street »
« Birmingham, Michigan 48009 »
«Telephone Number: (248) 642-4800 »

§ 1.3 The Architect identifies the following representative authorized to act on behalf of the Architect with respect to the Project.

(List name, address, and other contact information.)

«Charles Terry Shook, FAIA»
«1545 West Trade Street»
«Charlotte, North Carolina 28216»
«Telephone Number: (704) 377-0661»
«Fax Number: (704) 377-0953»
«Email Address: tshook@shookkelley.com»

§ 1.4 Except with the Owner's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Architect's professional judgment with respect to this Project.

§ 1.5 The Architect shall maintain the following insurance until termination of this Agreement. If any of the requirements set forth below are in addition to the types and limits the Architect normally maintains, the Owner shall pay the Architect as set forth in Section 6.2.3.

§ 1.5.1 Commercial General Liability with policy limits of not less than «One Million Dollars» (\$ «1,000,000») for each occurrence and «Two Million Dollars» (\$ «2,000,000») in the aggregate for bodily injury and property damage.

§ 1.5.2 Automobile Liability covering vehicles owned, and non-owned vehicles used, by the Architect with policy limits of not less than «One Million Dollars» (\$ «1,000,000») per accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance and use of those motor vehicles, along with any other statutorily required automobile coverage.

§ 1.5.3 The Architect may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess or umbrella liability insurance, provided such primary and excess or umbrella liability insurance policies result in the same or greater coverage as the coverages required under Sections 1.5.1 and 1.5.2, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.

§ 1.5.4 Workers' Compensation at statutory limits.

§ 1.5.5 Employers' Liability with policy limits not less than «One Million Dollars» (\$ «1,000,000») each accident, «One Million Dollars» (\$ «1,000,000») each employee, and «One Million Dollars» (\$ «1,000,000») policy limit.

§ 1.5.6 Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limits of not less than «Two Million Dollars» (\$ «2,000,000») per claim and «Two Million Dollars» (\$ «2,000,000») in the aggregate.

§ 1.5.7 **Additional Insured Obligations.** If requested by the Owner, to the fullest extent permitted by law, the Architect shall cause the primary and excess or umbrella policies for Commercial General Liability and Automobile Liability to include the Owner as an additional insured for claims caused in whole or in part by the Architect's negligent acts or omissions. The additional insured coverage shall be primary and non-contributory to any of the Owner's insurance policies and shall apply to both ongoing and completed operations.

§ 1.5.8 The Architect shall provide certificates of insurance to the Owner that evidence compliance with the requirements in this Section 1.5.

ARTICLE 2 OWNER'S RESPONSIBILITIES

§ 2.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including a written program, which shall set forth the

Owner's objectives; schedule; constraints and criteria, including space requirements and relationships; flexibility; expandability; special equipment; systems; and site requirements.

§ 2.2 The Owner identifies the following representative authorized to act on the Owner's behalf with respect to the Project. The Owner shall render decisions and approve the Architect's submittals in a timely manner in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

(List name, address, and other contact information.)

«David Hill»
«105 Gilead Road»
«3rd Floor»
«Huntersville, NC 28078»
«Telephone Number: (704)766-2213 »
«Email Address: dhill@huntersville.org»

§ 2.3 The Owner shall coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated as the responsibility of the Architect in this Agreement, or authorize the Architect to furnish them as an Additional Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants and contractors maintain insurance, including professional liability insurance, as appropriate to the services or work provided.

§ 2.4 The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 2.5 The Owner shall provide prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.

§ 2.6 Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights.

ARTICLE 3 COPYRIGHTS AND LICENSES

§ 3.1 The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project.

§ 3.2 The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

§ 3.3 The Architect grants to the Owner a nonexclusive license to use the Architect's Instruments of Service solely and exclusively for the purposes of evaluating, constructing, using, maintaining, altering and adding to the Project, provided that the Owner substantially performs its obligations under this Agreement, including prompt payment of all sums due pursuant to Article 5 and Article 6. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services or construction for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Section 5.4, the license granted in this Section 3.3 shall terminate.

§ 3.3.1 In the event the Owner uses the Instruments of Service without retaining the authors of the Instruments of Service, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes

of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 3.3.1. The terms of this Section 3.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 5.4.

§ 3.4 Except for the licenses granted in this Article 3, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Architect and the Architect's consultants.

§ 3.5 Except as otherwise stated in Section 3.3, the provisions of this Article 3 shall survive the termination of this Agreement.

ARTICLE 4 CLAIMS AND DISPUTES

§ 4.1 General

§ 4.1.1 The Owner and Architect shall commence all claims and causes of action against the other and arising out of or related to this Agreement, whether in contract, tort, or otherwise, in accordance with the requirements of the binding dispute resolution method selected in this Agreement and within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Architect waive all claims and causes of action not commenced in accordance with this Section 4.1.1.

§ 4.1.2 To the extent damages are covered by property insurance, the Owner and Architect waive all rights against each other and against the contractors, consultants, agents, and employees of the other for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A201-2017, General Conditions of the Contract for Construction. The Owner or the Architect, as appropriate, shall require of the contractors, consultants, agents, and employees of any of them, similar waivers in favor of the other parties enumerated herein. Nothing stated herein shall constitute a waiver of the Owner's governmental immunity.

§ 4.1.3 The Architect and Owner waive consequential damages for claims, disputes, or other matters in question, arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 5.7.

§ 4.2 Mediation

§ 4.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Architect's services, the Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 4.2.2 The Owner and Architect shall endeavor to resolve claims, disputes and other matters in question between them by mediation, which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of this Agreement. A request for mediation shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the mediation. The request may be made concurrently with the filing of a complaint or other appropriate demand for binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order. If an arbitration proceeding is stayed pursuant to this section, the parties may nonetheless proceed to the selection of the arbitrator(s) and agree upon a schedule for later proceedings.

§ 4.2.3 The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

§ 4.2.4 If the parties do not resolve a dispute through mediation pursuant to this Section 4.2, the method of binding dispute resolution shall be the following:

(Check the appropriate box.)

[« »] Arbitration pursuant to Section 4.3 of this Agreement

[« X »] Litigation in a court of competent jurisdiction in North Carolina.

[« »] Other (*Specify*)

« »

If the Owner and Architect do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.

§ 4.3 Arbitration

§ 4.3.1 If the parties have selected arbitration as the method for binding dispute resolution in this Agreement, any claim, dispute or other matter in question arising out of or related to this Agreement subject to, but not resolved by, mediation shall be subject to arbitration, which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules in effect on the date of this Agreement. A demand for arbitration shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the arbitration.

§ 4.3.1.1 A demand for arbitration shall be made no earlier than concurrently with the filing of a request for mediation, but in no event shall it be made after the date when the institution of legal or equitable proceedings based on the claim, dispute or other matter in question would be barred by the applicable statute of limitations. For statute of limitations purposes, receipt of a written demand for arbitration by the person or entity administering the arbitration shall constitute the institution of legal or equitable proceedings based on the claim, dispute or other matter in question.

§ 4.3.2 The foregoing agreement to arbitrate, and other agreements to arbitrate with an additional person or entity duly consented to by parties to this Agreement, shall be specifically enforceable in accordance with applicable law in any court having jurisdiction thereof.

§ 4.3.3 The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

§ 4.3.4 Consolidation or Joinder

§ 4.3.4.1 Either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).

§ 4.3.4.2 Either party, at its sole discretion, may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration, provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of any claim, dispute or other matter in question not described in the written consent.

§ 4.3.4.3 The Owner and Architect grant to any person or entity made a party to an arbitration conducted under this Section 4.3, whether by joinder or consolidation, the same rights of joinder and consolidation as the Owner and Architect under this Agreement.

§ 4.4 The provisions of this Article 4 shall survive the termination of this Agreement.

ARTICLE 5 TERMINATION OR SUSPENSION

§ 5.1 If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the

Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Owner shall pay the Architect all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 5.2 If the Owner suspends the Project, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 5.3 If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.

§ 5.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§ 5.5 The Owner may terminate this Agreement upon not less than seven days' written notice to the Architect for the Owner's convenience and without cause.

§ 5.6 If the Owner terminates this Agreement for its convenience pursuant to Section 5.5, or the Architect terminates this Agreement pursuant to Section 5.3, the Owner shall compensate the Architect for services performed prior to termination, Reimbursable Expenses incurred, and costs attributable to termination, including the costs attributable to the Architect's termination of consultant agreements.

§ 5.7 In addition to any amounts paid under Section 5.6, if the Owner terminates this Agreement for its convenience pursuant to Section 5.5, or the Architect terminates this Agreement pursuant to Section 5.3, the Owner shall pay to the Architect the following fees:

(Set forth below the amount of any termination or licensing fee, or the method for determining any termination or licensing fee.)

.1 Termination Fee:

«Not Applicable»

.2 Licensing Fee, if the Owner intends to continue using the Architect's Instruments of Service:

« Not Applicable »

§ 5.8 Except as otherwise expressly provided herein, this Agreement shall terminate
(Check the appropriate box.)

☐ One year from the date of commencement of the Architect's services

☐ One year from the date of Substantial Completion

☒ Other
(Insert another termination date or refer to a termination provision in an attached document or scope of service.)

« See Exhibit D »

If the Owner and Architect do not select a termination date, this Agreement shall terminate one year from the date of commencement of the Architect's services.

§ 5.9 The Owner's rights to use the Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 3 and Section 5.7.

ARTICLE 6 COMPENSATION

§ 6.1 The Owner shall compensate the Architect as set forth below for services described in Section 1.1, or in the attached exhibit or scope document incorporated into this Agreement in Section 9.2.

(Insert amount of, or basis for, compensation or indicate the exhibit or scope document in which compensation is provided for.)

«A fixed fee of One Hundred and Fifty Thousand Dollars (\$150,000)

§ 6.2 Both the Owner and the Architect acknowledge that the specific scope of services outlined herein may be modified as may be generally requested by the Owner. Any services beyond those described in Section 1.1, shall be provided as Additional Services. Additional Services shall be either based upon a fixed fee in accordance with a specific scope, or provided on an hourly basis at the following hourly rates:

«

- Partners' time at a fixed rate of Three Hundred and Fifty Dollars (\$350.00)/hour.
The Partners are:
Charles Terry Shook, FAIA
Kevin Ervin Kelley, AIA
- Principals' time at a fixed rate of Two Hundred Fifty Dollars (\$250.00)/hour.
The Principals are:
Frank Stephen Quattrocchi, LEED AP
Stanley Paul Rostas, AIA, IIDA, LEED AP
Thomas Scott Goodwin, AIA
Faron Franks
Larry Richard Zinser, II
Terry William Vickers, Jr., AIA, NCARB
- Senior Associate Staff time at a fixed rate of Two Hundred and Fifteen Dollars (\$215.00)/hour.
- Associate Staff time at a fixed rate of One Hundred and Forty Dollars (\$140.00)/hour.
- Junior Associate Staff time at a fixed rate of One Hundred and Fifteen Dollars (\$115.00)/hour.
- Administrative Staff time at a fixed rate of Seventy Dollars (\$70.00)/hour.»

§ 6.3 Compensation for Reimbursable Expenses

§ 6.3.1 Reimbursable Expenses are in addition to compensation set forth in Section 6.1 and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

- ~~.1~~ Transportation for authorized out-of-town travel and subsistence :
- ~~.2~~ Long distance services, dedicated data and communication services, teleconferences, Project web sites, and extranets;
- ~~.3~~ Permitting and other fees required by authorities having jurisdiction over the Project;
- .4 Printing, reproductions, plots, and standard form documents(through utilization of primarily digital media and presentation materials, the Architect shall endeavor to minimize use of paper with printing and plotting;
- .5 Postage, handling and delivery;
- .6 Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;
- .7 Renderings, physical models, mock-ups, professional photography, and Presentation materials requested by the Owner or required for the Project. Architect shall provide its own computer and projection equipment for public presentations. (Note: Costs associated with public meeting venue procurement along with audio/visual equipment rental and internet infrastructure shall be borne by the Owner);
- .8 If required by the Owner, and with the Owner's prior written approval, the Architect's consultants' expenses of professional liability insurance dedicated exclusively to this Project, or the expense of additional insurance coverage or limits in excess of that normally maintained by the Architect's consultants;
- .9 All taxes levied on professional services and on reimbursable expenses;
- .10 Site office expenses;

- ~~.11 Registration fees and any other fees charged by the Certifying Authority or by other entities as necessary to achieve the Sustainable Objective; and~~
.12 Other similar Project-related expenditures.

A guaranteed maximum (GMAX) fee of Ten Thousand Dollars (\$10,000)

§ 6.3.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus «Zero» percent («0» %) of the expenses incurred.

§ 6.3.3 **Architect's Insurance.** If the types and limits of coverage required in Section 1.5 are in addition to the types and limits the Architect normally maintains, the Owner shall pay the Architect for the additional costs incurred by the Architect for the additional coverages as set forth below:
«Not Applicable»

§ 6.4 Payments to the Architect

§ 6.4.1 Initial Payments

§ 6.4.1.1 An initial payment of «Zero Dollars» (\$ «0») shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account in the final invoice.

§ 6.4.2 Progress Payments

§ 6.4.2.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid «Thirty» («30») days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.
(Insert rate of monthly or annual interest agreed upon.)

§ 6.4.2.2 The Owner shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work, unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 6.4.2.3 Records of Reimbursable Expenses and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times.

ARTICLE 7 MISCELLANEOUS PROVISIONS

§ 7.1 This Agreement shall be governed by the law of the place where the Project is located, excluding that jurisdiction's choice of law rules. If the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 4.3.

§ 7.2 Except as separately defined herein, terms in this Agreement shall have the same meaning as those in AIA Document A201™-2017, General Conditions of the Contract for Construction.

§ 7.3 The Owner and Architect, respectively, bind themselves, their agents, successors, assigns, and legal representatives to this Agreement. Neither the Owner nor the Architect shall assign this Agreement without the written consent of the other, except that the Owner may assign this Agreement to a lender providing financing for the Project if the lender agrees to assume the Owner's rights and obligations under this Agreement, including any payments due to the Architect by the Owner prior to the assignment.

§ 7.4 The parties shall agree upon protocols governing the transmission and use of Instruments of Service or any other information or documentation in digital form. The parties will use AIA Document E203™-2013, Building Information Modeling and Digital Data Exhibit, to establish the protocols for the development, use, transmission, and exchange of digital data.

§ 7.4.1 Any use of, or reliance on, all or a portion of a building information model without agreement to protocols governing the use of, and reliance on, the information contained in the model and without having those protocols set forth in AIA Document E203™-2013, Building Information Modeling and Digital Data Exhibit, and the requisite AIA Document G202™-2013, Project Building Information Modeling Protocol Form, shall be at the using or

relying party's sole risk and without liability to the other party and its contractors or consultants, the authors of, or contributors to, the building information model, and each of their agents and employees.

§ 7.5 If the Owner requests the Architect to execute certificates, the proposed language of such certificates shall be submitted to the Architect for review at least 14 days prior to the requested dates of execution. If the Owner requests the Architect to execute consents reasonably required to facilitate assignment to a lender, the Architect shall execute all such consents that are consistent with this Agreement, provided the proposed consent is submitted to the Architect for review at least 14 days prior to execution. The Architect shall not be required to execute certificates or consents that would require knowledge, services, or responsibilities beyond the scope of this Agreement.

§ 7.6 Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or Architect.

§ 7.7 Unless otherwise required in this Agreement, the Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

§ 7.8 The Architect shall have the right to include photographic or artistic representations of the design of the Project among the Architect's promotional and professional materials. The Architect shall be given reasonable access to the completed Project to make such representations. However, the Architect's materials shall not include the Owner's confidential or proprietary information if the Owner has previously advised the Architect in writing of the specific information considered by the Owner to be confidential or proprietary. The Owner shall provide professional credit for the Architect in the Owner's promotional materials for the Project. This Section 7.8 shall survive the termination of this Agreement unless the Owner terminates this Agreement for cause pursuant to Section 5.4.

§ 7.9 If the Architect or Owner receives information specifically designated as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except as set forth in Section 7.9.1. This Section 7.9 shall survive the termination of this Agreement.

§ 7.9.1 The receiving party may disclose "confidential" or "business proprietary" information after 7 days' notice to the other party, when required by law, arbitrator's order, or court order, including a subpoena or other form of compulsory legal process issued by a court or governmental entity, or to the extent such information is reasonably necessary for the receiving party to defend itself in any dispute. The receiving party may also disclose such information to its employees, consultants, or contractors in order to perform services or work solely and exclusively for the Project, provided those employees, consultants and contractors are subject to the restrictions on the disclosure and use of such information as set forth in this Section 7.9.

§ 7.10 The invalidity of any provision of the Agreement shall not invalidate the Agreement or its remaining provisions. If it is determined that any provision of the Agreement violates any law, or is otherwise invalid or unenforceable, then that provision shall be revised to the extent necessary to make that provision legal and enforceable. In such case the Agreement shall be construed, to the fullest extent permitted by law, to give effect to the parties' intentions and purposes in executing the Agreement.

ARTICLE 8 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

«As found in the Standard Terms and Conditions of the Town of Huntersville attached hereto and incorporated herein as Exhibit E. »

ARTICLE 9 SCOPE OF THE AGREEMENT

§ 9.1 This Agreement represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Owner and Architect.

§ 9.2 This Agreement is comprised of the following documents identified below:

- .1 AIA Document B102™–2017, Standard Form Agreement Between Owner and Architect
.2 AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:
(Insert the date of the E203–2013 incorporated into this Agreement.)

« »

- .3 Exhibits:
(Check the appropriate box for any exhibits incorporated into this Agreement.)

[☐] AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below:
(Insert the date of the E204–2017 incorporated into this Agreement.)

« »

[☐] Other Exhibits incorporated into this Agreement:
(Clearly identify any other exhibits incorporated into this Agreement.)

« »

- .4 Other documents:
(List other documents, including the Architect's scope of services document, hereby incorporated into the Agreement.)

« Exhibit A – Project Site Study Area»
« Exhibit B– Project Overview and Process»
« Exhibit C– Project Scope of Work»
« Exhibit D– Project Work Plan and Schedule»
« Exhibit E – Town of Huntersville Standard Terms and Conditions»

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

«Jack Simoneau»«, Planning Director»
(Printed name and title)

ARCHITECT (Signature)

«Charles Terry Shook, FAIA»«, President»
(Printed name, title, and license number, if required)

Town of Huntersville - 2022 Downtown Master Plan

Scope of Work Outline

PHASE 1: DISCOVERY

1.1 ORGANIZATION, MOBILIZATION & RECONNAISSANCE

- 1.1.1 Town Department Coordination
 - Introductory Discussions & Information Download
 - GIS Data Collection & File Transfer
 - Communication Protocols & Infrastructure (Internal & External)
 - DPSC & Public Meetings: Venue, Approach, Protocols, & Infrastructure
- 1.1.2 SK Team Coordination
 - Project General Mobilization & Start-up Activities
 - Downtown Context Field Study
 - Adopted Town Document, Ordinance & Policy Review

1.2 PRELIMINARY ASSESSMENT

- 1.2.1 Infrastructure [Shook Kelley (SK) & Gannett Fleming (GF)]
 - Transportation (SK & GF)
 - Arterial Streets & Intersections (Gilead Rd & NC 115)
 - Downtown & Adjacent Neighborhood Streets
 - Bicycle & Pedestrian Facilities
 - Public Transit - CRT & BRT Station Area Plan
 - Parking - Distribution, Supply & Demand
 - General Infrastructure Systems (GF)
 - Environment & Open Space (SK & GF)
 - Terrestrial Systems
 - Public Greenways, Trails & Parks
 - Stormwater Systems
- 1.2.2 Land Use / Urban Design [Shook Kelley]
 - Adopted Town Documents, Ordinance & Policies
 - Urban Design Guidelines
 - Existing Land Use & Development Site Typologies
 - Existing Development Form & Program – Uses and Typologies
 - Other-TBD
- 1.2.3 Economic Development [Shook Kelley (SK) & Gibbs Planning Group (GPG)]
 - Existing Ownership Patterns: City-Owned & Private-Owned Assets (SK)
 - Existing Development Activity Types & Patterns: Recent & Emerging (SK)
 - Market Study (GPG)

PHASE 2: ORGANIZING PRINCIPLES & ALTERNATIVE FUTURES

2.1 ORGANIZING PRINCIPLES

- 2.1.1 Infrastructure
- 2.1.2 Land Use / Urban Design
- 2.1.3 Economic Development

2.2 ALTERNATIVE FUTURES (1-3)

- 2.2.1 Identification: Designations & Approaches
- 2.2.2 Alternative Futures & Comparative Analysis - DRAFT (Public Forum)
 - DRAFT Development, Vetting & Evaluation
 - Additional Services: TBD - ArcGIS Urban Scenario Modeling
- 2.2.3 Alternative Futures & Comparative Analysis - FINAL (Post-Forum)
 - FINAL Development, Vetting & Evaluation
 - Additional Services: TBD - ArcGIS Urban Scenario Modeling
- 2.2.4 Alternative Futures Selection (Basis for Master Plan)

PHASE 3: FINAL STRATEGY & MASTER PLAN

3.1 MASTER DEVELOPMENT STRATEGY

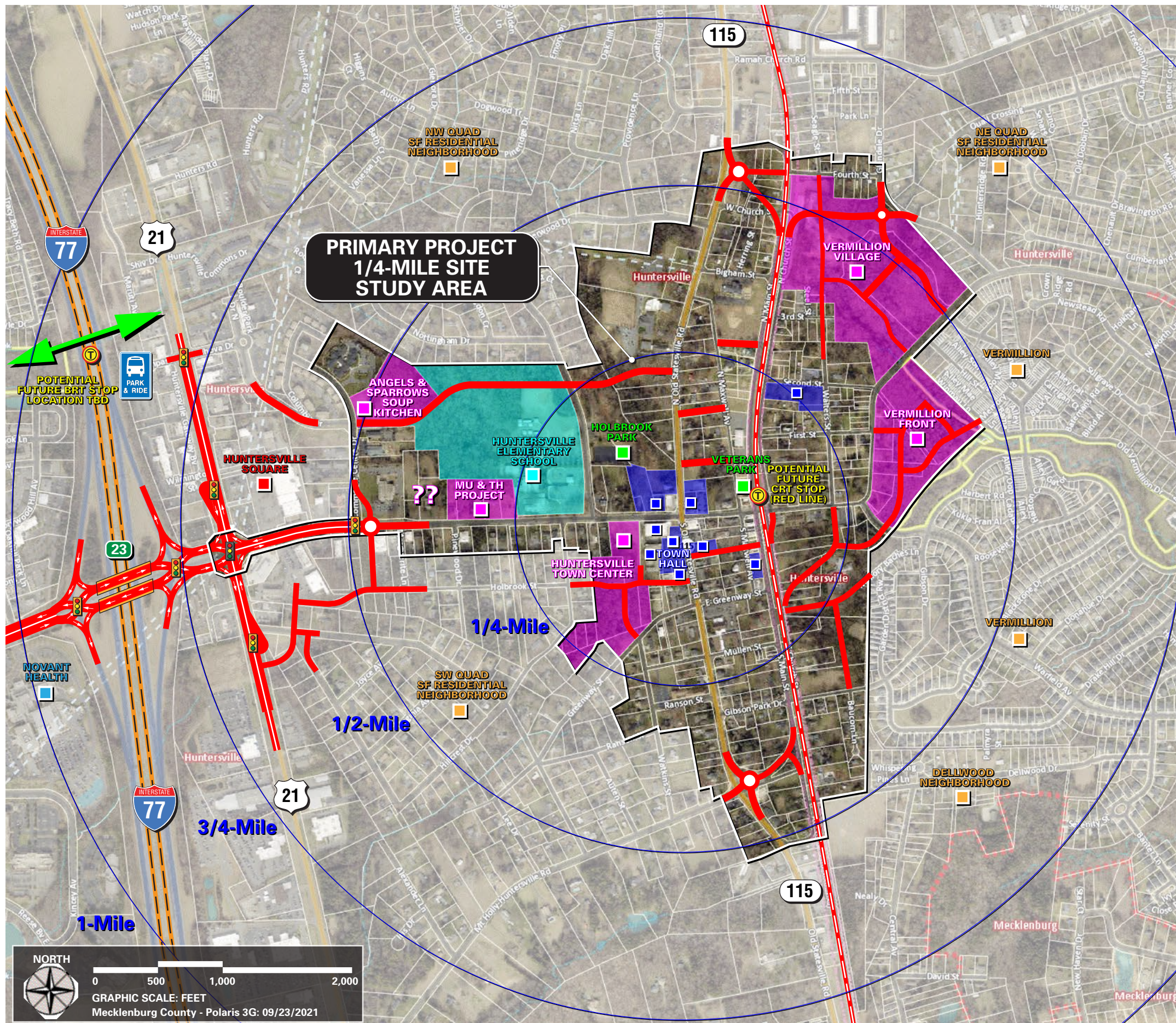
- 3.1.1 Infrastructure
- 3.1.2 Land Use / Urban Design
- 3.1.3 Economic Development
- 3.1.4 Key Code & Policy Elements
- 3.1.5 Public/Private Development Approach
- 3.1.6 Development Focus Areas & Key Catalytic / Implementation Project(s)
- 3.1.7 Implementation & Phasing Strategy
- 3.1.8 Next Steps

3.2 MASTER PLAN DEVELOPMENT

- 3.2.1 Master Plan & Development Program - DRAFT (Public Forum)
- 3.2.2 Master Plan & Development Program - FINAL (Post- Public Forum)

NON-LINEAR SERVICES

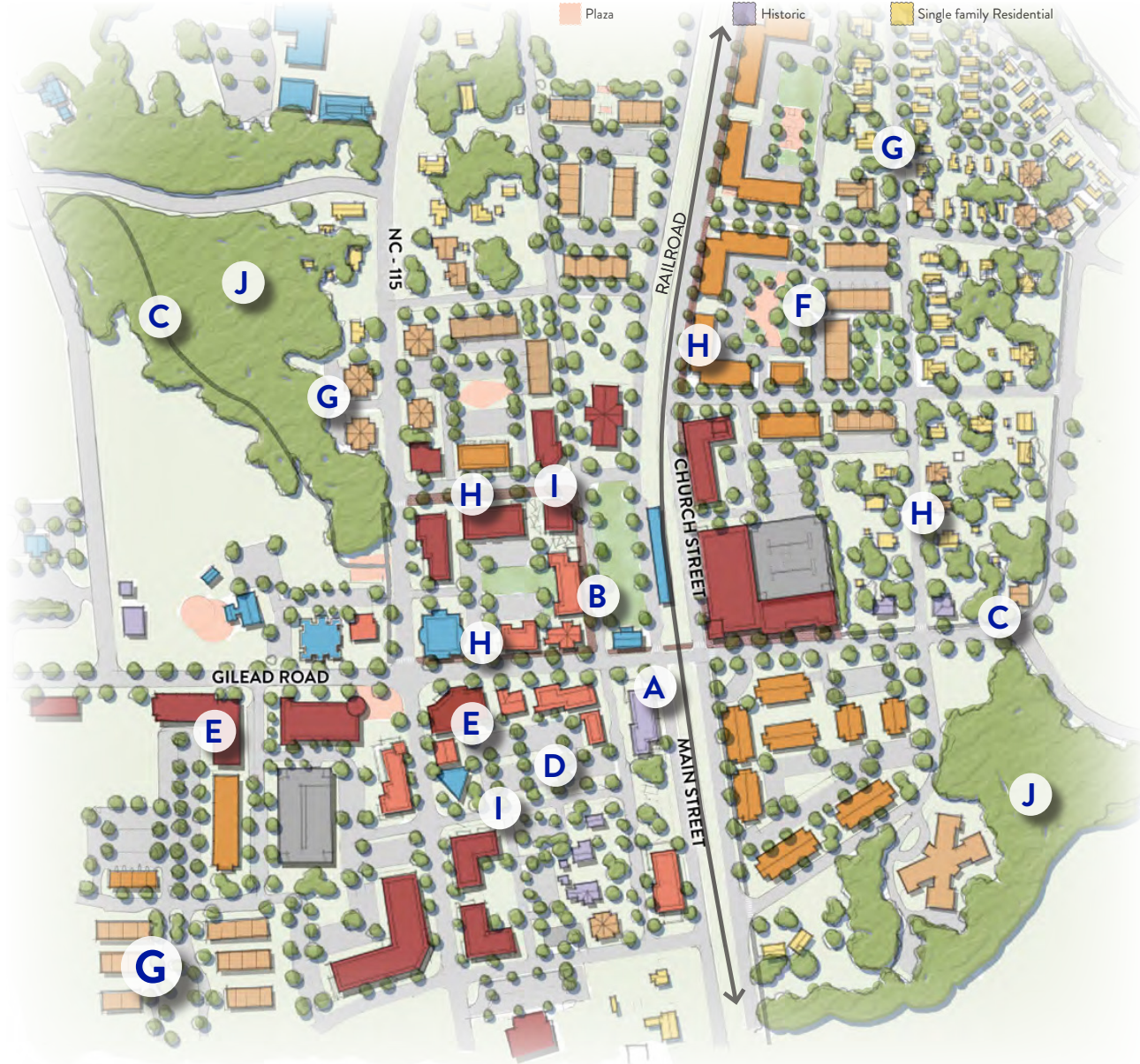
- NS.1 SK Peer Review: Current / Prospective Downtown Development Projects
 - Huntersville Town Hall (Former - Proposed Adaptive Reuse)
 - Other - TBD
- NS.2 Detailed Site or Building Program Development Analysis & Design Studies
 - New Huntersville Elementary School
 - Other - TBD



Downtown Concept Plan

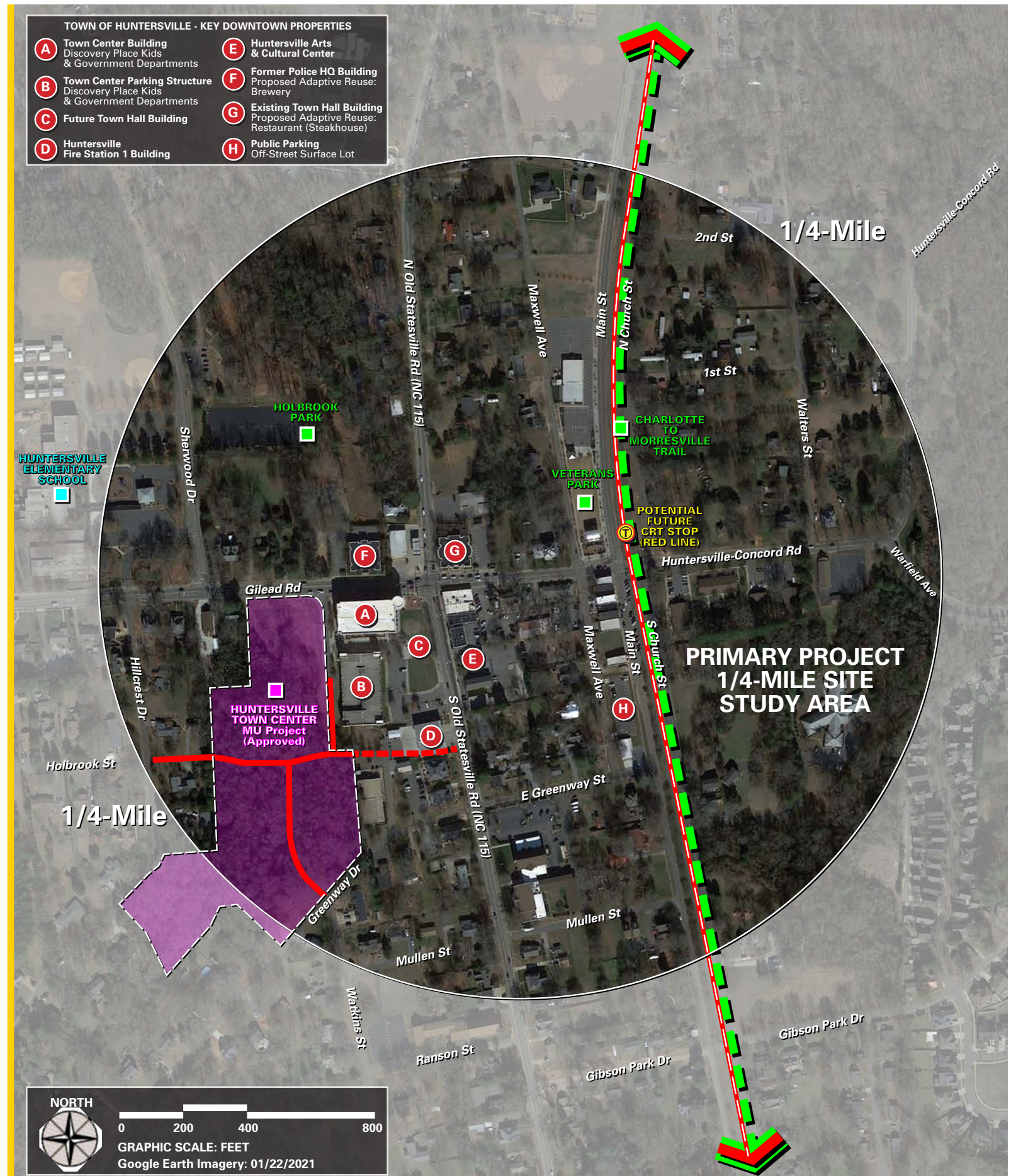
Concept Legend

- | | | |
|-----------|----------|----------------------------------|
| Retail | Civic | Multifamily Housing |
| Mixed-use | Park | House-scale Attached Residential |
| Plaza | Historic | Single family Residential |



- | | |
|--|--|
| A Preservation of historic buildings (DT-8) | F Residential infill within walking distance of Downtown (DT-11) |
| B Maxwell Street Improvements (DT-6.2) | G Smaller-scale infill near established neighborhoods (DT-2) |
| C Greenway connection from Holbrook Park and Vermillion to downtown (DT-9.1) | H Wide sidewalks along key pedestrian and greenway connections (DT-6) |
| D Reconfiguration of parking to increase number of spaces with redevelopment (LU-7.1) | I New street connections to facilitate walking (LU-7.1) |
| E Mixed-use development in key areas (DT-1.1) | J Tree preservation (EOS-4) |

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HUNTERSVILLE 2022 DOWNTOWN PLAN OVERVIEW & PROCESS SHOOK KELLEY, LEAD CONSULTING FIRM

November 1, 2021

OVERVIEW

- It is our understanding that past planning efforts in the Downtown Huntersville Study Area (see Exhibit A) have been centered upon intense public engagement to define a community vision in a manner that informs policy, and based upon our initial review, there is some heft to this past effort. To spend an inordinate amount of time and therefore money in community engagement does not seem to either the Town or Shook Kelley to be a productive path. Therefore, we will use the 2040 Plan policies as a point of departure and not spend a lot of time trying to revisit them. However, community engagement within a structured and published format is important, which we have outlined herein.
- It is also clear that various substantial projects have been recently approved and currently underway. Clearly, decisions have been made by others that we (that the royal “we” – the Town and Shook Kelley) may have an opportunity to advance, improve, and/or if possible, course-correct. However, slip-streaming into a review of these projects and engaging in dialogue now may be both informative and even productive. We have allocated limited fees to provide an initial review and comment.
- Regarding desired engineering tasks we believe that the key ones are those that are transportation/roadway related. For example, NCDOT’s current/future roadway plans in the Downtown is problematic in that the Main St/NC 115 Project final design is complete and construction is already underway. While it may be too late in the process to effectuate any significant design changes for these advancing roadway projects, there may still be an opportunity to develop some policy and design statements for other roadways in early design phases that communicate clearly to NCDOT what the community wants. Intersecting, in both design and policy is the situation at the Norfolk Southern railroad right-of-way as it is crossed by Gilead Road/Huntersville Concord Road. In any event, both are certainly central topics and contributing factors influencing planning and our scope of services. Other engineering services may not be addressed in any significant detail, including but not limited to: a) total street network analysis; b) comprehensive parking study; c) utilities infrastructure analysis; and, d) stormwater analysis.

FRAMEWORK PROCESS

Our take on this engagement is that Huntersville needs a particular, design-based vision for the downtown core that citizens of all walks of life can understand and rally behind. Once accepted,

specific “tools” in policy and in code will be required (the “stick”) coupled to incentives that are geared toward achieving specific outcomes that inures to the benefit of the public and private interests (the “carrot”).

The process for getting there will involve, essentially, three levels of direct involvement with the town (see Exhibits C & D):

1. Staff

As our tour on 22 September 2021 and our subsequent communications now confirm, we believe close and constant dialogue with staff is important. For both clarity and expediency, we need one point of contact, which we understand will be you. We will follow a similar protocol with Larry Zinser serving as Principal-in-Charge, and therefore the day to day contact, including but not limited to the collection and transfer of key information for us to provide our services. Terry Shook will be engaged throughout, however roles will be limited to more strategic tasks with the Shook Kelley team, and publicly with the scheduled committee meetings and the public at large. Larry will be assisted by Alex Borisenko in the planning tasks, and by Henry Stepp in public engagement.

Additionally, we will schedule Workshops with the Staff before the three (3) scheduled public Forums (as describe below) to review our progress to date to review our presentation to the public. The most important of these meetings will be the one (or perhaps two) proceeding the first forum. This is perhaps the most important part of the Shook Kelley process. It is in this phase that all of the information, insights, perceptions, and beliefs are gleaned from the previous studies, sorted and distilled into clear dictates for planning that has the ability to guide development. Collectively, they be identified and presented as Organizing Principles. As this is the most important work, it is also the hardest, for debating and then determining what really is “essential” for Huntersville’s essential downtown can be contentious.

However, getting this part right—with clear and unambiguous statements of purpose and examples to back them up—will drive the process of planning, design, programming and management through the life of the master plan.

In addition to our core process, we do embrace the idea of reviewing and advising on current, emerging, and/or future planned developments within Downtown Huntersville including the former Huntersville Town Hall and Huntersville Elementary School. The scope and process required for each of these non-linear activities will be determined through additional discussion with the Town. However, we do think that conversations with these parties will be useful for all of us in informing our view of development in downtown and the task that lays before us.

2. 2022 Downtown Plan Steering Committee (DPSC)

The first and most important task will be a survey of the members of the DPSC as to their views and beliefs about the issues impacting the future of this study area and their expectations to come out of it. The results of the survey will be not be attributed to any one member. We have found such a process to be a very important “first step” in understanding the challenges and

opportunities imbedded in these types of efforts, and in making sure that everyone is on the same page regarding the scope and the limitations of this study.

The formal meetings of the DPSC for our purposes will be limited, as defined herein. To the extent feasible technology available to the Town of Huntersville will be utilized for these meetings so they can be attended both in-person and via a virtual setting. They will include:

- an initial “Orientation” meeting (Conducted by the Town with support by Shook Kelley) to:
 - provide Downtown History;
 - review Recent Improvement Strategy;
 - identify and discuss general issues; and
 - introduce the purpose, desired outcomes, process, schedule, deliverables and recommended future activities and receive feedback. Included is a distribution of the DPSC survey.
- an “Issues” meeting to:
 - review of the DPSC survey information;
 - review the mapped information generated by the Town of Huntersville and/or Shook Kelley (which will be referred to as Discovery);
 - review of the 2040 plan and recommended policies in order to identify the primary issues to be addressed; and
 - a description of the public Forum process.
- A “Review and Feedback” meeting within two (2) weeks after the three (3) scheduled public Forums as describe below in order to assimilate and reflect upon both our presentation and community response, and to course-correct our services if needed.
- A Final meeting to receive our findings and deliverables at the end of the project.
- A Joint Meeting with the Town Board to approve the 2022 Downtown Master Plan.

3. Public Forum Process

Our contact with the public will be scripted and tailored to achieve structured feedback to specific information though meetings we call Public Forums. To the extent feasible technology available to the Town of Huntersville will be utilized for these meetings so they can be attended both in-person and via a virtual setting. Each of these Forums correspond to specific service components, and therefore the Forums provide for phased completion of these components, review with Staff, presentation with the Public, and afterward review and approval by the DPSC before we proceed with the next service component. All sessions will be interactive, utilizing Turning Technologies audience response software. (If Covid protocols allow these sessions will be in person using “clicker” devices that we provide or each person’s own phone. If web-based, the responses will be via software connected to the webcast.) The Forums are as follows. *We have also noted the meetings with Staff and the DPSC in the order they would occur, simply for clarity of process.*

(DPSC Meeting #1: Orientation - includes DPSC Survey Distribution)

(Staff Workshop #1: Organizing Principles)

(DPSC Meeting #2: Issues - includes DPSC Survey Review)

Forum 1: Our Essential Downtown

This first session will be in three (3) parts:

1. Shook Kelley will give an overview of the trajectory of Huntersville's growth within a regional context along with the historical development of Huntersville's downtown and nearby neighborhoods. A key and early milestone will be the genesis and reality of Birkdale Village, of how it came into being largely due to Town leadership, policy and law. We will define what it is, and what it isn't, and pivot quickly to why having a real and valued downtown is, indeed, essential and what it takes to get there.
2. Based upon the decisions reached in the DPSC Issues meeting a presentation shall be made by staff of the recommendations from the 2040 Plan and the issues to be addressed by this study, why these were selected and why others were not.
3. We will share the results of our Discovery phase, and the relationship of the information we learned to the issues to be addressed.
4. Bob Gibbs will share case studies from his experience of working with small towns over the U.S., sharing issues they have encountered and

(DPSC Meeting #3: Review Forum 1)

(Public Communication #1: What We Learned From Forum 1. This will include postings on the town's website along with a press release.)

(Staff Workshop #2: Alternative Futures)

Forum 2: Our Options for the Future

In our process, planning and design are but one component of determining the proper path forward. That is why we use the term Alternative Futures. Adapted from a process that has been long used by General Electric, we create comprehensive alternative strategies first—in how we use the land; in which populations we serve; in how the new place should live; what form the infrastructure will take; in how capital is to be deployed; and the phasing of development—before we attempt to create a fixed master plan.

The first part of the Forum will be an interactive presentation of the Organizing Principles that directed development of the Alternative Futures. Each of the Organizing Principles will relate to a specific selected issue (and perhaps to more than one). From this list we will then ask

questions of the public to gauge their positions on the topics and suggested approaches through policy, planning, law, and public initiative.

The second part will present conceptual approaches that respond to the Organizing Principles. We call these different concepts Alternative Futures, for each one represents a fundamental different approach to addresses the identified issues and therefore how the town will grow. The Alternative Futures will include preliminary development programs; preliminary development approaches in a “bubble diagram” form showing in general terms the layout of uses upon the site, spaces to be left open/undeveloped as parks; an approach to infrastructure/roads; and a phasing diagram. As such, each Alternative future is about development strategy as it is master planning. We anticipate that no more than three (3) Alternative Futures will be identified and developed. The Forum will again be interactive, taking the Public through a presentation of each Alternative Future and seeking their views through a series of direct and comparative questions.

(DPSC Meeting #4: Review Forum 2)

(Public Communication #2: What We Learned From Forum 2)

(Staff Workshop #3: Final Strategy and Master Plan development)

Forum 3: Our Plan for Getting There

As the title infers, this is the public unveiling of the Master Plan, the policy elements that need to be adopted, the laws that need to be amended and/or written and adopted, all coupled to a strategy regarding how to approach development in a public/private manner. The latter is particularly true regarding those lands/buildings that the Town controls.

(DPSC Meeting #5: Review Forum 3)

(Public Communication #3: What We Learned From Forum 3)

(Staff Workshop #4: Final Strategy and Master Plan development)

(DPSC Meeting #6: Final Review of the project and the deliverables)

(DPSC Meeting #7: Joint Meeting with Town Board)

HUNTERSVILLE 2022 DOWNTOWN PLAN SCOPE OF WORK SHOOK KELLEY, LEAD CONSULTING FIRM

November 1, 2021

PHASE 1: DISCOVERY

Shook Kelley (SK) Team Estimated Budget: \$45,000

1.1 ORGANIZATION, MOBILIZATION & RECONNAISSANCE

1.1.1 Town Department Coordination

- Introductory Discussions & Information Download
- GIS Data Collection & File Transfer
- Communication Protocols & Infrastructure (Internal & External)
- DPSC & Public Meetings: Venue, Approach, Protocols, & Infrastructure

1.1.2 SK Team Coordination

- Project General Mobilization & Start-up Activities
- Downtown Context Field Study
- Adopted Town Document, Ordinance & Policy Review

Deliverables:

1. Town Data, File & Document Materials Request List
2. Project Management & Communications Plan
3. Downtown Context Plan (per Project Scope Plan)
 - Photo Recordation & Field Note Observations

1.2 PRELIMINARY ASSESSMENT

1.2.1 Infrastructure [Shook Kelley (SK) & Gannett Fleming (GF)]

- Transportation (SK & GF)
 - Arterial Streets & Intersections (Gilead Rd & NC 115)
 - Downtown & Adjacent Neighborhood Streets
 - Bicycle & Pedestrian Facilities
 - Public Transit - CRT & BRT Station Area Plan
 - Parking - Distribution, Supply & Demand
- General Infrastructure Systems (GF)
- Environment & Open Space (SK & GF)
 - Terrestrial Systems
 - Public Greenways, Trails & Parks
 - Stormwater Systems

1.2.2 Land Use / Urban Design [Shook Kelley]

- Adopted Town Documents, Ordinance & Policies
- Urban Design Guidelines
- Existing Land Use & Development Site Typologies
- Existing Development Form & Program – Uses and Typologies
- Other-TBD

- 1.2.3 Economic Development [Shook Kelley (SK) & Gibbs Planning Group (GPG)]
 - Existing Ownership Patterns: City-Owned & Private-Owned Assets (SK)
 - Existing Development Activity Types & Patterns: Recent & Emerging (SK)
 - Market Study (GPG)

Deliverables:

1. Preliminary Assessment Compendium (per Infrastructure, Land Use/Urban Design, & Economic Development Summary Reports)
 - Executive Summary
 - Narrative Overview & Recommendations
 - Annotated Diagram Layer Stack Analysis
 - Supporting Graphic Exhibits & Tables
2. Infrastructure Assessment Summary Report:
 - Transportation
 - General Infrastructure Systems
 - Environment & Open Space
3. Land Use / Urban Design Summary Report:
 - Adopted Town Documents, Ordinance & Policies
 - Urban Design Guidelines
 - Existing Land Use and Development Typologies, Form & Program
4. Economic Development Summary Report:
 - Existing Ownership & Development Activity Patterns
 - Market Study

Phase 1: PROJECT MEETINGS & ENGAGEMENT

- TOWN STAFF WORKSHOPS (WS)
 - WS #1: Preliminary Assessment Wk. of Nov 29th – Dec 3rd
- DOWNTOWN PLAN STEERING COMMITTEE (DPSC) MEETINGS
 - DPSC #1: Orientation Wk. of Nov 1st – 5th
 - Conducted by Planning Staff
 - Downtown History
 - Recent Improvement Strategy
 - Issue Identification / General Discussion
 - Election of Chair & Vice-Chair
 - DPSC #2: Issues Wk. of Dec 6th – 10th
 - DPSC #3: Public Forum #1 Review & Feedback Wk. of Feb 7th – 11th
- PUBLIC FORUM #1: ***Our Essential Downtown*** Wk. of Jan 24th – 28th
 - Overview - History & Growth Trajectory
 - Preliminary Assessment, & Organizing Principles
- PUBLIC COMMUNICATIONS (PC):
 - PC #1: What We Learned from Public Forum #1
 - Town Website & Press Release
 - Public Feedback Survey

Deliverables:

1. Town Staff Workshop Agenda, Logistics, Materials & Memorandum
2. DPSC Meeting Agenda, Logistics, Materials & Memoranda
3. DPSC #1 Survey & Review
4. Public Forum #1 Agenda, Logistics, Materials & Memorandum
5. PC #1 Package: Public Forum #1
 - Materials for Town Website Upload & Press Release
 - Public Feedback Survey

PHASE 2: ORGANIZING PRINCIPLES & ALTERNATIVE FUTURES

SK Team Estimated Budget: \$45,000

2.1 ORGANIZING PRINCIPLES

- 2.1.1 Infrastructure
- 2.1.2 Land Use / Urban Design
- 2.1.3 Economic Development

Deliverables:

1. Organizing Principles Charter Document
2. Typological Case Study/Precedents

2.2 ALTERNATIVE FUTURES (1-3)

- 2.2.1 Identification: Designations & Approaches
- 2.2.2 Alternative Futures & Comparative Analysis - DRAFT (Public Forum)
 - DRAFT Development, Vetting & Evaluation
 - Additional Services:** TBD - ArcGIS Urban Scenario Modeling
- 2.2.3 Alternative Futures & Comparative Analysis - FINAL (Post-Forum)
 - FINAL Development, Vetting & Evaluation
 - Additional Services:** TBD - ArcGIS Urban Scenario Modeling
- 2.2.4 Alternative Futures Selection (Basis for Master Plan)

Deliverables:

1. Alternative Futures Identification Matrix.
2. DRAFT Alternative Futures (1-3)
 - Annotated Diagram Plans & Comparative Analysis
 - Additional Services:** TBD - ArcGIS Urban Scenario Modeling Files (DRAFT)
3. Typological Case Study/Precedents
4. FINAL Alternative Futures (1-3)
 - Annotated Diagram Plans & Comparative Analysis
 - Additional Services:** TBD - ArcGIS Urban Scenario Modeling Files (FINAL)

Phase 2 PROJECT MEETINGS & COMMUNICATION

- TOWN STAFF WORKSHOPS (WS)
 - WS #2: Organizing Principles & Alternative Futures Wk. of Feb 21th – 25th
- DOWNTOWN PLAN STEERING COMMITTEE (DPSC) MEETINGS

- DPSC #4: Public Form #2 Review & Feedback Wk. of Apr 4th – 8th
- PUBLIC FORUM #2: ***Options for the Future*** Wk. of Mar 21st – 25th
 - Alternative Futures, Comparative Analysis & Selection
- PUBLIC COMMUNICATIONS (PC):
 - PC #2: What We Learned from Public Forum #2
 - Town Website & Press Release
 - Public Feedback Survey

Deliverables:

1. Town Staff Workshop Agenda, Logistics, Materials & Memorandum
2. DPSC Meeting Agenda, Logistics, Materials & Memoranda
3. Public Forum #2 Agenda, Logistics, Materials & Memorandum
4. PC #2 Package: Public Forum #2
 - Materials for Town Website Upload & Press Release
 - Public Feedback Survey

PHASE 3: FINAL STRATEGY & MASTER PLAN

SK Team Estimated Budget: \$45,000

3.1 MASTER DEVELOPMENT STRATEGY

- 3.1.1 Infrastructure
- 3.1.2 Land Use / Urban Design
- 3.1.3 Economic Development
- 3.1.4 Key Code & Policy Elements
- 3.1.5 Public/Private Development Approach
- 3.1.6 Development Focus Areas & Key Catalytic / Implementation Project(s)
- 3.1.7 Implementation & Phasing Strategy
- 3.1.8 Next Steps

Deliverables:

1. Master Development Strategy Compendium – DRAFT (Public Forum)
2. Master Development Strategy Compendium – FINAL (Post-Public Forum)

3.2 MASTER PLAN DEVELOPMENT

- 3.2.1 Master Plan & Development Program - DRAFT (Public Forum)
- 3.2.2 Master Plan & Development Program - FINAL (Post- Public Forum)

Deliverables:

1. DRAFT Master Plan & Development Program
 - Annotated 2-D Plan & Data Tables
 - Annotated 3-D Massing Vignettes
 - Typological Case Study/Precedents

Additional Services: TBD - ArcGIS Urban Modeling Files
2. FINAL Master Plan & Development Program

- Annotated 2-D Plan & Data Tables
 - Annotated 3-D Massing Vignettes
 - Typological Case Study/Precedents
- Additional Services:** TBD - ArcGIS Urban Modeling Files

Phase 3: PROJECT MEETINGS & COMMUNICATION

- TOWN STAFF WORKSHOPS (WS)
 - WS #3: Final Strategy & Master Plan Development Wk. of Apr 25th – 29th
 - WS #4: Final Strategy & Master Plan Development Wk. of June 13th – 17th
- DOWNTOWN PLAN STEERING COMMITTEE (DPSC) MEETINGS
 - DPSC #5: Public Forum #3 Review & Feedback Wk. of June 6th – 10th
 - DPSC #6: Final Review of the Project & Deliverables Wk. of June 20th – 24th
 - DPSC #7: Joint Meeting with Town Board Wk. of June 27th – July 1st
- PUBLIC FORUM #3: ***Our Plan for Getting There*** Wk. of May 23rd – 27th
 - Final Strategy & Master Plan
- PUBLIC COMMUNICATIONS (PC)
 - PC #3: What We Learned from Public Forum #3
 - Town Website & Press Release
 - Public Feedback Survey

Deliverables:

1. Town Staff Workshop Agenda, Logistics, Materials & Memorandum
2. DPSC Meeting Agenda, Logistics, Materials & Memoranda
3. Public Forum #3 Agenda, Logistics, Materials & Memorandum
4. PC #3 Package: Public Forum #3
 - Materials for Town Website Upload & Press Release
 - Public Feedback Survey

NON-LINEAR SERVICES

SK Team Estimated Budget: \$15,000

Notes:

1. Upon authorization by the Town per mutual agreement of scope; estimated fee not to exceed \$5,000 per each Specific Project Review or Site Study conducted.
 2. Any savings resulting from: a) a shortened Project Review or Site Study process; or, b) unneeded Non-Linear Services will be applied to services provided in Phases 1-3.
 3. Specific Project Reviews or Site Studies that are expected to exceed \$5,000 shall require authorization from the Town to proceed by either: a) expending remaining Non-Linear Services budget; or, b) approving a proposal for Additional Services with compensation in accordance with Shook Kelley's Conditions of Service.
- NS.1 SK Peer Review: Current / Prospective Downtown Development Projects
 - NS.1.1 Huntersville Town Hall (Former - Proposed Adaptive Reuse)
 - NS.1.2 Other - TBD
 - NS.2 Detailed Site or Building Program Development Analysis & Design Studies

- NS.2.1 New Huntersville Elementary School
- NS.2.2 Other - TBD

Deliverables:

1. TBD Pending Scope of Review & Study for each Project

PROJECT MEETINGS & COMMUNICATIONS FORMAT - SUMMARY

- Town Staff Workshops: Internal w/ SK Team
- DPSC: Public
- Public Forums & Communication: Public
- Agency (Public & Private) - TBD: Internal w/ Town Staff & SK Team
- SK Non-Linear Services - TBD: Internal w/ Town Staff

PUBLIC MEETING SCHEDULE SUMMARY

- | | |
|---|---|
| • DPSC #1: Orientation | Wk. of Nov 1 st – 5 th |
| • DPSC #2: Issues | Wk. of Dec 6 th – 10 th |
| • DPSC #3: Public Forum #1 Review & Feedback | Wk. of Feb 7 th – 11 th |
| • DPSC #4: Public Form #2 Review & Feedback | Wk. of Apr 4 th – 8 th |
| • DPSC #5: Public Forum #3 Review & Feedback | Wk. of June 6 th – 10 th |
| • DPSC #6: Final Review of the Project & Deliverables | Wk. of June 20 th – 24 th |
| • DPSC #7: Joint Meeting with Town Board | Wk. of June 27 th – July 1 st |
| • PUBLIC FORUM #1: <i>Our Essential Downtown</i> | Wk. of Jan 24 th – 28 th |
| • PUBLIC FORUM #2: <i>Options for the Future</i> | Wk. of Mar 21 st – 25 th |
| • PUBLIC FORUM #3: <i>Our Plan for Getting There</i> | Wk. of May 23 rd – 27 th |

ID	Task Name	Start Date	End Date	Duration	2021	2022
						2021
						AUGUST
						SEPTEMBER
						OCTOBER
						NOVEMBER
						DECEMBER
						JANUARY
						FEBRUARY
						MARCH
						APRIL
						MAY
						JUNE
						JULY
						AUGUST
HUNTERSVILLE, NC - 2022 DOWNTOWN MASTER PLAN					8/2/2021	10/11 Weeks
CONSULTANT SELECTION PROCESS					8/2/2021	10/11 Weeks
A.1 Consultant Selection Process					8/2/2021	10/11 Weeks
A.1.1 Request for Proposal (RFP) Advertisement					8/2/2021	10/11 Weeks
A.1.2 RFP Submission Deadline					8/2/2021	10/11 Weeks
A.1.3 2022 Downtown Plan Steering Committee (DPSC) Approved by Town Board					8/2/2021	10/11 Weeks
A.1.4 Consultant Interviews - (SK Team: 9/9/2021)					8/2/2021	10/11 Weeks
A.1.5 Consultant Evaluation, Ranking, & Selection - (SK Team: 9/15/2021)					8/2/2021	10/11 Weeks
A.2 Hunterville Downtown Tour: Town & SK Team					8/2/2021	10/11 Weeks
A.2.1 Hunterville Downtown Tour: Town & SK Team					8/2/2021	10/11 Weeks
A.2.2 Project Work Plan: Scope, Schedule, & Budget					8/2/2021	10/11 Weeks
A.2.3 DRAFT Contract Provisions					8/2/2021	10/11 Weeks
A.2.4 FINAL Contract Provisions					8/2/2021	10/11 Weeks
A.2.5 DPSC & Town Board Contract Approval					8/2/2021	10/11 Weeks
A.3 NOTICE TO PROCEED: SK Team Commence Work					8/2/2021	10/11 Weeks
1.0 DISCOVERY					8/2/2021	10/11 Weeks
1.1 ORGANIZATION, MOBILIZATION & RECONNAISSANCE					8/2/2021	10/11 Weeks
1.1.1 Town Department Coordination					8/2/2021	10/11 Weeks
1.1.1.1 Introductory Discussions & Information Download					8/2/2021	10/11 Weeks
1.1.1.2 GIS Data Collection & File Transfer					8/2/2021	10/11 Weeks
1.1.1.3 Communication Protocols & Infrastructure (Internal & External)					8/2/2021	10/11 Weeks
1.1.1.4 DPSC & Public Meetings: Venue, Approach, Protocols, & Infrastructure					8/2/2021	10/11 Weeks
1.1.2 SK Team Coordination					8/2/2021	10/11 Weeks
1.1.2.1 Project General Mobilization & Start-up Activities					8/2/2021	10/11 Weeks
1.1.2.2 Downtown Context Field Study					8/2/2021	10/11 Weeks
1.1.2.3 Adopted Town Document, Ordinance & Policy Review					8/2/2021	10/11 Weeks
1.2 PRELIMINARY ASSESSMENT					8/2/2021	10/11 Weeks
1.2.1 Infrastructure (SK & GP)					8/2/2021	10/11 Weeks
1.2.1.1 Transportation					8/2/2021	10/11 Weeks
a. Arterial Streets & Intersections (Gilead Rd & NC 115)					8/2/2021	10/11 Weeks
b. Downtown & Adjacent Neighborhood Streets					8/2/2021	10/11 Weeks
c. Bicycle & Pedestrian Facilities					8/2/2021	10/11 Weeks
d. Public Transit - CRT & BRT Station Area Plan					8/2/2021	10/11 Weeks
e. Parking - Distribution, Supply & Demand					8/2/2021	10/11 Weeks
1.2.1.2 General Infrastructure Systems					8/2/2021	10/11 Weeks
1.2.1.3 Environment & Open Space					8/2/2021	10/11 Weeks
a. Terrestrial Systems					8/2/2021	10/11 Weeks
b. Public Greenways, Trails & Parks					8/2/2021	10/11 Weeks
c. Stormwater Systems					8/2/2021	10/11 Weeks
1.2.1.4 Land Use / Urban Design (SK)					8/2/2021	10/11 Weeks
1.2.1.4.1 Development Site Typologies					8/2/2021	10/11 Weeks
1.2.1.4.2 Urban Design Guidelines					8/2/2021	10/11 Weeks
1.2.1.4.3 Existing Land Use & Development Site Typologies					8/2/2021	10/11 Weeks
1.2.1.4.4 Existing Development Form & Program - Uses & Typologies					8/2/2021	10/11 Weeks
1.2.1.4.5 Other TBD					8/2/2021	10/11 Weeks
1.2.1.4.6 Economic Development (SK & GP)					8/2/2021	10/11 Weeks
1.2.1.4.6.1 Existing Ownership Patterns (City-Owned & Private-Owned Assets)					8/2/2021	10/11 Weeks
1.2.1.4.6.2 Existing Development Activity Types & Patterns (Recent & Emerging)					8/2/2021	10/11 Weeks
1.2.1.4.6.3 Market Study (GPG)					8/2/2021	10/11 Weeks
PM.1 PROJECT MEETINGS & ENGAGEMENT					8/2/2021	10/11 Weeks
TOWN STAFF WORKSHOPS (WS)					8/2/2021	10/11 Weeks
WS #1 Preliminary Assessment					8/2/2021	10/11 Weeks
DOWNTOWN PLAN STEERING COMMITTEE (DPSC) MEETINGS					8/2/2021	10/11 Weeks
DPSC #1 Orientation					8/2/2021	10/11 Weeks
DPSC #2 Issues					8/2/2021	10/11 Weeks
DPSC #3 Public Form #1 Review & Feedback					8/2/2021	10/11 Weeks
PUBLIC COMMUNICATION (PC)					8/2/2021	10/11 Weeks
PC #1 What We Learned From Public Forum #1: Town Website & Press Release					8/2/2021	10/11 Weeks
PF #1 PUBLIC FORUM #1: Our Essential Downtown					8/2/2021	10/11 Weeks
Overview - History & Growth Trajectory					8/2/2021	10/11 Weeks
Preliminary Assessment, & Organizing Principles					8/2/2021	10/11 Weeks
2.0 ORGANIZING PRINCIPLES & ALTERNATIVE FUTURES					8/2/2021	10/11 Weeks
2.1 ORGANIZING PRINCIPLES					8/2/2021	10/11 Weeks
2.1.1 Infrastructure					8/2/2021	10/11 Weeks
2.1.2 Land Use / Urban Design					8/2/2021	10/11 Weeks
2.1.3 Economic Development					8/2/2021	10/11 Weeks
2.2 ALTERNATIVE FUTURES (1-3)					8/2/2021	10/11 Weeks
2.2.1 Identification: Designations & Approaches					8/2/2021	10/11 Weeks
2.2.2 Alternative Futures & Comparative Analysis - DRAFT (Public Forum)					8/2/2021	10/11 Weeks
2.2.2.1 Development: Vetting & Evaluation (TBD - ArcGIS Urban Scenario Modeling)					8/2/2021	10/11 Weeks
2.2.2.2 Alternative Futures & Comparative Analysis - FINAL (Post-Forum)					8/2/2021	10/11 Weeks
2.2.2.3 Development: Vetting & Evaluation (TBD - ArcGIS Urban Scenario Modeling)					8/2/2021	10/11 Weeks
2.2.2.4 Alternative Futures Selection (Basis for Master Plan)					8/2/2021	10/11 Weeks
PM.2 PROJECT MEETINGS & COMMUNICATION					8/2/2021	10/11 Weeks
TOWN STAFF WORKSHOPS (WS)					8/2/2021	10/11 Weeks
WS #2 Organizing Principles & Alternative Futures					8/2/2021	10/11 Weeks
DOWNTOWN PLAN STEERING COMMITTEE						

EXHIBIT E

STANDARD TERMS & CONDITIONS

1. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Firm and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
2. **Changes, Additions, Deletions.** No changes, additions, deletions, or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town.
3. **Relationship of the Parties.** The Firm is an independent Firm and not an employee of the Town. The conduct and control of the work will lie solely with the Firm. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the Firm and the Town. Employees of the Firm shall remain subject to the exclusive control and supervision of the Firm, which is solely responsible for their compensation.
4. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
5. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
6. **Indemnification.** To the greatest extent allowed by the law, the Firm shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims") but only to the extent they are caused by the negligent acts or omissions of the Architect, its employees and its consultants in the performance of professional services under this Agreement. The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.
7. **Anti-Discrimination.** During the performance of the Contract, Firm shall comply with all federal and state requirements concerning fair employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.

8. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Firms certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
9. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
10. **Assignment.** Firm may not assign, pledge, or in any manner encumber Firm's rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
11. **Warranties.** The Firm represents it shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville in the performance of the Services outlined in this Contract and any attached specifications as is consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. Firm represents that any finished work completed hereunder shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville in effect at this time (Note: The Project involves a review of ordinance(s) and policy(s) established by the Town of Huntersville, and may result in recommendations by the Firm for the implementation of various changes, which will be manifested in finished work - both written and graphic/urban design form. Therefore, it is assumed this finished work shall not be subject to these warranties). The Architect acknowledges that the Owner is relying on the Architect's skill, knowledge, experience and ability to perform the services and its obligations under this Agreement. The Architect represents and warrants that: (i) it (and each of the consultants it employs on this Project) has and shall maintain all licenses and certifications required for the provision of its services under this Agreement, and (ii) that the Architect and the Consultants of the Architect shall render its services according to an ordinary standard of professional care provided by professionals for similar projects. No warranty or guarantee of merchantability or fitness for a particular purpose is either expressed or implied.
12. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Firm. In addition to any other

remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate,

13. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Firm shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
14. **Valid Contract for Services.** In order for a Contract for Services of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
15. **Verification of Work Authorization.** Firm shall comply with, and require all Firms and subcontractor to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all employees.
16. **Iran Divestment List.** With the execution hereof, Firm, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
17. **Availability of Funds.** Any and all payments to the Firm are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
18. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
19. **Companies that Boycott Israel.** With the execution hereof, Firm, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.



**RESOLUTION TO APPROVE THE CONTRACT WITH SHOOK KELLEY TO PRODUCE
THE TOWN OF HUNTERSVILLE 2022 DOWNTOWN PLAN**

WHEREAS, the Town Board has determined that the 2006 Downtown Master Plan is dated and needs to be reexamined; and

WHEREAS, proposals were requested from firms interested in contracting with the Town of Huntersville to assist in the development of the 2022 Downtown Plan; and

WHEREAS, Shook Kelley has been selected as the firm most qualified to perform the work necessary to produce the 2022 Downtown Plan;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Contract for Professional Services ("Contract") attached hereto as Exhibit A is approved.
2. The Planning Director for the Town of Huntersville is authorized to sign the Contract on behalf of the Town.

Adopted this the 1st day of November, 2021.

ATTEST:

Janet Pierson, Town Clerk

John Aneralla, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
November 1, 2021**

To: Town Board

From: Janet Pierson

Date: November 1, 2021

Subject: Approval of Minutes - October 4, 2021

EXPLAIN REQUEST:

Consider approving the minutes of the October 4, 2021 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. 100421DraftForBoard

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**October 4, 2021
6:00 p.m. – Huntersville Recreation Center**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on October 4, 2021.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Commissioner Walsh, Commissioner Phillips and myself met with representatives from Mecklenburg County about Age Friendly Meck.

Commissioner Walsh

- Next Parks & Recreation Commission meeting is tomorrow night.
- Next Public Art Commission meeting is October 13.
- Provided update from Visit Lake Norman.

Commissioner Phillips

- Provided update from Rural Hill.
- If you need to register to vote or change your voter registration to vote on election day, you need to do so by October 5.
- If you are homebound and qualify for the COVID booster shot, StarMED Health will come to your home.

Commissioner Munger

- Met with Mecklenburg County Government officials and various other Town officials for a discussion on farmland preservation.
- Next Huntersville Ordinances Advisory Board meeting is October 7.
- Next Centralina Regional Council meeting is October 13.
- Wished his wife happy anniversary.

Commissioner Hines

- Next meeting of Charlotte Regional Transportation Planning Organization is October 20.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- Boy Scout Troop 19 has offered to collect campaign signs following the election as a fundraiser.

Commissioner Bales

- The Lake Norman Economic Development Corporation manufacturing mingle scheduled for this Thursday has been canceled. They will hold that mingle again in the spring.
- Will be meeting with area high schools to continue planning for the speed networking event in November.
- Next meeting of the Municipal Education Advisory Committee is October 20.

Commissioner Boone expressed appreciation to Michael Jaycocks and the Parks & Recreation staff for creating path for residents in the 55 and older community to access North Mecklenburg Park.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Jim Warren, Carolina Raptor Center, provided update on the Carolina Raptor Center and requested the Town consider providing funding. *PowerPoint attached hereto as Exhibit No. 1.*

Mayor Aneralla said are there are raptors in the Quest area and also does it cost anything to go to Quest.

Mr. Warren said the main Quest building is free to the community. The only charge would be if you are entering the raptor trail, which is out the back. We are going to put raptors out there for the short term until we've opened it up completely to visitors. I can't tell you exactly which birds are going because it's going to be an unveiling, but we hope later this fall there are some enclosures already being put in out there so we will have birds out there. That will be free for the time being. Of course, if you came to the current campus, there's a charge. That's one of our ways that we generate income.

Commissioner Phillips said are all of the birds rescued or are any of them purchased.

Mr. Warren said a lot of our birds are rescues, but a lot of them come from other facilities. I wouldn't use the word purchased. A lot of times it's a very regulated trade with US Fish and Wildlife, NC Wildlife Commission, so we get birds from other facilities like us in the United States. We send birds to other facilities. We've got a lot of barred owls in this part of the country and a lot of barred owls in Mecklenburg County. There are no barred owls in the pacific northwest so we've actually had some of our birds that couldn't be released so we've transferred them out there. It's a network of folks. We've got birds now from every continent except for Antarctica.

Commissioner Hines said on Lake Norman there's a lot of fishermen and a lot of waterfowl out there. One time I saw a loon that had a big hook in his mouth and his beak. Is the Raptor Center somebody I would call first to try to rescue a bird like that.

Mr. Warren said yes and no. A loon is not a raptor, but it's a good bird. You'd be surprised the number of hummingbirds and cardinals and other sort of birds we get. We can just care for raptors, so you think eagles, owls, hawks, falcons. That's what we are permitted for now. If a bird comes in to us, we aren't going to turn it away. Our vet would be a good Samaritan. We could get that bird, take care of it and then it would get transferred to Carolina Waterfowl. They are folks that take care of all varieties. We're specifically raptors, but we get all the ospreys that come in from that area. We get the bald eagles.

Commissioner Bales said I don't get out there as much as I would like. It's a beautiful facility and it's one that I was surprised to hear that 30 percent of your visitors actually are Huntersville residents.

Mr. Warren said Huntersville is literally just out our back door. We are very proud of that. We consider ourselves an asset of the northern part of the county and we want to do more of that. We now have a board member who is from the Mooresville Convention and Visitors Bureau, so we want to have a closer tie to this part of the community.

Commissioner Bales said I for one know the work that you all do in protecting the raptors in the area. It's a special thing and for our community in particular it's nice to know that there's someone you can call when you need help in this regard. I also recognize that 40,000 visitors are coming to your door and that's not just Huntersville. They are coming from all over. Where do you see your visitors coming from.

Mr. Warren said truly all over the state of North Carolina. A lot of school groups. We see more school groups outside Charlotte-Mecklenburg – Wake County, Buncombe County, and particularly now during COVID we are doing a lot of virtual, so we are getting school visits virtually from all over the southeast. Again, we truly are at one of those venues where people come to the community, they want to bring their family members. We had some folks from Texas that brought their family. We see us not as that place where they are going to come and leave, but if we can create that need to have a much bigger experience, particularly when they ask you where you go eat, well there's lots of restaurants in Huntersville. A lot of places we want to send, that's what we really want to do more with the Chamber and Visit Lake Norman is how we become that ancillary piece that the town can use or Lake Norman Chamber could use to actually support what they are doing. Come to the Raptor Center, but then do something else in the community.

Commissioner Bales said from where I sit it's the first time I have seen the Raptor Center ask for help from this community, so I guess one of my questions, does it all have to do with COVID and the impacts that you've been having or would this be a regular occurrence in regards to the ask.

Mr. Warren said I'll come as long as you will have me. I wouldn't be a good non-profit executive if I didn't come up here asking for money every year. My board would fire me. I think COVID had an impact, but with Quest we see the growth potential and to be honest with you I don't have the staff, we don't have some of the infrastructure, we don't have the program materials. When COVID hit we had to revamp and get cameras and monitors and do all of this and now we see more and more people come

into Quest. It's just our ability to be able to expand with the limited resources we currently have. The more resources we have the more impact we can make in the community.

Commissioner Bales said I for one and I don't know where rest of the Board is, but I would be willing to utilize the \$20,000 that we had designated for Latta, to shift over to Quest. That would be my recommendation to the Board.

Mr. Warren said I'll graciously accept that.

Commissioner Bales said I recognize that the tourism dollars we can use for that and it makes sense to shift it over and continue driving tourism, but just driving tourism to Quest.

Commissioner Munger said as I was looking through, your budget was \$1.2 million.

Mr. Warren said pre-covid that's correct.

Commissioner Munger said you were generating essentially \$500,000 in revenue from visitors.

Mr. Warren said visitors, programs – we charge for programs so if a school comes out or if we go do a school program, we usually get pre-covid about \$150,000 in program fees, gift shop sales – people come out and they buy t-shirts and all that. And then about 55 to 60 percent of our budget is donated. We get grants from the state of North Carolina, we get grants hopefully from the Town of Huntersville, other institutions. The majority of our funding is individuals, and we have some very generous individuals in the community that support us.

Commissioner Munger said does Mecklenburg County donate anything to you.

Mr. Warren said we get zero operating support from the county. We are very proud to be in Latta and to receive access to that beautiful facility, but funding for basic operating, we do not.

BeeJay Caldwell, 14521 New Haven Drive, said the group behind me is the Pottstown Preservation Committee for Change and we are requesting a response to the Pottstown Preservation Committee of Change report that was submitted September 16 and we are just going through some of the recommendations and my other friend is going to go through the conclusions. Urgent Recommendations: (1) include Pottstown's history on Huntersville's website; (2) help residents regain access and utilization of the Dellwood Center, a Rosenwald School. From what we understand there was a program that was at the old police station that had an early childhood program that was moved over to the Dellwood Center and it's been quite upsetting for some residents to see white people going into a building that they are not privy to rent. The recommendations: (1) invite a community liaison to be present at a fact finding meeting where residents' input can be heard and shared when important, relevant issues are discussed and deals made that affect our community, not at Board meetings where issues are already resolved and are basically information only; (2) appoint a board member to communicate with the Pottstown Preservation Committee for Change to help us stay abreast of and be informed of policies that affect the Town and Pottstown specifically; (3) initiate and invite Huntersville citizens to a conversation about race issues. One issue in Pottstown is that vehicles do not adhere to the 4-way stop sign at the corner of Holbrooks Road and Central Avenue. Heavy traffic traveling at a high rate of speed flows on the street and has a potential to be a hazard; (4) Initiate a conversation between

Town department heads, developers and residents to look and strive to find ways to repair the decades of damage/harm done by disinvestment within our community i.e. no street infrastructure or sidewalks; (5) use transparency when Town government conducts business deals that will impact, positively or negatively, citizens within the black communities; (6) align Town policies that are applied to Pottstown with those that are used in other sections. Show how equity is used when Town policies do not line up from one section or development to another; (7) using Town resources and manpower, create partnerships to help citizens make meaningful improvements and investments to parcels within the community and walk along with residents to create a trail of Pottstown history.

Stephanie Brown, 407 Gibson Park Drive, said we just want to conclude that Pottstown is beaten and almost broken. A site where many battles have taken place. It's a neglected battlefield. A pawn between developers, the demolition landfill, the town and citizens. An intervention is warranted in order to dismantle the systematic racism and inequalities woven in the town's fabric in order to repair the harm done to the community.

Officials may be unclear as to the stance the residents have in regards to community, town issues and public policies. Facts and information kept from public knowledge and view cannot be known to them in order for them to have knowledge or an opinion on things that affect the community. All citizens are not being treated fairly. Officials interact or play favorites to those who are friends or who have voted for them.

Communities need to be made aware of town benchmarks. Working class communities do not have an HOA that could obtain this information. Once in their hands it will be helpful and can provide an opportunity for the reviewing of them. That way residents will be aware of how they are being judged and compared to other communities. For example, a historic rural working class community versus a new neo-urban development.

The Pottstown of 1909, having withstood the test of time as a beacon of light drawing other men with families to this place, is no more. This is why its borders spilled over from original section and extended to them. With the Town's assistance and input from residents, a new vision can be cast if every citizen/resident learns to co-exist with those already living here. Original Pottstown residents sense feelings of indifference towards them of being invisible and abandoned because of their history as descendants of the enslaved. Where do we go from here. Hopefully to a verbal exchange to bring government and people closer together. If a date is ever set, we are willing to meet with you.

Shaun Caldwell invited the candidates running for Board to a candidate forum on October 10.

Jackie Carti, 12207 Commanche Road, said we have a complaint about noise in our neighborhood and it's nothing but Mexican music. Every weekend.....karaoke three and four streets over from where we live. We've called the cops I don't know how many times. It can be anywhere from two to five hours later. It goes into the night to 2:00 or 3:00 in the morning and we're trying to sleep and I don't want to hear the music. You have to turn your TV up. We've got fans running in my house and I still hear the music. Sometimes my grandchild stays with me on the weekends and I don't want her waking up for that. I just wish the cops could get out there quicker. I know Huntersville has a noise ordinance and we just want it peaceful.

Wanda Thorne, 12114 Gibraltar Drive, said years ago it used to be called Wildwood Green neighborhood. I don't know who got it changed or if it was officially changed to Huntington Green.

Every weekend we deal with neighborhood Mexican parties because it is a lower income neighborhood, it's mobile homes, and you will find that there's more Mexicans living in there now than the people that own and so therefore they act like they don't know the rules or the codes or whatever, so I'll call and she'll call and then there's others that will call, but we have had others that say what's the sense in calling because nothing gets done. I've even talked to the police in Huntersville and they say they are just trying to enforce the code enforcements, but they really throw it off on y'all, but it's like you call and I know there's bigger problems that's going on that they can't get out there right then when we call, but we've had them say you go visit the neighbor and talk to them yourself. I don't think that's a good idea for me to go visit somebody when I'm upset to start with because I can hear it in my house, I've got my TV going and so it's like they want to put it back on the residents but they will tell them sometimes well you have until 10 p.m. Well, no you don't have until 10 p.m. The noise ordinance says anytime, any day, it can't be over so much. You know people complain or you are having complaints they have to go out there and deal with it and it just seems like our neighborhood, not just the noise ordinance, but we have chickens that are running around everywhere. Would you see chickens running around in Wynfield all over the place. Would you see chickens running around all over Cedarfield, no. Why can't code enforcement come out there and do something about all these chickens running around our neighborhood. For one, I don't want them in my yard. I think there's a lot that goes on in that neighborhood that we as members that live there because I can't afford to live in Cedarfield. I can't afford to live in some of these high dollar neighborhoods. Why can't our neighborhood be treated just like any other neighborhood.

Mayor Aneralla said Chief is over there, you can speak with him.

AGENDA CHANGES

Commissioner Munger made a motion to accept the agenda. Commissioner Boone seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R21-10. Mayor Aneralla called to order 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.

Commissioner Walsh made a motion to continue the public hearing on Petition #TA21-10 until November 1, 2021.

Commissioner Phillips seconded motion.

Commissioner Boone said I think it's petition #R21-10.

Commissioner Walsh amended his motion to continue the public hearing on Petition #R21-10 until November 1, 2021.

Motion carried unanimously.

Petition #TA21-13. Mayor Aneralla called to order 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, Planning Director, entered the staff report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

This is a text amendment to the Mountain Island Lake buffer regulations. The map that you see is Huntersville's jurisdiction and you see the creeks and streams, and we have a number of different regulations that apply to protect the surface water quality. Along those streams, in particular where the streams first start, those are the smaller size streams that will drain less than 50 acres. Two of the rules that we have to protect water quality are SWIM buffers and water quality buffers.

There was Text Amendment #21-09 that allowed an impact to these minor streams draining less than 50 acres (intermittent and perennial streams) through a conditional district rezoning that was approved last month. A third regulation that we have, and that red area is where Trinity Capital Partners are, and it just so happens that they are in that dark blue line. This is the watershed protection area. It's a state mandate and this is the Mountain Island Lake buffer text amendment and the closer you get to Mountain Island Lake, the more restrictive and the furthest you are, the least restrictive.

This is a state mandated requirement to protect that water because we get our water from that, so we have to protect the surface water. That has been something that since 2003 Town of Huntersville and Mecklenburg County has worked on to improve water quality and while we have grown tremendously since 2003, our surface water quality is actually improving because of the things that we have done. I do want to get that on the record that water quality is very important and that this text amendment is involving part of a state watershed protection area.

The request is to impact the PA2 which is Protected Area 2, that is the furthest away from Mountain Island Lake. I will read this into the record and that is that the "Property in the Mountain Island Lake Overlay District Protected Area 2, which is also part of a conditional zoning in the Corporate Business District, may request the Board of Commissioners to approve 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 8.25.11(b). This provision is applicable only to those streams not indicated on the most recent version of the USGS 1-24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for state water supply watershed buffer area.

What this text amendment is doing is only affecting that PA2 area. It is giving an option for them to go through conditional district rezoning. This text amendment, since it is in a watershed protection that the state mandates, the Town's attorney provided information to the state and said this is the text amendment we are considering and they have tentatively given the okay, yes this does not violate our rules for protection, it's acceptable to us. If this text amendment is ultimately adopted, then it will be sent to the State for official approval. I just wanted to get that in the record as well.

In your agenda packet, the Staff Report had a number of 2040 Community Plan recommendations. Police LU-8 is to provide some flexibility to employment centers, which this happens to be. EV-1 is support of balanced economy through job growth and targeted industry sectors and also EOS-1, which is support the preservation and enhancement of the natural environment.

I will mention that if the Town Board approves a conditional district rezoning, then the applicant would have to mitigate. If they impact 1,000 sq. ft., then they would have to mitigate that impact 1,000 sq. ft. through one of nine options that were approved by Mecklenburg County. We feel like all of these 2040 Plan recommendations are supported by the text amendment. This text amendment was run through Mecklenburg County Water Quality, Rusty Rozzelle, who also supports the text amendment.

Commissioner Bales said I see on your slide it says the State is tentatively okay with this.

Mr. Simoneau said correct.

Commissioner Bales said Mecklenburg County, are they as well.

Mr. Simoneau said yes, any text amendments we do that impact water quality we run through Mecklenburg County Water Quality, and Rusty Rozzelle has indicated they are okay with the text amendment as it has been proposed.

Commissioner Bales said there will not be any damage to our drinking water because of this.

Mr. Simoneau said that is correct. It's not just the drinking water, but the surface water that leads to where we get our drinking water as well. If this is approved, this just gives somebody the option to ask for a conditional district rezoning and they will have to mitigate if you approve that conditional district rezoning.

Commissioner Hines said I want to be sure everybody completely understands. This is one building, one site. Without this text amendment, they have to readjust their building so they do not impact that SWIM buffer, is that correct.

Mr. Simoneau said that is correct.

Commissioner Hines said this text amendment allows them, which this is a use by right plan, to come before this Board or the future board, ask for a conditional rezoning so they can mitigate.

Mr. Simoneau said that's correct.

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

Petition #TA21-12. Mayor Aneralla called to order 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, Director of Engineering, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

TIAs can help us find a way to quantify the impacts of traffic for new development and also compare traffic for different development proposals. What are we looking to find with traffic impact analysis – we are looking to see if there are improvements needed at impacted intersections and if that is a yes, then what is needed.

There are two options. One 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 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.

This is a table that has been presented a few times before, but some additional lines have been added to it. The table is a listing of TIAs that have been done for developments in town, so that's the full list. Everything above the blue line would be developments that would now fall below that 150 or 1,500 threshold, so if those developments came through, assuming that got approved, then those developments wouldn't have to do a TIA. If the option is approved where if the state requires a TIA, and the Town doesn't, then the developments that are below the red line would just be ones that the state would likely require a TIA and then the results would come out there. And so it just brings the developments that are between the lines.....the Town would require a TIA for those, again if the thresholds increase, but it's below the state's threshold.

The next table shows a listing of developments that were approved and mitigation was required since 2009. What this table shows is that when a development gets approved, say one got approved a month ago, those improvements don't instantly occur. They probably don't occur until that next year. It takes years for those road improvements to occur, several years based on what the trend in this table shows. What the table shows is that development from 2016 back, most of those improvements have been completed, but everything since then, maybe that phase hasn't occurred of that development or maybe that development hasn't occurred yet, so those improvements have not been constructed.

Option 2 is to repeal Article 14 of the Town Zoning Ordinance in its entirety.

Commissioner Hines said we've talked about this a lot over 4 years. First off, the state, they have 3,000 daily trips. Do they have an a.m. or peak hour requirement as well.

Mr. Trott said the current threshold is 1,000, but the other criteria is up to district engineer's discretion, so if it doesn't meet that standard, they can require a study.

Commissioner Hines said you have discretion if someone falls below one of these numbers to still require a TIA. Is there also an ability where the engineer can waive if it's over 150, let's say it's over 150 but it's our downtown area and we know that we can't improve Gilead and Old Statesville, do you have the ability within the TIA document to also waive that like you do to waive to require a TIA on 150 or 1,500 trips.

Mr. Trott said not in the current ordinance, no. If it's over the threshold, it's automatic. But if it's under the threshold there is a provision in there that could still require a TIA if the Town is near....

Commissioner Hines said has that happened.

Mr. Trott said that hasn't happened that I'm aware of since the ordinance has been around since 2007.

Commissioner Hines said on this third point, can you explain that a little bit more.

Mr. Trott said while these TIA items can be hard to explain and show and that's one maybe a little more detailed, right now the threshold is if your development is projected to have 30 trips on an intersection approach or 50 at an intersection total, so any approach combined total of 50, then you have to study it. It doesn't mean you have to mitigate it, but you have to study it. Over the years we've been noticing those ones that are just at that or barely over that threshold, maybe they have 31 trips on approach or 34 on an approach or say 55 at an intersection.....they've been studied but no mitigation has been indicated or needed at that intersection, so to eliminate those intersections that are being studied but no mitigation is being determined.....raise that threshold so that the intersections that are studied are ones that need mitigation.

Commissioner Hines said so raise them from 30 to 40, that's based off of another chart very similar to what you showed us.

Mr. Trott said it's based on seeing the TIA'S over and seeing that these intersections are being studied but no mitigation has been required for those, they are kind of just right on the edge.

Commissioner Hines said some of the pockets of our community seem to grow at the same time. If there's a TIA that came in last year and they studied one intersection that is called for in the scoping plan, does the same intersection have to be studied again or is that kind of where that possibly could come in to help.

Mr. Trott said I'd say if a development has been studied and then approved, then that doesn't eliminate it from study just a month or a week later because there would be additional development coming, so they have to account for what's already been approved and then add theirs on top of that.

Commissioner Hines said even if it's not there yet. Even though it just got paper approved.

Mr. Trott said that's correct. In the case of Huntersville, there's a lot of development that are paper approved but not built yet, so we've had TIAs that have had 8 to 10 approved developments that have to be accounted for because they are approved and they are vested to go be constructed.

Commissioner Hines said if you are the last one to the area you are probably going to be more penalized than the first one that did a development.

Mr. Trott said that is possible.

Commissioner Bales said would you be willing to give me an example of when you may waive a Town TIA if NCDOT is requiring the Town's portion.

Mr. Trott said if DOT has indicated they would require a TIA then the option is there to waive one. What we have noticed for those developments that are below that red line, so these are the larger developments. These aren't your build 50 homes or 100 home type developments, these are large retail or industrial type developments or very large subdivisions. The state is going to require a TIA and what we've seen is the trend is the improvements that the Town would require, it meets the Town thresholds, those are typically the same improvements that would be required by the state when the TIA is done and so you are checking different measures to see if you require things and what we have

seen is that both typically require a lot of the same things. It's not always the same, but a lot of it is the same.

Commissioner Munger said on the traffic impact analysis, how much time does it typically take for planning staff, how much of your staff time does it take for one traffic impact.

Mr. Trott said that will vary based on the size. The smaller ones, they will take hours to review. They may take three or four hours to review. The larger ones may take eight to ten hours to review a study because it's so much information. They can get rather large pretty quickly for the larger ones. The more intersections you have to study, the longer ones may take eight to ten hours to review a study because it's so much information. They can get rather large pretty quickly for the larger ones. The more intersections you have to study, the longer it takes to review.

Commissioner Munger said how much money would you estimate the developers spend on putting together a traffic impact analysis.

Mr. Trott said I could guess, but they hire their own consultants at their own, whatever their contract is with them as far as providing that service, but I would guess some of the smaller ones may be \$5,000 to \$10,000 and the larger ones could easily go above \$50,000 for a study.

Commissioner Munger said in addition to that money that they spent, they then have to turn around if a traffic improvement is required to go through the effort of purchasing the land and actually putting forth the actual traffic mitigation.

Mr. Trott said that's correct and then they have to go through....if mitigation is required and they offer that and move forward with that process then yes they have to spend time and lots of money to develop the plans and then go build it.

Commissioner Munger said the next question is kind of in your opinion. If in the North Carolina General Assembly's infinite wisdom it decided that this is way too difficult on planning staff for town and much a financial burden on the developer's themselves, why don't we just allow an impact fee. Would that simplify things greatly.

Mayor Aneralla said he's the wrong person to ask.

Mr. Trott said if there was an impact fee in lieu of this, it would be a lot simpler. I would think of a process a lot less time consuming to figure out what that end dollar amount....if that's where you are trying to get to I would be.....if there's just a straight rate then you wouldn't have to go through a complicated study to get to that end point.

Commissioner Munger said I would imagine that developers would actually jump at the chance just to be able to write a check and be done with it.

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

Petition #TA21-08. Mayor Aneralla called to order 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, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Currently the Zoning Ordinance requires for delineation of SWIM buffers by Mecklenburg County GIS and this text amendment proposes to more greatly specify the method for delineation for site plans. The changes are primarily for Article 8.25, which is the SWIM buffer section of the Zoning Ordinance, and then the additional changes are for other sections of the Zoning Ordinance that pretty much restate the delineation requirements, so it's just for purposes of consistency.

As mentioned, the Zoning Ordinance already requires that site specific plans for the Board of Commissioners, all construction plans including grading and clearing plans, erosion and sediment control plans, as well as site plans, include all buffers to be shown on the plans and this proposed text amendment just requires that method of delimitation be by an on-site stream delineation prepared by a certified professional using US Army Corps of Engineer and/or North Carolina Division of Water Quality Methodology when being approved by the Town and the rationale is that this helps to more greatly specify the delineation methods that are required, prevent unintended disturbance of the SWIM buffers, and it is more greatly consistent with the buffer implantation guide and several surrounding communities

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

OTHER BUSINESS

Resolution – 2022 Downtown Plan Steering Committee. Commissioner Bales made a motion to adopt Resolution creating the 2022 Downtown Plan Steering Committee and confirming appointments to the Committee.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

Updates to Greenway, Trail and Bikeway Master Plan Map. Current routes on the 2014 GTB Master Plan map have changed or been rerouted. Consider approving the updates listed below, also shown on the map. *Map attached hereto as Exhibit No. 6.*

- The Park - Huntersville (will not go under 77, it will follow Reese Boulevard to Mt. Holly-Huntersville Road)
- Recycling Center off Holbrooks Road (will now run along Holbrooks Road)
- The Stonefly protected area along US 21 (Mecklenburg County)
- Lake Norman Bike Route realignment
- Proposed greenway through North Mecklenburg Park
- Mark as “under construction” (Torrence Trib II/Downtown Greenway)

Commissioner Walsh made a motion to approve the route updates as shown on the master plan map.

Motion carried unanimously.

CONSENT AGENDA

Resolution – Close and Abandon Portion of Patterson Road. Commissioner Hines made a motion to adopt Resolution of Intent to Close and Abandon a portion of Patterson Road. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Merit Increase – Town Attorney. Commissioner Hines made a motion to approve a 3 percent merit increase for the Town Attorney. Commissioner Phillips seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2021.

**Town of Huntersville
Town Board
November 1, 2021**

To: Town Board

From: Janet Pierson

Date: November 1, 2021

Subject: Approval of Minutes - October 18, 2021

EXPLAIN REQUEST:

Consider approving the minutes of the October 18, 2021 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. 101821DraftForBoard

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**October 18, 2021
6:00 p.m. – Huntersville Recreation Center**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on October 18, 2021.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Next meeting of the Metropolitan Transit Commission is October 27.
- The Charlotte-Mecklenburg Historic Landmarks Commission will meet on October 20 to discuss historic designation of the Rosenwald School.

Commissioner Hines

- Wished his wife happy anniversary.
- Next meeting of the Charlotte Regional Transportation Planning Organization is October 20. Commissioner Boone will be attending that meeting.

Commissioner Bales

- Next meeting of the Municipal Education Advisory Committee is October 20.

Commissioner Munger

- Attended the Huntersville Ordinances Advisory Board meeting on October 7.
- Attended the Centralina Regional Council regular meeting last week.
- Consider supporting local non-profits.

Commissioner Walsh

- Provided update on upcoming Parks & Recreation events.
- Provided update from the Huntersville Regional Chamber.
- Provided update from Visit Lake Norman.
- Next meeting of the Greenway, Trail and Bikeway Commission is tomorrow night.
- Suggested Town consider investing in public art, starting with the art piece for the trailhead for the Vine Greenway.

Commissioner Phillips

- American Legion Post 321 is having a chili cook-off this Friday.
- Veterans Day Parade applications are due this Friday. The parade will take place on November 13.
- StarMed will be offering a COVID testing pop-up clinic this Wednesday at Bradford Park.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- Huntersville Police Department will be attending a number of upcoming community events.
- Boy Scout Troop 19 will be picking up campaign signs following the election as a fundraiser.

Commissioner Bales requested the Deputy Manager give an update on the meeting with bond counsel regarding the refinancing the Board approved on September 20.

Jackie Huffman, Deputy Manager, said you took action to approve three pieces of debt refinancing at the second meeting in September. The Local Government Commission approved that debt on October 5. Our financial advisor chose a closing date October 21. We have pre-signed the closing documents. It will be official on October 21. I personally have been in local government 26 years and I have never been an issuer of LOBs (Limited Obligation Bonds), so I had a fair amount to learn. There is not a ton of new information about the general obligation bonds. That's going to come off as we would have anticipated, and our installment financing had no pre-payment penalty.

If you had asked me to predict for the items that were impacted by LOBs when our obligations, be it collateral or potential private use issues would go away, I would have predicted at when we make the final payment on that debt. The LOBs were issued in 2012, so I would have assumed on December 1, 2028, which would be in FY29 when we were scheduled to make the final payment, that's when our potential private placement issue would go away. I would have been wrong. Bond counsel confirmed that technically when the final payment is made, and since we are refunding, most of that debt will pay off October 21 when we sign the documents. There will be one bond that won't pay off until June 1, 2022, which is later in the current fiscal year, so on June 1, 2022, our potential private placement issue that you likely have heard us speak about that's related to the parking deck at Town Center will have gone away. Technically, the majority of it will have gone away on October 21.

If you issue general obligation debt as we did to build this building, or if you issue it to build roads, you might think that your collateral is what you build – this building or the roads. That's not so. Your collateral when you issue general obligation debt is your taxing authority and so what you've agreed to with bond holders is that you will set the tax rate sufficient to repay that debt. Don't think of the collateral as exactly whatever you are doing with those bond proceeds. If you issue an installment financing, so if we had issued what's effectively a mortgage on this building, then the collateral on this building would be the building. I wasn't here in 2012 when the limited obligation bonds were issued and many of the board members who are serving today were not serving in 2012. Much of the staff has turned over, so I think it's a forgivable sin to not be aware of exactly what was offered as collateral.

Three significant things were offered as collateral – the parking deck, Town Center and current Town Hall. What that means is if we had allowed those LOBs to be outstanding until their final termination in FY29, then there would already be an existing mortgage, a deed of trust, on existing town hall. We've contemplated before when we build the new town hall that we might sell existing town hall. It would be collateral on a different loan and we would not have been able to do that until we cleared up that title. What we are doing with this LOBs issue does two things. First, I'm very proud that it saves us \$980,000 and that estimate is still in effect. It saves us that interest over the remaining life of the loan and in addition it gives us additional flexibility on being able to sell current town hall and do other things should we choose to do them on the parking deck.

Mayor Aneralla said kudos to the staff. I've been contacted three times from the State Treasurer on this because he sees what has happened over the last few years in Huntersville. He reiterated again that we are the best funded community in the state of North Carolina and that doesn't happen by accident, so he contacted me on that and to tell me congratulations on this refinance and then he wanted some publicity. We have a reporter here so maybe she can do that or if Lee Sullivan is watching, because he has I think 25 or 30 communities throughout North Carolina that would die for our balance sheet and he has to look at them very closely.

Ms. Huffman said I like kudos and that's awesome and we've got staff and a board that supports that and I'm real appreciative, but we have to say thank you to bond counsel and our financial advisor, they do a great job.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla presented proclamation proclaiming October as National Arts and Humanities Month to Nancy Neely.

Proclamation

WHEREAS, the coronavirus has had a devastating impact on America's arts sector, with 99 percent of cultural organizations having canceled events and artists being among the most severely affected segment of the nation's workforce; yet notwithstanding this fact, the arts have helped collectively lead us throughout the darkest times of the pandemic—lifting our spirits, unifying communities, and jump-starting the economy; and

WHEREAS, the month of October has annually been recognized as National Arts and Humanities Month by thousands of arts and culture organizations – including the Arts & Science Council, the local arts agency of the Town of Huntersville and Mecklenburg County – and by communities and states across the country; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind and play a unique role in the lives of our families and our community; and

WHEREAS, the arts and humanities help community members explore their diverse history and culture with the support and creativity of large, midsize and small cultural organizations, creative individuals, educational institutions, and local businesses; and

WHEREAS, the collective nonprofit arts industry of the Town of Huntersville, surrounding towns, Mecklenburg County and Charlotte strengthens our economy by generating \$243 million in total economic activity annually, \$21.6 million in state and local government revenue, and by supporting the full-time equivalent of 7,600 jobs.

NOW, THEREFORE, I, John Aneralla, as Mayor of the Town of Huntersville, NC, do hereby proclaim October as National Arts and Humanities Month in Huntersville, North Carolina and call upon our community members to celebrate arts and culture and to join in this special observance.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 18th day of October 2021.

April Dunn, Chairman of the Public Art Commission, provided update on what the Public Arts Commission accomplished in 2021. *PowerPoint presentation attached hereto as Exhibit No. 1.*

The Public Art Commission released a Request for Qualifications for artists to submit ideas for the greenway trailhead sculpture. We have \$10,000 that has been donated from a company. We have applied for two additional \$10,000 grants, some of which we will not hear back from until next year, but we are hoping to be able to put at least a \$40,000 sculpture there. We are also looking at the possibility of a Huntersville Sculpt Tour and Art My Park.

Commissioner Bales expressed appreciation for all the work the Public Art Commission has been doing.

BeeJay Caldwell, 14521 New Haven Drive, said I'm here to say thank you very much to the candidates who attended the forum on the 10th. It was a very successful event and it started to open dialogue among the sitting Board members and the people of the Pottstown Preservation Committee for Change. We appreciate the opportunity to come before the Board time and time again with issues and suggestions and we appreciate your listening to them and tucking them in your heart to think about them at a later date when we can meet more formally and have it fleshed out.

Tim McDonald, 14311 Beatties Ford Road, said I've got a noise complaint for the Community School of Davidson. I've called the police on several occasions. It's not only the speakers, it's the band, the yelling. It's happening on Wednesday nights, Friday nights and now they are starting to do stuff on Saturdays. I've called several councilmembers. They called me back. I also had Ms. Phillips come and she has recorded in my driveway the noise. I'm asking the Town, we've got to do something. This is starting to get ridiculous. My wife works from home. She's Safety Coordinator for Atrium Health. She was on an important call. The Vice President asked her to cut the radio down and it was actually the speakers from the school. That's pretty much all I've got.

Chuck Davis, 10 McFarland Road, Pinehurst, North Carolina said I'm here to read a letter from my father and it's in connection with the North Creek Village rezoning.

Members of the Huntersville Board of Commissioners:

One of the matters that is before the Board this evening is the rezoning for the second phase of North Creek Village. My wife, Faye, and I are the current owners of 45 acres, or just over half of the the land that makes up the project. This land has been in our family since the mid-1800's, roughly 25 years before the Town was incorporated.

During my youth and when our own children were young, this was a rural area. We were able to use and enjoy our land in a way that is no longer possible – to hunt, to farm, to live a rural lifestyle. But a lot has changed in Huntersville since that time. Many new people have moved here and new subdivisions have been built to house them. Schools, hospitals and new office and commercial buildings have been built to accommodate them. New roads have been built to handle the traffic. Soon, NC 73 will be widened into a 4-lane highway.

Growth is a sign of healthy and vibrant town and reflects on what a wonderful place Huntersville is to live. Town leadership has thoughtfully planned our area as an activity node in a comprehensive town plan that has the support of the community. We have welcomed the changes around us and have not opposed the many new neighbors and development that has come.

But these changes have affected us as well. We no longer hunt and farm on our property and we are now ready to sell the land we have used for generations. We ask that this Board follow the Town's plans that have been adopted over the years for our land and approve the project before you tonight.

Sincerely,
Charles S. Davis, Jr.

Original Letter attached hereto as Exhibit No. 2.

Tim Mayes, 13919 Old Vermillion Drive, said I want to share with you tonight a perspective relative to the item in front of you, the North Creek Village mixed-use project. That perspective comes from six property owners that own 34 acres of that development. I happen to be one of those, along with my sister and brother and we have three cousins.

Mr. Davis just shared with you a perspective from legacy property owners, and I speak to you tonight with a lot of emotion, a lot of concern about the quality of project that you have in front of you. Let me quickly just say that after 10 years plus of conversations with different developers, different members of the Town staff, a lot of internal conversations within our family, we are extremely pleased with the product that you have in front of you to approve tonight.

The current membership group happens to remember our Uncle Will who owned the 34 acres that we now own, who passed away about 65 years ago. We remember spending time on that property. He was the kind of person that I think we would all respect. He was the kind of person that you would always want to be looking in the eye of and saying yes, sir/no, sir and in this particular case we see what we are doing as a family as something that needs to pass the test of looking at Uncle Will in the eye and saying for this property that's been in our family for 200 years, we want to pass it along in a quality way for this community.

Quite frankly, many in our family and I have been in this position a time or two in recent years. We would kind of like to kick the can on down the road further, because when you are talking about property that's been in the family for this long and when you realize that you should come to the table in a spirit of humility because as a current property owner, you've done nothing to be in the position of being a property owner, but you owe it to those who have gone before you. We realize that there are different perspectives about this from folks who aren't in the community and have not been in the community for years. We respect that as well. We believe your public processes are good processes where you accept input from many and it's your responsibility to hear different perspectives and make a decision based on all those perspectives.

This is our first opportunity to share with you our perspective and we respect your position. We'll honor your decision whatever it might be. But legacy is important to us and doing the right thing for the community in a way that brings honor to our ancestors and that provides a quality of life moving forward is something that we want to do. For those who say things have changed a lot since I've moved to Huntersville, well let me tell you growing up on Mayes Road I remember when we might have 8 or 10 cars pass our property on Mayes Road a day. Thank goodness for the changes we've had. We respect the position and perspective of those who have been here less time than we have been here, but at the same time in our hearts and our souls and our thought processes of the family, we realized that the time is now for us to do something right. There are only six of us and in 7 or 8 years as some of us age out there could be 20 of us and from a business standpoint, it's not right for us to kick that can down the road for those that come behind us. Thank you for what you do. Having spent a little time in the public sector myself, I know it's a thankless job. I know that you have to go through a lot of consideration of everything you do. Being in the chairs you are in, it's never as simple to those of us that stand here as it looks to be. There are a lot of considerations that you have to make, so we respect where you are. We are pleased with Mr. Vinson's work, the developer, and the company that he's chosen. ColeJenest is top quality and so we believe we could look Uncle Will in the eye and say sir, this is the best we can do to pass on your legacy. Thank you for your consideration.

AGENDA CHANGES

Commissioner Boone made a motion to approve the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Sedimentation and Soil Erosion Control Ordinance Amendments. Mayor Aneralla called to order public hearing on amendments to the Sedimentation and Soil Erosion Control Ordinance to comply with HB489.

Emily Sloop, Town Attorney, said you have in your agenda package proposed edits to the Town's Soil Erosion and Sedimentation Control Ordinance. These are all prompted by legislative changes and necessary to comply with House Bill 489.

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

OTHER BUSINESS

Sedimentation and Soil Erosion Control Ordinance Amendments. Commissioner Boone made a motion to approve the amendment to the Sedimentation and Soil Erosion Ordinance complying with House Bill 489.

Commissioner Bales seconded motion.

Motion carried unanimously.

Amended Sedimentation and Soil Erosion Control Ordinance attached hereto as Exhibit No. 3.

Petition #R21-06. Petition #R21-06, North Creek Village Mixed-Use, is a request by Magnolia Development, LLC to rezone +/- 84.00-acres south of the NC 73 and Davidson-Concord Road intersection from Rural to Highway Commercial and Traditional Neighborhood Development - Conditional District for a development consisting of 42,500 commercial sq. ft., 303 multi-family units, 65 attached units and 77 detached units (Parcels: 01107311, 01126101 & 01126113).

David Peete, Principal Planner, said I just want to go through the changes that have transpired with the plan since the Planning Board's recommendation to you, as well as the Staff Report that went out to you last week.

The property is 84 acres located just south of 73 where Davidson-Concord Road intersects and generally between Black Farms Road and Ramah Church Road.

This sheet here represents the totality of those changes and I'm going to run through them as quickly as possible. One of the primary changes are the items in yellow. Those lots were previously townhome lots. They are now shown as single-family detached. They would be under 60' in width. I believe they're about 50'. This area here in yellow also represents a change from townhomes to detached single-family. You will also note in the bottom part of the screen there are two call-outs showing that

there will be on-street parking as required by the ordinance in this single-family section due to the size of the lots.

There was a comment about circulation in the commercial area and that has been augmented quite significantly, so there are no issues there in terms of the provisions for this plan.

There was a comment about the stub road under both road options. They are listed as A and B, and only one of them showed a stub to the north. That has been corrected, so it's shown under both scenarios, so that would be pursuant to the staff comment.

The buffer on Black Farms Road is shown as 100' and it was not clear if all of that was proposed to be undisturbed. You can see the call-out there that the first 80' would be undisturbed and the last 20' proposed to be disturbed, if needed, and then replanted. It is acceptable to staff.

You can see here that we were looking for elevations for the multi-family. While the image to the top, and I'll let the applicant speak more to that, but more the two main points are in the lower right, you can see a footprint that shows you the access out to the public street, which would be the bottom arrows and that the units on the ground level will have that access which is part of our ordinance and then there are these elements here speaking to the architecture and the design. I won't go through those unless the Board would like to, but staff is very comfortable that they are giving a nice parameter with which the next stage of the project will move.

There were a couple of notes that needed a little strengthening. Note No. 6 talking about permitted uses and where they may go. The area in red there speaks to the density would not be increased along the external boundaries of the project without review by the Director, so that tightened that up a little bit.

The last note was that there was a recommended trail connection from two residential areas, and it was a little bit vague as to whether that was actually going to be offered up, but they have provided the notation that you see there and again going back to the Director. As long as it is an approvable item by whatever governmental authorities are appropriate, that will be part of the plan.

Just giving you a quick update of what these changes mean, you still have 303 proposed apartment buildings. The detached units are 116 at this point. The 65 attached units, or the townhomes, have been eliminated. The square footage of commercial is unchanged, still 42,500 sq. ft. You are looking at a proposed density in the 84 acres of 4.9 units per acre, which is down from the 5.3 that the Planning Board saw.

This is the breakdown of those densities. You can see that the pink area on the west, or what would be the left side of the screen, is dropped to 2.2 and then in the blue triangular on the east or the right, you can see it's down to 1.71 with the townhomes removed.

This is just a history of where the density has gone. If you would like to see that, we can talk through that.

These are the TIA elements that still do not appear on the plan. We need to see those as part of the plan, so that is just something that the applicants can commit to. There were a couple of other transportation comments that are shown in these two slides. They have to do with some very specific set-ups through our Engineering Manual and Practices. If you would like to have any further discussion

about these elements, a representative from the Engineering Department can certainly do that. I believe that the applicants are amenable to these being added to the plan and they can speak to that in just a moment, but we would like to have those stipulated. The way that would work, this is the recommendation from staff, and you can see that all of the first elements have been satisfied with the red notation.

The last two items there are that the TIA/transportation comments would be addressed per the comments from the plan and then all the other redlines that are on the plan that would be minor in nature. We don't essentially have other conditions other than those two items.

The Planning Board on September 28 did review and their recommendation to you was denial of the plan as it's proposed by 7-2 vote and you can see their rationale there, speaking to not protecting and enhancing the character on Black Farms and Ramah Church.

Commissioner Munger said staff comment on EOS-6, Page 11 of our packet, typical road cross-section should not be installed along Black Farms Road to preserve the rural character of the corridor. Can you explain what is meant by this. Does this mean we don't want a road off Black Farms.

Mr. Peete said no, that does not have to do with the connection. This is the residential road that would tie-in to Black Farms Road and that is running in between those two 100' buffers that I referenced a minute ago. What that comment was referring to was there was an anticipated set-up by the applicant that they would do standard road improvements on Black Farms at their frontage, so you would think about widening, if necessary, sidewalks, street trees, those types of things.

Our 2040 Plan calls out about three or four roads that have an historic connotation to them. In respect to that context, the cross-section needs to really be explored very specifically. What we were doing there was basically saying don't put the standard package in this place. Let us, if it were to be approved, study that at the next level. The cross-section that is in the plan today simply mimics what's there and we would take a look at that issue if it is to go to the next level if the Board were to approve.

Commissioner Boone made a motion in considering the proposed rezoning application #R21-06, North Creek Village Mixed-use Conditional District rezoning, the Town Board approves the rezoning with conditions. The rezoning is approved as it is consistent with Policy Recommendations LU-1, LU-2, LU-3.1, LU-5, 6, 7, 8, 9, 10 and 11 and EOS-10 of the 2040 Community Plan. Recommendation of approval is based on the following conditions as outlined in Part 5 of the Staff Report. With those conditions, it is reasonable and in the public interest to rezone 84.0 acres as described in Attachment B of the Staff Report from Rural to North Village Mixed Use Conditional District Rezoning Plan to permit 42,500 sq. ft. of commercial space, 303 apartments and 116 single-family homes, because it is consistent with the 2040 Comprehensive Plan and applicable provisions of the Zoning Ordinance can be adequately addressed with staff recommendations, and conditions listed in the Staff Report, the TIA comments and redlines need to be addressed.

Commissioner Walsh seconded motion.

Commissioner Walsh said I've often said that when the 2040 Plan supports, or in my opinion supports, a project, when Planning Staff supports it, and the Planning Board recommends something, it makes my job a little bit easier. I will tell you as late as Friday I was probably not a hard no, but a no on this particular project, but with the additional changes that were made over the weekend, I will now be in support of it. The Planning Board had a couple of issues. It was a split decision by the Planning Board,

but the LU-11, Protecting Existing Housing Stock, the elimination of the townhomes to the east and west and the feathering out made this a more acceptable project. EOS-6, Preservation of Rural Elements, Black Farms Road that was mentioned, which is identified to preserve scenic beauty, again there's 100' buffer plus no improvements on the outside, kind of shielding the community. The overall reduction in density and the trail connection were pretty important to me. I think it has more of a village setting and I believe it's going to be a great project.

Commissioner Bales said in listening to the Planning Board's concerns, I believe that the petitioner has addressed the majority, if not all of them, as we look to create this node and feather back out into the rural community. I will be supporting this project. I think that it is an excellent project for this Activity Node and I look forward to seeing what happens out there with the area businesses and the families that ultimately move into this space. I would like to remind the Board and remind the next board that this Activity Node is what it is, a node in which we want to make sure that we are continuing to preserve the rural character to the east, as well as to the west of Huntersville, so it's going to be very important for these future boards to acknowledge that and preserve the rural character outside the node.

Commissioner Phillips said I'm the queen of no as time has gone on and I just want to thank the developer for being so amenable to the questions, the requests, the meetings, the time, because I know that we are an interesting cast of characters and I feel like in times we were making your job difficult and you have done a great job addressing our concerns, so I just wanted to thank you for that and yes I will be supporting this.

Mayor Aneralla called for the vote to approve Petition #R21-06.

Motion carried unanimously.

Black Farms Road Farmhouse Cluster. Black Farms Road Farmhouse Cluster is a request by Black Farms Collective LLC to subdivide +/- 12.27 acres of land located on the east side of Black Farms Road to create a six lot Farmhouse Cluster development.

Lauren Speight, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.* The Black Farms Road Farmhouse Cluster is proposing six single-family lots, which is the maximum number of lots you can get in a farmhouse cluster, off of Black Farms Road. The project size is a little over 12 acres and it is currently zoned Rural.

Just for some context, here's where the proposed project is, then you have an existing Farmhouse Cluster to the east and it's surrounded mostly by single-family residential. There's a farm across the street and then there's some proposed development that's surrounding as well.

The proposed development is preserving the minimum amount of open space that's required for the development, as well as meeting the minimum tree save that's required for the Rural zoning district as well. They have included plans for erosion control as a part of their site plan and they've also included construction documents for the private drive that is required to be built to Town street standards as well.

One of the comments that staff has been working on with the submitting firm is regarding the 60' buffer along Black Farms Road. The firm has worked to resolve that comment to ensure that there is an opaque vegetative buffer along Black Farms Road at the entrance of the development given that there is some existing vegetation there. Staff is going to ensure that when we stamp approval there will be a

comment noting that any vegetation that is removed in the process of construction would have to be supplemented before the completion of the project.

Staff is finding that the site plan meets 10 of the 11 conditions that are outlined in the Huntersville Zoning Ordinance for a Farmhouse Cluster in the Rural zoning district. The significant concern is about the buffer and in light of the recent concerns with regard to Charlotte Water, staff has also been in contact with the submitting firm about that because the Farmhouse Cluster is planning to be on public sewer and water currently, which would have a significant implication for the open space and tree save requirements for the Farmhouse Cluster. Farmhouse Clusters are allowed to have septic systems in common open space, but if the Farmhouse Cluster has to revise that, it may prove that the development is not able to meet the minimum requirements there, so staff has been in conversation with the applicant about that and they are working on their capacity assurance letter. In the meantime, they are currently still planning to go with Charlotte Water for public sewer and water connection. Staff has also worked with the other minor comments that we have on the plan and the submitting firm is also working on their outstanding land development comments, therefore staff does recommend approval of the project pending the outstanding comments are addressed.

Commissioner Bales said just to clarify, if they disturb the 60' buffer, they will go in and replant.

Ms. Speight said yes, they will be required to replace that vegetation so that there is an opaque buffer.

Commissioner Munger said is the applicant available.

Ms. Speight said I do not believe the applicant is here this evening.

Commissioner Munger made a motion to approve a request by Black Farms Collective LLC to subdivide +/- 12.27 acres of land located on the east side of Black Farms Road to create a six lot Farmhouse Cluster Development, with the understanding that the outstanding comments from the Planning Department and Huntersville Land Development being addressed.

Commissioner Bales seconded motion.

Mayor Aneralla called for the vote to approve the Black Farms Road Farmhouse Cluster.

Motion carried unanimously.

Birkdale Village Subdivision Sketch Plan. Mayor Aneralla said this is a quasi-judicial hearing on an application submitted for Birkdale Village Subdivision Sketch Plan and Revision. As a reminder, quasi-judicial hearings are evidentiary in nature. The Board must base quasi-judicial decisions upon competent, relevant, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence, non-expert opinions as to something that requires an expert, and non-expected hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

Only parties with standing, along with the applicant, local government and individuals who can show they will suffer special damages, have the right to participate fully in the hearing. Parties may present evidence, call witnesses, and make legal arguments. Other individuals may speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinions. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

Even though the Board may rely on other evidence if it is not objected to, the Board should rely on competent, reliable evidence in making this decision.

Who do we have here and please introduce yourselves. Let's go with staff first.

Stephen Trott, Engineering
Brian Richards, Planning Staff

Mayor Aneralla said and the applicant.

Michael Lant, North American Properties
Nick Lombardo, North American Properties

Mayor Aneralla said no one here from the public to speak on this tonight.

No one responded.

Mayor Aneralla swore in Stephen Trott, Brian Richards, Michael Lant, Nick Lombardo.

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

There were no disclosures.

Mayor Aneralla said we also.....any ex parte communications. The parties in this case have the rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the

case outside the hearing. That may be email communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communication to disclose.

Mayor Aneralla said I did attend the public hearing and I attended a meeting once before, I didn't even know it was going to be quasi-judicial, but it's not going to affect my impartiality in conducting this meeting.

Commissioner Bales said I did speak with someone from North American Properties who gave me an idea of what this was going to be, but I did not realize it would be quasi-judicial. I apologize for that. However, it will not affect my judgment at all.

Commissioner Munger said similar, I had a conversation where someone had mentioned there were upcoming changes coming to Birkdale Village. I was unaware of what they were. As it turned out, I found out it was quasi-judicial, so I dropped that, and it will not affect my impartiality.

Commissioner Hines said I did have conversations with North American Properties, but this was regarding Highway 73. This was a long time ago right after they purchased the property and it has no bearing on this or partiality regarding this decision.

Commissioner Boone said I attended a neighborhood meeting, but I believe they went over this program they are going to show us tonight, but it will have no affect on the decision that I make.

Brian Richards, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

As we heard before there was a Neighborhood Meeting back in August of this year describing this project. We are all familiar with Birkdale Village – roughly 55 acres in the Highway Commercial Conditional District under an old R01-03 rezoning plan from a long time ago.

Here's a current aerial of the facility. The proposal tonight affects 1.78 acres currently being used as common open space and parking. The proposed uses are to create four new commercial lots. Revisions to the common open space and the creation of a new urban open space towards the end towards the movie theatre, and also the abandonment of a portion of Lindholm Drive.

You can see here on the image in front of you, the developers are looking to create three jewel box buildings, and also a valet and concierge service area in the western portion of Birkdale Village towards Highway 73. Towards the movie theatre they would be removing the existing fountain and have four small retail buildings that will be used for seasonal products.

There's a revision to the trees out there. Back in the 2001 ordinance they did not have tree canopy or tree counts as we do today. They simply had to save as many trees as possible. Currently in the project area there are 142 trees, 32 of those are to be removed due to construction and site distance triangles. The applicant is proposing to replant 21 trees.

In the open space revision there will be a reduction of 0.8 acres of common open space for the creation of those lots.

Impervious, there will be no new impervious area. There would actually be a slight decrease in impervious area due to the revisions. You can see that here. The existing is on the left and the

proposed is on the right. You can see the revised central portion of Birkdale, which will have a larger open area where the current fountain is. There will be a reduction of 78 parking spaces. That is also because of the widening of the common areas in the middle. They are required 1,082 spaces. Currently they are at 2,118. When this is done there will be 1,940 and the applicant will be providing concierge parking or valet parking for folks.

They do require a block length modification due to the closing of a portion of Lindholm Drive around the center. Currently the block length of Birkdale Commons Parkway in that area is 514.79'. If that roadway is closed and abandoned, that would make the block length 575.54'. They would be required to get a block length modification.

In regards to the 2040 Community Plan, Birkdale Village is located in the Town's Core, but also within Mixed-use Center. The following policies support the revision to the plan.

Staff is recommending approval pending the block length modification and any outstanding planning comments are addressed. As of this afternoon there are no outstanding comments.

On September 28, the Planning Board recommended approval.

Commissioner Hines said the block length waiver, does the access to one of the underground or the parking lots, does that not break-up the block.

Mr. Richards said it does not, not in Highway Commercial. That's only for TND that you can use mid-block crossings.

Commissioner Munger said just a question of clarification, because it's quasi-judicial. Literally the only thing we are looking at tonight is a waiver on the block length.

Mr. Richards said they are asking to increase the lot count from 20 to 24 and the block length, correct.

Commissioner Munger said I did have a comment for the applicant. Reducing parking spaces by 78 is a concern for me. I find it already relatively difficult to park in Birkdale Village. I know that's not something we can consider on this, I just want that comment added because parking in Birkdale Village is painful.

Commissioner Walsh said to follow up on the parking, so if parking is being reduced by 78 spaces, does the formalized valet parking get any of those back or where are they parking.

Mayor Aneralla said do you want to hear from the applicant now.

Commissioner Walsh said whoever can answer the question.

Mr. Lant said the valet service is something we provide to most of our developments and it is, in fact, to make it convenient for folks to come in and get dropped off. The parking spaces that the valet will use will be in the parking deck, so they can double stack and triple stack cars. To answer both questions, yes we lose 78 on the main drive, but that should be taken up by the convenience of the valet.

Mayor Aneralla said any other questions. Is there a motion.

Commissioner Walsh said in considering.....

Mayor Aneralla said wait, I'm sorry.

Commissioner Walsh said you asked.

Mayor Aneralla said I know. Well, you go ahead. You can do the motion.

Commissioner Walsh said in considering the Birkdale Village Subdivision Sketch Plan Revision, we the Town Board find the application is complete. The application is consistent with the 2040 Community Plan and is in keeping with the spirit and intent of the Town's future land use plans and is supported by the following policies: LU-5.1, LU-6.2, LU-8.1 and EV-2.1. The sketch plan complies with all standards but is subject to the following: block length modification of Birkdale Commons Parkway not to exceed 575.54 linear feet is approved and all outstanding redline comments from staff are addressed. I would like to make a motion to approve the Birkdale Village Subdivision Sketch Plan Revision.

Commissioner Phillips seconded motion.

Mayor Aneralla said as a reminder this Board is tasked with deciding if, based on the evidence presented at the hearing before this Board, this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties opposing the application to show by competent material and substantial evidence that the standards in the ordinance will not be met.

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

We have a motion and we have a second. Any other discussion.

Motion carried unanimously.

Staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision. The written decision will be provided to the applicant and other parties with the right to such notice.

Petition #TA21-07. Petition #TA21-07 is a request by Nick Lombardo on behalf of North American properties to amend Article 4: Shopfront Building, Architectural Standards of the Huntersville Zoning Ordinance, to allow shopfront buildings to use decorative metal panels such as Aluminum Composite Material panels as an accent or trim material.

Lauren Speight, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

This is Text Amendment #TA21-07 which came before you for a public hearing on September 7 of this year. Since that time the Planning Board has made a motion to approve this text amendment unanimously for shopfront buildings to be allowed to have decorative metal panels such as ACM with conditions.

Commissioner Walsh said just for clarification, we allow this same standard in other zoning, this is just adding it to this zoning.

Ms. Speight said it's based on the building type and we currently allow it for urban workplace building types and Highway Commercial building types up to 30 percent of the façade that is facing the public street, so there's a limitation and the applicant is proposing the same limitation for shopfront building types.

Commissioner Walsh said in considering the proposed amendment #TA21-07 to amend Article 4: Shopfront Building, Architectural Standards of the Huntersville Zoning Ordinance, to allow shopfront buildings to use decorative metal panels such as aluminum composite material (ACM panels) as an accent or trim material, the Town Board approves the application based on the amendment being consistent with Policies LU-8 and LU-8.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it allows greater flexibility in exterior material types for shopfront buildings and the Zoning Ordinance currently allows metal panels as accent and trim materials for Highway Commercial and Urban Workspace building types.

Commissioner Bales seconded motion.

Commissioner Bales said the only thing that I'm going to say is that by making this change it certainly is going to allow our businesses to have a bit of personality on the fronts of their shops, so I am pleased to be able to support this this evening.

Mayor Aneralla called for the vote to approve Petition #TA21-07.

Motion carried unanimously.

Petition #TA21-13. Petition #TA21-13 is a request by Trinity Capital Advisors to amend the Zoning Ordinance allowing the Board of Commissioners to approve modification of a small stream buffer in the Mountain Island Lake Overlay zone through a conditional rezoning process in the Corporate Business zoning district.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

What is before you is Petition #TA21-13, Trinity Capital Advisors, a Mountain Island Lake buffer change. The language that is being proposed is the bold underlined print. It will allow impact on a stream that drains less than 50 acres to be impacted if there's a conditional district rezoning to Corporate Business. It's in the Protected Area 2 (PA2) zone. That is what's highlighted in yellow on the map below.

This was run through the State of North Carolina because it is part of the watershed protection regulations required by North Carolina. They have given tentative approval. If it's approved tonight, we will officially send that plan to them so that they can finally decide it. It also has the recommendation from Mecklenburg County Water Quality is recommended approval as well.

Planning Staff recommended approve of this request. The Planning Board recommended approval of this text amendment, as well, 8-1, and I would be happy to answer any questions.

Commissioner Munger made a motion to approve Petition #TA21-13 based on the amendment being consistent 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 stream buffers subject to conditional rezoning and mitigation.

Commissioner Hines seconded motion.

Mayor Aneralla called for the vote to approve Petition #TA21-13.

Motion carried unanimously.

Petition #R21-11. Petition #R21-11 is a request by Trinity Capital Acquisitions, LLC and Mike Clapp to rezone 23.14 acres from SP-CD to CB-CD at 10695 Hambright Road (Parcel 01740104).

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

This map shows you the location. It's at the northwest corner of Mt. Holly-Huntersville and Hambright Road. It's a little over 20 acres in land. This is a request to have a Corporate Business Conditional District. This will be taking advantage of the text amendment that was just approved.

What you see highlighted in yellow is that portion of the stream buffer that will be affected by this proposed development and they will have to mitigate, so whatever the linear feet of that stream is that's impacted, they will have to make up using one of nine options from the Town of Huntersville ordinance and that mitigation will be approved by the Town Engineering staff, as well as Mecklenburg County.

Staff recommends approval and the Planning Board also recommended approval, which was in your agenda packet.

Commissioner Munger made a motion to approve the proposed rezoning Petition #21-11 based on the amendment being consistent with Article 11.4.7(d) of the Huntersville Zoning Ordinance, LU-1.1, LU-5.1, LU-7.1 and EV-1.2 of the Huntersville 2040 Community Plan. Additionally, the amendment is consistent with Article 11.4.7(3) of the Huntersville Zoning Ordinance in that the property is located within a designated Employment Center, and the proposed rezoning is consistent with the overall character of development within the immediate vicinity. In fact, prior to being rezoned to Special Purpose-CD the property had previously been zoned Corporate Business-CD. It is reasonable and in the public interest to amend the Rezoning Plan because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan. In addition, the proposed development will expand the Huntersville economic base.

This approval is contingent upon:

1. A text amendment which would allow impact of SWIM buffers within the Mountain Island Lake Protected Area 2 Overlay Zone, with required buffer mitigation being met.

2. Approval of Stormwater Drainage Systems Concept Plan.
3. Receipt of Charlotte Water Willingness to serve letter.
4. All outstanding redline comments are satisfactorily addressed with the staff.

Commissioner Boone seconded motion.

Mayor Aneralla called for the vote to approve Petition #R21-11.

Motion carried unanimously.

Resolution – Phase 2 Downtown Greenway. Michael Jaycocks, Parks & Recreation Director, said in front of you tonight is a construction contract for Phase 2 of the Downtown Greenway with J. D. Goodrum. We received three bids as part of this process and between the lowest bid and the second lowest bidder it was only 1 percent difference in cost, which is a good sign, because the third bid was twice as much as the other two. This greenway would go from Sherwood Drive to Commerce Center Drive. We do have a budget amendment in the Consent Agenda to fund the remainder of this project. Three years ago when we did the cost estimate for this project we didn't have the detailed design. We added the trailhead and additional parking and then our easement through some of the property that we are dealing with got tighter, so we had to add additional raised boardwalk and some retaining wall, so that is the reason for the additional need for additional funds for the project. *Slide attached hereto as Exhibit No. 9.*

Phase 1 goes from Holbrook Park to Commerce Center Drive and then the rest of that redline getting to 77 is part of the Highway 21 road improvements which will be a wide sidewalk along those streets. There will be an at-grade crossing on 21 to get you to the tunnel that the county should be going to bid for the project from the tunnel to Rosedale Park by the end of the year. Our project is an 8-month project meaning that in 8 months you can go from the trailhead to Commerce Center Drive while we wait for the 21 road improvements and all that gets completed. The green is greenway that's already there and then you've got the other connection going north. The county has funds in design for that. If you remember during the retreat, from downtown to Birkdale, about 7 miles, hopefully in the next four or five years you will be able to do that and you are going to use three tunnels. You really only cross one major road, so this is just another piece of that puzzle that we are working on.

Commissioner Walsh said so 8 months from now, give or take, you will be able to go from the trailhead basically to Commerce Center Drive or weave your way through to the park and ride potentially. And then the section that is from we will call the tunnel west to the new Rosedale Nature Park, when do you anticipate that being done.

Mr. Jaycocks said they are thinking 18 months once they start. Maybe 2 years from now you will be able to go from downtown all the way to Cedarfield. They are hoping to go to bid by the end of the year, so 18 months from then.

Commissioner Hines made a motion to approve the resolution approving the construction contract for Phase 2 of the Downtown Greenway.

Commissioner Walsh seconded motion.

Commissioner Bales said when you say Commerce Center Drive, are you meaning to the Post Office or to 21.

Mr. Jaycocks said Commerce Center Drive, so behind the post office. If you take Commerce Center Drive, there's two businesses behind the post office. Right there is where our easement is.

Commissioner Bales said so then my next question is, if it's not coming down to 21 in front of James Funeral Home, is that section part of the tunnel crossing.

Mr. Jaycocks said that's part of the US 21 road improvement project. That road will be punched through to Commerce Center Drive.

Commissioner Bales said so there's three projects – we've got this one to Commerce Center and then the extension down to 21, and then from the park and ride under.

Mayor Aneralla called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Budget Amendment – Carolina Raptor Center. Commissioner Bales made a motion that we appropriate \$20,000 to the Carolina Raptor Center from our Tourism Fund and that these funds will be transferred from the Historic Latta Plantation funding over and create a new line item for Carolina Raptor Center.

Commissioner Hines seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Bales made a motion to approve the minutes of the September 20, 2021 Regular Town Board Meeting. Commissioner Boone seconded motion. Motion carried unanimously.

Resolution – Apply CRTPO Funding. Commissioner Bales made a motion to adopt Resolution to amend the Capital Improvement Program and apply for Charlotte Regional Transportation Planning Organization funding for the NC 115 (Old Statesville Road) McCord Road to NC 73 Project. Commissioner Boone seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 11.

Resolution – Changes to Town's Fee Schedule. Commissioner Bales made a motion to adopt Resolution to approve changes to the Town's fee schedule as required by HB489. Commissioner Boone seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 12.

Budget Amendment – Community Development Programming. Commissioner Bales made a motion to appropriate Community Project fund account of \$14,235 to the Community Project expense account.

These funds were donated to the Town for Community Development Programming. Commissioner Boone seconded motion. Motion carried unanimously.

Budget Amendment – The Park Huntersville Greenway. The Town of Huntersville received a Charlotte Regional Transportation Planning Organization grant for The Park at Huntersville Greenway in January 2021 with a 50 percent match from the Town. Originally, the funds for planning and engineering would not be available from the state until FY2025; however, the Town has been informed that the funds are now available. Staff requests the Board approve a budget amendment appropriating fund balance in the amount of \$140,000 for the planning and engineering phase of the project to advance the project into FY22.

Commissioner Bales made a motion to approve budget amendment appropriating Fund Balance in the amount of \$140,000 for matching Charlotte Regional Transportation Planning Organization grant for The Park Huntersville Greenway. Commissioner Boone seconded motion. Motion carried unanimously.

Budget Amendment – Downtown Greenway Project. Additional funds of \$570,000 are needed for the Downtown Greenway due to changes from the original concept plans. These changes include adding the trailhead/parking area on NC 115 and more boardwalk and retaining walls due to the tighter easement. Construction costs have also increased over the last two to three years since the project was designed.

Commissioner Bales made a motion to approve budget amendment appropriating fund balance in the amount of \$570,000 to the Downtown Greenway Project. Commissioner Boone seconded motion. Motion carried unanimously.

Budget Amendment – Town Center Parking Deck. Commissioner Bales made a motion to approve budget amendment appropriating fund balance in the amount of \$65,000 to the repairs to the Town Center Parking Deck. Commissioner Boone seconded motion. Motion carried unanimously.

Electric Account Write-offs. Town staff and ElectricCities have cooperatively worked at collecting final electric accounts to accurately reflect the amount customers owe the Town. As we did in FY21, staff recommends that annually the Board approve the write-offs of amounts that have proven uncollectible for more than three years. While this will not stop our collection efforts (these amounts will remain with our collection agency and we will continue to seek collection through debt set-off program for accounts over \$50), our financial statements will no longer report the amounts as likely collectible.

Commissioner Bales made a motion to approve electric account write-offs for FY2018. Commissioner Boone seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2021.

**Town of Huntersville
Town Board
November 1, 2021**

To: Town Board

From: Don Mitchell

Date: November 1, 2021

Subject: Award Formal Bid - Electric Material McCord Road Powerline Extension

EXPLAIN REQUEST:

Formal Bids were taken on September 28, 2021 for electric materials to construct an electric powerline along McCord Road. The bid total is \$371,753.49. Funds are available in the capital budget for these materials. Below and attached is a bid tabulation and a recommendation from Southeastern Consulting Engineers.

Schedule I - Padmounted Switchgear	R.W. Chapman	\$56,979.00
Schedule II - Conductors	Wesco	\$255,300.00
Schedule III - Connectors and Terminators	Border States	\$29,581.49
Schedule IV - Concrete Fiberglass Products	Wesco	\$29,893.00
Total recommended excluding Sales Tax		\$371,753.49

ACTION RECOMMENDED:

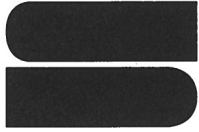
Request that the board award the bid as listed in the tabulation and authorize the town manager to execute contracts associated with the purchases.

FINANCIAL IMPLICATIONS:

Funds are available in the capital budget

ATTACHMENTS:

1. McCord Rd Material Recommendation



Southeastern Consulting Engineers, Inc.

September 28, 2021

Mr. Don Mitchell
Electric Systems Manager
ElectriCities of North Carolina
11316 Sam Furr Road
Huntersville, North Carolina 28078

Ref.: Material Bid Recommendations
McCord Road Bulk Feeder

Dear Mr. Mitchell:

ElectriCities received proposals in our office on September 28, 2021, from three suppliers and representatives solicited for providing electrical material necessary for construction of McCord Road Bulk Feeder.

A tabulation of bids received is attached.

We have evaluated each item quoted based on compliance with specifications, cost, and delivery. These are the bidders we are recommending and amount of award for materials for all bulk feeder projects mentioned above.

Schedule I - Padmounted Switchgear	R.W. Chapman	\$56,979.00
Schedule II - Conductors	Wesco	255,300.00
Schedule III - Connectors and Terminators	Border States	29,581.49
Schedule IV - Concrete Fiberglass Products	Wesco	<u>29,893.00</u>
Total recommended excluding Sales Tax		\$371,753.49

Please let us know if you agree with our recommendations and we can prepare and distribute contract documents for these purchases.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By _____
Kevin J. Smorgala, P.E.
Design Engineer

KJS/lc

BID TABULATION
Material for McCord Road Bulk Feeder

Electricities of North Carolina, Inc
Huntersville, North Carolina

Date: 2:00 PM, September 28, 2021

<u>Bidder</u>	Wesco Distribution	Border States	Robert W. Chapman & Co.
<u>Location</u>	Clayton, NC	Greenville, SC	

<u>Bid Bond? (Y/N)</u>	Y, 5%	Y, 5%	Y, 5%
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Schedule 1

Padmount Switchgear

Manufacturer:
Delivery:

\$155,014.25	\$68,606.00	\$56,979.00
G&W	Federal Pacific	S&C
20 Weeks	15 Weeks	8 Weeks

Schedule 2

Conductors

Manufacturer:
Delivery:

\$255,300.00	\$334,650.00	
Okonite	Prysmian	
2-25-21 (approx. 30 weeks)	26 Weeks	

Schedule 2 (alternate)

Conductors

Manufacturer:
Delivery:

\$381,915.00	
Kerite	
6 Weeks	

Schedule 3

Connectors and Terminators

Manufacturer:
Delivery:

\$30,178.63	\$29,581.49	
Richards / Cooper	Eaton	
Stock - 8 Weeks	Stock - 8 Weeks	

Schedule 4

Concrete/Fiberglass Products

Manufacturer:
Delivery:

\$29,893.00	\$45,520.00	
Highline / Old Castle	Conast	
8 - 16 weeks	11 weeks	

**Town of Huntersville
Town Board
November 1, 2021**

To: Town Board

From: Pattie McGinnis

Date: November 1, 2021

Subject: Budget Amendment

EXPLAIN REQUEST:

From the five fiscal years from 2014 through 2018, the Town withheld approximately \$100,000 (between \$99,820 and \$196,099) each fiscal year from the fire department's annual budget allocation to hold for future capital and needs. Some of that funding has been spent, leaving a balance of \$584,108 as yet unremitted to the fire department. The Fire department has requested to use this source of funds to outfit the equipment on trucks ordered in FY 2022 in their CIP. Equipment pricing is estimated to increase approximately 10 percent January 1, 2022. Use of these funds now will secure 2021 pricing on the equipment.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

Reduce Town held Fire Department Fund Balance by \$262,829.63.

ATTACHMENTS:

None