AGENDA
Regular Planning Board Meeting
December 21, 2021 - 6:30 PM

Town Hall 101 Huntersville-Concord Road Huntersville NC 28078

Live Stream: *https://www.facebook.com/HuntersvilleNCTownGovernment*

1. Call to Order/Roll Call

2. Approval of Minutes

2.A. Consider approval of the November 16, 2021 regular meeting minutes *()*

3. Public Comments - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*

4. Action Agenda

4.A. Consider recommendation on Petition #TA21-11, a request by the Town of Huntersville Planning Department to amend Hearing Requirements for Special Use Permits; Conditions For Certain Uses; Appeals and Variances in MIL-O District; and Appeals and Variances in LN-O District. The purpose of the amendment is to standardize existing requirements for certain Special Use Permits and delete repetitive standards; and amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code. *(Kayleigh Mielenz)*

4.B. Consider recommendation on Petition #TA21-16, a request by the Town of Huntersville Planning Department to amend various provisions of the Town of Huntersville Zoning Ordinance, Subdivision Ordinance, and Code of Ordinances to comply with NC SB 300 to decriminalize certain ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes and to comply with NC HB 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all statutory requirements are met. *(Kayleigh Mielenz)*

4.C. 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)*

5. Other Business

5.A. Consider adjustment to 2022 Planning Board Meeting Schedule due to conflict with adopted Town Board Schedule *()*

6. Adjourn

Minutes
Regular Planning Board Meeting
November 16, 2021 - 6:30 PM

Virtual Meeting

Virtual Meeting Information- *Members of the public may view or access the meeting on Facebook Live at https://www.facebook.com/HuntersvilleNCTownGovernment. If you would like to speak at the upcoming meeting during public comment, please send your name and email address to Tracy Barron tbarron@huntersville.org by 3:00 pm on the day of the meeting, to be added to the speaker's list. The Town will use your email address to send you an email invitation from Ring Central. This will allow you to call in and/or access the meeting to deliver your comments (the 3-minute time limit still applies). In addition, the Town will receive written comments below by email to Tracy Barron tbarron@huntersville.org until twenty-four (24) hours prior to the meeting.*

1. Call to Order/Roll Call

Members Present: S. Swanick, J. Sny, F. Gammon, C. Boyd, G. Baber, S. Hensley, and C. Graffy (arrived at 6:42 p.m.)

Absent: J. Davis

2. Approval of Minutes

2.A. Consider approval of the October 26, 2021 minutes of meeting.

F. Gammon made a Motion to Approve the October 26, 2021, minutes. C. Boyd seconded the motion. The motion passed unanimously (6-0).

3. Public Comments - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*

4. Action Agenda

S. Swanick made a Motion to hear Item 5A prior to Item 4A. J. Sny seconded the motion. The motion passed unanimously (6-0).

4.A. SUP21-05 Solar Installation *(Nathan Farber)*

N. Farber, Planner I entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the application and area in question. The property is part of a farmhouse cluster and in a fairly wooded area. The site plan demonstrating the proposed location of the solar panels was provided. Staff supports the request due to the applicant providing data to show that the glass of the solar panels will be anti-reflective, and the remoteness of the property making it not highly visible to surrounding neighbors.

C. Boyd asked for clarification if all solar panel requests for front facing roof slopes must adhere to the Special Use Permit process. Staff confirmed that a special use permit is required for placement of solar panels on a front-racing slope that is facing a street and that if there begins to be several submittals then staff will need to review the process of requiring a special use permit or amending the requirements.

S. Hensley asked what circumstances of this type of placement would warrant rejecting the request. Staff related that when the ordinance was adopted the Town Board was concerned over aesthetics and indicated negative impact to neighbors and glare as the areas of concern to be considered.

J. Sny asked if there have been any complaints from a glare perspective. Staff commented that to their knowledge there have been no complaints.

G. Baber made a Motion to Approve Special Use Permit 21-05, Solar Panels for 10545 Mt. Holly-Huntersville Road, we, the Planning Board, find the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on the adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings: The applicant and staff has agreed to obtain all the applicable permits. The solar panels are not considered roof top equipment thus screening and architectural requirements are not required. The roof panels will have an anti-reflective coating and the placement of the solar panels on the front roof slopes in not visible from adjacent property owner lots. S. Hensley seconded the motion.

S. Swanick recommended an amendment to the motion to include, “impact on the” to read as; ‘find the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on the adjoining properties and finds that the impact on the character of the neighborhood or the health, safety and general welfare of the community will be minimized.’ G. Baber accepted the amendment. S. Hensley accepted the amendment.

G. Baber expressed that for this property it was a simple decision, but it may be good to take this ordinance to the Ordinance Advisory Board to review how a global approach can be taken to address this potential issue.

C. Graffy commented that she reviewed this item in advance and another consideration for a global approach is that many Homeowner’s Associations have their own set of rules related to solar panels as well which can be more restrictive than the local ordinances.

The amended motion passed unanimously (7-0).

5. Other Business

5.A. Consider approval of the 2022 Planning Board Meeting Schedule

S. Swanick made a Motion to Approve the 2022 Planning Board Meeting Calendar. F. Gammon seconded the motion. The motion passed unanimously (6-0).

6. Adjourn

S. Swanick commented that the Planning Board is losing two members, D. Partee who has been appointed as a Town Board Commissioner and C. Graffy who is moving out of our jurisdiction.

C. Graffy commented that she is moving to Charlotte, and she appreciates her time on the Planning Board for the past 5 ½ years and the opportunity to work for and with the Town and the citizens of the Town as well as with her very commendable fellow Board members. Board members expressed their thanks and appreciation for all her service.

C. Graffy made a Motion to Adjourn. J. Sny seconded the motion. The motion passed unanimously (7-0).

Text Amendment
Application

Date of Application **9/29/2021**

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): **Zoning Ordinance** Article(s): **See Attached** Section(s): **See Attached**

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed Change

The proposed language is already incorporated in the conditions of some uses per current Zoning Ordinance regulations. The additional language should be included in the Zoning Ordinance for these standards to be factored into the decision-making process for granting or denying all SUPs and the language of Article 11.4.10 (e) must also be included in the proposed motion language. The definitions of minor and major variances from Watershed standards are proposed to be amended to be consistent with 15A NCAC 02B .0621 of the North Carolina Administrative Code. And, variances from Watershed standards shall make the additional findings of fact per 15A NCAC 02B.0623 of the North Carolina Administrative Code.

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 Town of Huntersville Planning Department

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

Signature Lauren Speight Date 9/29/2021

Title Planner II Email lspeight@huntersville.org

Address of Applicant 105 Gilead Road, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name_____

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

Signature _____ Date_____

Title_____ Email_____

Address of Property Owner _____

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

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

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor, Huntersville, NC 28078
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

Date Received By Planning Department: _____

Staff Initials: _____

TA21-11 – Special Use Permit Criteria, Appeals and Variances from Mountain Island Lake and Lake Norman Watershed Requirements

PART 1: DESCRIPTION

TA21-11 is a text amendment request submitted by the Town of Huntersville Planning Department to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District. The purpose of the amendment is to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code.

PART 2: BACKGROUND

The proposed language regarding Special Use Permits is already incorporated in the conditions of some uses per current Zoning Ordinance regulations. For the proposed requirements to be factored into the decision-making process for granting or denying all Special Use Permits by the Town Board of Commissioners the language of Article 11.4.10 (e) must also be included in the proposed motion language. The definitions of minor and major variances from Watershed standards are proposed to be amended to be consistent with 15A NCAC 02B .0621 of the North Carolina Administrative Code. The North Carolina Administrative Code also indicates variances from Watershed standards shall make the additional findings of fact per 15A NCAC 02B.0623.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- Policy EV1.4: Review development standards to support business growth. Support efforts to improve efficiency of the development review process for development proposals. COMMENT: The language regarding Special Use Permit applications is not new. The proposed language seeks to centrally location and clarify requirements for all Special Use Permit applications and remove duplication of requirements.
- Policy LU-4: Limit the scale of new development in Critical Watersheds; EOS-1: Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets; Policy EOS-5: Protect water quality. COMMENT: The amendment with regard to variances and appeals from regulations of the Mountain Island Lake and Laken Norman Watersheds is proposed to be consistent with the North Carolina Administrative Code and ensure the Huntersville Zoning Ordinance supports protections of water quality, particularly in regulated drinking watersheds.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application as proposed.

Please see the drafted text as Attachment 2. The proposed amendment ordinance is included in the agenda packet. Removed language is struck out, new language is **bold underline**.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board recommended approval (9-0) of the proposed text amendment during the October 7, 2021 meeting.

PART 6: PUBLIC HEARING

The Public Hearing on this application was held December 6, 2021. No one from the public spoke for or against the application. After staff presentation and brief discussion, the public hearing was closed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment December 21, 2021.

PART 8: ATTACHMENTS AND ENCLOSURES

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

PART 9: STATEMENT OF CONSISTENCY – TA21-11

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-11 to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code, the Planning Staff recommends approval of the	**APPROVAL:** In considering the proposed amendment TA21-11 to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code, the Planning Board recommends approval	**APPROVAL:** In considering the proposed amendment TA21-11 to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code, the Town Board recommends approval

application based on the amendment being consistent with policies EV1.4, LU-4, EOS-1, and EOS-5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Subdivision Ordinance because it improves efficiency of land development reviews, supports protection of water quality in regulated drinking watersheds, and establishes greater consistency with the North Carolina Administrative Code.	based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because… *(Explain)*	based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because… *(Explain)*
	DENIAL: In considering the proposed amendment TA21-11 to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code, the Planning	**DENIAL:** In considering the proposed amendment TA21-11 to amend Article 11.4.10 (e): Amendment Process, Special Use Permit, Hearing Requirements For Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: Conditions For Certain Uses; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code, the Town

	Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*	Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*

AN ORDINANCE TO AMEND ARTICLE 11.4.10 (e): Amendment Process, Special Use Permit, HEARING REQUIREMENTS FOR SPECIAL USE PERMITS; ARTICLES 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.38, 9.41, 9.45, 9.56, 9.61: CONDITIONS FOR CERTAIN USES; ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District; and ARTICLE 3.3.3-B: Appeals and Variances in LN-O District

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 11.4.10 (e): Amendment Process, Special Use Permit, Hearing of the **Zoning Ordinance** is hereby amended as follows:

e) Hearing

1) A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the Town Board.

2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:

> **i. The proposed special use will not materially endanger the public health or safety;**
>
> **ii. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;**
>
> **iii. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;**
>
> iv. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
>
> v. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.3: Conditions for Certain Uses, Agricultural Industry in the Rural and Transitional District of the **Zoning Ordinance** is hereby amended as follows:

Agricultural Industry, limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the Rural and Transitional District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

~~.2 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

.1 ~~.3~~ That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and

.2 ~~.4~~ That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed-use purposes; and

.3 ~~.5~~ That the proposed use shall be located on a lot of no less than ten acres.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.4: Conditions for Certain Uses, Airports of the **Zoning Ordinance** is hereby amended as follows:

Airports are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~.1 .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

.1 ~~.3~~ That the proposed use will not constitute a nuisance to properties located in residential or mixed-use districts or developed for residential purposes with respect to noise, dust, fumes, light, vibration, or traffic; and

.2 ~~.4~~ That the proposed use will comply with all applicable Federal Aviation Administration regulations.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.15: Conditions for Certain Uses, Essential Services 3 of the **Zoning Ordinance** is hereby amended as follows:

Essential Services, Class 3, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

1. ~~3.~~ That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and

2. ~~4.~~ That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and

3. ~~5.~~ That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and

4. ~~6.~~ That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall/fence.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.17: Conditions for Certain Uses, Hazardous or infections material incineration, handling, or storage of the **Zoning Ordinance** is hereby amended as follows:

Hazardous or infectious materials, storage and treatment facilities are permitted in the Special Purpose (SP) District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~
~~2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

1. ~~3.~~ That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 et seq) and the North Carolina Solid Waste Management Act, as amended, (Article 9, G.S. 130A-290 et seq) for design, siting, and monitoring, and for materials to be stored or treated; and

2. ~~4.~~ That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least 2,000 feet from any lot zoned or used for residential, institutional, or office purposes; and

3. ~~5.~~ That the use will be entirely fenced with fencing material to a height of at least 7 feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; and

4. ~~6.~~ That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

5. ~~7.~~ That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous materials; and

6. ~~8.~~ That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous or infectious materials; and

7. ~~9.~~ That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

Section 6. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.23: LCID and C&D Landfills of the **Zoning Ordinance** is hereby amended as follows:

Off-Site LCID and C&D Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10. The Town Board shall issue a Special Use

Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes the conditions below.

1. That the Site will operate in compliance with the rules according to the NCDENR for C&D and LCID landfills, as amended.

~~2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

2. ~~4.~~ That the comprehensive site plan addresses each of the environmental and development standards below:

a. A landfill which would be larger than 10 acres shall be accessed from a major or minor thoroughfare or from a street built to Industrial Collector Street standards that connects directly to a major or minor thoroughfare. Landfills 10 acres or less must directly connect to a major or minor thoroughfare, or to an Industrial Collector Street or Industrial Local Street where available. However, if such thoroughfares or streets are not reasonable available, the Board may nevertheless issue a special use permit upon finding that the use for which the permit is granted would not likely cause any injurious effect on the property adjacent to the access.

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.

c. Neither clearing, grading, land disturbing activities nor any portion of a C&D or LCID landfill may be located within 100 feet of any exterior property line. Further, the buffer requirements for the site are required per the state permitting criteria. The requirements stated below take precedence over any and all modifications made by the state unless the state standards become more restrictive.

- 500-foot buffer from existing residential water supply wells to fill area.
- 200-foot buffer from adjacent property to fill area.
- No fill in designated wetlands or the FEMA and/or Community Special Flood Hazardn Areas.
- 50-foot buffer from delineated streams.
- 50-foot buffer from road right-of-way to fill area (non state requirement)

d. Driveway access to the facility must be paved for a distance of at least 100’ from the public street.

e. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way. A non-climbable fence, at least 6’ high, shall be installed around the landfill and all of its operations as a safety device.

These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening/buffering devices.
f. All driveways which serve the site must be wide enough to accommodate two-way traffic for a distance of at least 100 feet from the public street so that no traffic waiting to enter the site will be backed up on any public right-of-way.

3. ~~5.~~ That the landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.

4. ~~6.~~ That use of the site for any purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.

5. ~~7.~~ That a timetable has been submitted with the application indicating the development phases and the projected life expectancy of the landfill.

6. ~~8.~~ That a reclamation plan is provided that shows how the site will be reclaimed upon the closing of the landfill. The reclamation plan shall state the proposed method of conservatorship and perpetual maintenance or use. It shall demonstrate that the site, when closed, will pose no threat to public safety; that the finished contours and groundcover will reestablish a compatible appearance with surrounding lands and buildings; and that the method of maintenance or use will cause no future environmental degradation.

7. ~~9.~~ An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:
a. The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;
b. The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;
c. The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and
d. In no event shall the landfill operate under a demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete

closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

e. In no event shall a landfill operate under an LCID landfill permit later than March 3, 2028 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.

f. A landfill operating under an LCID landfill permit as described in e) shall meet the following requirements to the extent reasonably practicable without violating County, State, or Federal regulations:

(1) In the event that, after September 5, 2017, a driveway is permitted to replace an existing permitted driveway for the facility, the new driveway shall be paved for a distance of 100 feet from the public right of way, or, if the Planning Director determines that 100 feet of pavement is not reasonable due to topographic conditions, for such lesser distance as is determined by the Planning Director;

(2) Landscaping along street frontages to the extent commercially reasonable; and

(3) The landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis, or more as needed.

8. ~~10.~~ Any existing C&D landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D landfill as approved on November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.

Section 7. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.24: Conditions for Certain Uses, Environmentally Sensitive Uses not Expressly Permitted of the **Zoning Ordinance** is hereby amended as follows:

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

1. ~~3.~~ That a comprehensive site plan addresses the development standards below:

a. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;

b. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;

c. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to accommodate the generated trips and the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood nor from a Residential Local street.

Section 8. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.31: Conditions for Certain Uses, Quarries of the **Zoning Ordinance** is hereby amended as follows:

Quarries are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~1. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~2. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

1. ~~3.~~ That the quarry and all its buildings, pits, and processing equipment will be separated by a 100-foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and

2. ~~4.~~ That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and

3. ~~5.~~ That a non-climbable fence, at least 6 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and

4. ~~6.~~ Vehicle access to the quarry shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and

5. ~~7.~~ That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created; and

6. ~~8.~~ That the minimum distances of quarry operations from adjacent properties shall be:

a. for any quarry building 100 feet

b. for any crushing of rock, processing of stone, gravel or other material 300 feet

c. for any blasting 500 feet

7. ~~9.~~ And that upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.

Section 9. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.32: Conditions for Certain Uses, Raceways and Drag Strips of the **Zoning Ordinance** is hereby amended as follows:

Raceways and Drag strips are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

.1 ~~.3~~ That the use will be located on a lot of at least 50 acres; and

.2 ~~.4~~ That vehicular access to the use will be provided only by way of a major or minor thoroughfare; and

.3 ~~.5~~ That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and

.4 ~~.6~~ That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and

.5 ~~.7~~ That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and

.6 ~~.8~~ That hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

Section 10. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.34: Conditions for Certain Uses, Sanitary Landfill of the **Zoning Ordinance** is hereby amended as follows:

Sanitary Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

.1 ~~.3~~ That the comprehensive site plan addresses each of the development standards below:

(a) The use shall be located on a lot of at least 50 acres;

(b) All land filling operations and off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;

(c) No structure or land filling operation will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;

(d) Vehicle access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and

.2 .4 That the plan for development and operation of the site addresses the environmental standards below:

(a) The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (Title 15A NCAC Chapter 13B) in effect at the time of review of the application;

(b) Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management Rules;

(c) The facility complies with the Mecklenburg County Department of Environmental Protection's policy concerning Actual and Suspected Contaminants of Mecklenburg County Surface and Groundwater; and

.3 ~~.5~~ That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and

.4 ~~.6~~ That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and

.5 ~~.7~~ That the plan for close-out of the landfill includes the creation of an escrowed fund to finance close-out, with contributions to the fund escrowed annually, beginning at the time facility development begins.

Section 11. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.36: Conditions for Certain Uses, Solid Waste Incineration of the **Zoning Ordinance** is hereby amended as follows:

Solid Waste Incineration, materials that are neither hazardous not infectious, is permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

.1 ~~.3~~ That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly 40 CFR § 63.988, which deals with environmental regulations,

as amended by the State of North Carolina and Mecklenburg County Department of Environmental Protection; and

.2 ~~.4~~ That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and

.3 ~~.5~~ That structures, off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets; and

.4 ~~.6~~ That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer; and

.5 ~~.7~~ That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

.6 ~~.8~~ That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the potential for contamination; and

.7 ~~.9~~ That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the potential for contamination.

Section 12. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.38: Conditions for Certain Uses, Transfer Station for Organic and Inorganic Waste Products of the **Zoning Ordinance** is hereby amended as follows:

Transfer Stations are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

~~.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby the property; and~~

~~.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

.1 ~~.3~~ That the comprehensive site plan addresses the development standards below:

(a) The active use areas of the site shall be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from all public streets; and

(b) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and

(c) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and

(d) Vehicular access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare.

Section 13. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.41: Conditions for Certain Uses, Correctional Facilities of the **Zoning Ordinance** is hereby amended as follows:

Correctional Facilities are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for a correctional institution in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

.1 That the proposed use will comply with all standards which this ordinance applies to uses in the SP Districts; and

~~.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

~~.3 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

.2 ~~.4~~ That the principal structure and any accessory use or structure (excluding property boundary fencing) will be located at least 500 feet from any property located in a residential district or mixed-use district; and

.3 ~~.5~~ That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district or mixed-use district; and

.4 ~~.6~~ That security fencing will be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed-use district; and

.5 ~~.7~~ That all lighting for the facility will be oriented so that direct beams of light shine away from all abutting properties and into the correctional facility property; and

.6 ~~.8~~ That the use will be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates; and

.7 ~~.9~~ That the use will be located on a lot of at least five acres if the facility has beds for 100 or fewer inmates.

Section 14. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.45: Conditions for Certain Uses, Hotels and Motels of the **Zoning Ordinance** is hereby amended as follows:

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

.1 Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.

.2 Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits:

a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

b. That all other site design requirements stated in this code are met.

~~c. That the proposed use will not endanger the public health and safety, not substantially reduce the value of nearby property.~~

~~d. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area.~~

c. ~~e.~~ That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

.3 Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted

building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2

Section 15. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.56: Conditions for Certain Uses, Crematoriums, accessory of the **Zoning Ordinance** is hereby amended as follows:

Crematoriums are permitted in the HC district subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the use in the HC District if, but not unless the evidence presented at the Special use Permit hearing establishes:

1. Are accessory to an established Funeral Home.

2. That the proposed use will not ~~endanger the public health and safety, substantially reduce the value of nearby property, nor~~ emit noticeable odors; and

~~3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

3. ~~4.~~ That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and

4. ~~5.~~ That all storage, handling, incineration, and loading facilities will be located at least 50 feet from any exterior property line; and

5. ~~6.~~ The number of cremations shall be below that requiring an air quality permit by Mecklenburg County per current calendar year.

6. ~~7.~~ That active use portions of the site will be entirely enclosed in the principal structure.

Section 16. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 9.61: Conditions for Certain Uses, Par 3 and/or Golf Driving Range of the **Zoning Ordinance** is hereby amended as follows:

Par 3 and golf driving ranges are permitted in the Rural Zoning District subject to a Special Use Permit according to the procedures of Article 11.4.10.

The Town Board shall issue a Special Use Permit for the use in the Rural District if, but not unless the evidence presented at the Special Use Permit hearing establishes:

~~1. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property; and~~

1. ~~2.~~ Par 3 courses shall not be lit. Outdoor lighting associated with driving ranges in the Rural district shall be designed as follows:

a. Facility lighting may include floodlights but must be shielded and shall be oriented and directed in such a way as to not produce glare at any off-site location.

b. Maximum light fixture height shall be 40 feet.

c. Maximum lighting level is 15 foot-candles measured at grade.

d. If free standing lighting is proposed, photometric lighting plans shall be submitted at special use permit application. A maximum of .5 foot-candles at any location on any non-residential property and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device shall be met.

e. Lighting shall be extinguished at 11 pm.

f. Upon review of the photometric plan, the Town Board may modify the above lighting standards provided the spirit of the ordinance, reducing glare and off-site light trespass is maintained.

2. ~~3.~~ Vehicular access to the use will be provided only by way of a Boulevard or Major Thoroughfare.

3. ~~4.~~ A par 3 golf course or driving range must be located on a property at least 20 acres in size.

4. ~~5.~~ No multi-level buildings or tee boxes are permitted.

5. ~~6.~~ Hours of operation shall be no earlier than 6 am and no later than 11 pm.

6. ~~7.~~ Existing vegetation within 50 feet of the fronting thoroughfare and residential property lines shall remain undisturbed. If no vegetation exists along the property line, an opaque buffer shall be planted per Article 7.6. If there is no existing vegetation along the street, the required second row of street trees will be planted using large maturing evergreen trees to maintain an intermittent screen.

a. As each property is unique, the Town Board may modify the buffers for a golf facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for active commercial areas, while a reduction in buffer area may be appropriate for open natural areas.

7. ~~8.~~ At no time shall golf balls be permitted to cross on to adjacent property or onto the public street. If course or tee orientation makes it possible for balls to leave the site through standard operating use, netting, buffers, screening or other barrier shall be installed to prohibit off site encroachment. If netting is required, it shall be located behind a vegetative buffer, screening if from any property line.

8. ~~9.~~ Only accessory retail and commercial uses meant to serve patrons of the golf facility are permitted, such as snack shops and pro shops. No principle use restaurants or retail establishments meant to serve the general public are permitted.

Section 17. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 3.3.2-C: Appeals and Variances in MIL-O District of the **Zoning Ordinance** is hereby amended as follows:

.3 A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.

a) In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

b) Major and Minor Variances are differentiated by definition.

Minor variances shall include ~~petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of 10% or less.~~ **a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.**

Major variances mean**s a** variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code. ~~from the minimum statewide water supply watershed protection criteria that result in any one or more of the following:~~

~~Petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of more than 10%; and~~

~~Petitions for variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water system; and~~

~~Petitions for the reduction of any management requirement that applies to a development proposal intended to qualify under the high-density option.~~

c) Major and Minor Variances are differentiated as to procedures and standards.

Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions:

a) there are difficulties or hardships that prevent compliance with the ordinance;

(b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and

(c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

Section 18. Be it ordained by the Board of Commissioners of the Town of Huntersville that ARTICLE 3.3.3-B: Appeals and Variances in LN-O District and ARTICLE 3. of the **Zoning Ordinance** is hereby amended as follows:

.3 A petition for variance to the standards of the Lake Norman Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.

a) In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

b) Major and Minor Variances are differentiated by definition.

Minor variances shall include ~~petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of 10% or less.~~ **a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.**

Major variances mean**s a** variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code. ~~from the minimum statewide water supply watershed protection criteria that result in any one or more of the following:~~

> ~~Petitions for the reduction of any numerical standard of the low-density option in the overlay district by a factor of more than 10%; and~~
>
> ~~Petitions for variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water system; and~~
>
> ~~Petitions for the reduction of any management requirement that applies to a development proposal intended to qualify under the high-density option.~~

c) Major and Minor Variances are differentiated as to procedures and standards.

Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions:

a) there are difficulties or hardships that prevent compliance with the ordinance;

(b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and

(c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

Section 19. That this ordinance shall become effective upon the date of adoption.

Timeline

Huntersville Ordinance Advisory Board: 10/07/21
Public Hearing Date: 12/06/21
Planning Board Meeting: 12/21/21
Town Board Decision: 01/18/22

Text Amendment
Application

Date of Application: 10/22/21

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

X___ 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	See attached.
Reason for Proposed Change	Mandated by Senate Bill 300 & S.L. 2021-138 to remove criminal penalty from ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statues, except those ordinances related to unsafe buildings. Mandated by House Bill 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all circumstances are met.

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 Town of Huntersville Planning Department

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

Signature Kayleigh Mielenz Date 10/22/21

Title Planner I Email KMielenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-875-6546
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Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

Date Received By Planning Department: 10/22/21

Staff Initials: KTM

TA21-16 – Senate Bill 300 & House Bill 218 Text Amendment

PART 1: DESCRIPTION

TA21-16 is a text amendment request by Town of Huntersville Planning Staff in order to comply with Senate Bill 300 & S.L. 2021-138 to remove criminal penalty from ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statues, except those ordinances related to unsafe buildings. TA21-16 is also a text amendment request by Town of Huntersville Planning Staff to comply with House Bill 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all statutory requirements are met.

PART 2: BACKGROUND

TA21-16, the Town of Huntersville Planning Department requests to amend Sections 8.17.25(B), 8.17.25(B)(3), and 11.2.3(A) of the Zoning Ordinance, and to amend Subsection 1 of Section 9.000 of the Subdivision Ordinance, and to amend Sections 151.02, 151.34, and 151.48(E) of the Flood Damage Prevention Ordinance, and to amend Sections 110.99 of Title XI, 150.01, 150.16(C), 150.16, 151.16(E), 158.18, 150.20, 150.23, and 150.99(B) of the Town Code of Ordinances, and to add Section 99.99 to Title IX of the Town Code of Ordinances to remove criminal penalty from Ordinances adopted under Article 18 Of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes, except those ordinances related to unsafe buildings.

And, the Town of Huntersville Planning Department requests to amend Sections 3.3.2.2 Exceptions to Applicability, Subsection (e) of Section 3.3.2-A Built-Upon Area Development Standards, Subsection (e) of Section 3.3.2-B Built-Upon Area Development Standards, Section 3.3.3.2 Exceptions to Applicability, (e) of Section 3.3.3-A Built-Upon Area Development Standards, and Subsection e of Section 8.17.3 Water Quality Exceptions to Applicability of the Zoning Ordinance to allow an applicant to exceed the allowable built-upon area (density) under the Water Supply Watershed Rules if all statutory requirements are met.

Senate Bill 300 was approved on September 2, 2021 and became effective October 1, 2021. Part XIII of Senate Bill 300 pertains to the decimalization of certain ordinances and specifies ordinances adopted under Article 18 of G.S. 153A or 160D of the General Statutes, except those ordinances related to unsafe buildings, shall not impose criminal penalty.

House Bill 218 was approved on October 8, 2021 and became effective November 1, 2021. House Bill 218 is to clarify stormwater runoff requirements applicable to preexisting development in water supply watersheds.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA21-16 is consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the text amendment language.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the proposed text amendment for SB 300 5-4 on October 7, 2021. The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the proposed text amendment for HB 218 8-0 on November 4, 2021.

PART 6: PUBLIC HEARING

The Public Hearing on this application was held December 6, 2021. No one from the public spoke for or against the application. After staff presentation and brief discussion, the public hearing was closed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for December 21, 2021.

PART 8: ATTACHMENTS

1. Applicant's Text Amendment Application
2. Ordinance

PART 9: STATEMENT OF CONSISTENCY – TA 21-16

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-16, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning, Subdivision, and Town Code of Ordinances to comply with State Legislature.	**APPROVAL:** In considering the proposed amendment TA21-16, Planning Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because… *(Explain)*	**APPROVAL:** In considering the proposed amendment TA21-16, the Town Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)** It is reasonable and in the public interest to amend the Zoning Ordinance because…*(Explain)*
DENIAL: N/A	**DENIAL:** N/A In considering the proposed amendment TA21-16, the Planning Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*	**DENIAL:** In considering the proposed amendment TA21-16, the Town Board recommends denial based on the amendment being **(consistent OR inconsistent)** with **(insert applicable plan reference).** It is not reasonable and in the public interest to amend the Zoning Ordinance because…. *(Explain)*

AN ORDINANCE TO AMEND SECTIONS 8.17.25(B), 8.17.25(B)(3), AND 11.2.3(A) OF THE ZONING ORDINANCE, AND TO AMEND SUBSECTION 1 OF SECTION 9.000 OF THE SUBDIVISION ORDINANCE, AND TO AMEND SECTIONS 151.02, 151.34, AND 151.48(E) OF THE FLOOD DAMAGE PREVENTION ORDINANCE, AND TO AMEND SECTIONS 110.99 OF TITLE XI, 150.01, 150.16(C), 150.16, 151.16(E), 158.18, 150.20, 150.23, AND 150.99(B) OF THE TOWN CODE OF ORDINANCES, AND TO ADD SECTION 99.99 TO TITLE IX OF THE TOWN CODE OF ORDINANCES TO REMOVE CRIMINAL PENALTY FROM ORDINANCES ADOPTED UNDER ARTICLE 18 OF G.S. 153A (PLANNING AND REGULATION OF DEVELOPMENT) OR 160D OF THE GENERAL STATUTES, EXCEPT THOSE ORDINANCES RELATED TO UNSAFE BUILDINGS.

AND, AN ORDINANCE TO AMEND SECTIONS 3.3.2.2 EXCEPTIONS TO APPLICABILITY, SUBSECTION (e) OF SECTION 3.3.2-A BUILT-UPON AREA DEVELOPMENT STANDARDS, SUBSECTION (e) OF SECTION 3.3.2-B BUILT-UPON AREA DEVELOPMENT STANDARDS, SECTION 3.3.3.2 EXCEPTIONS TO APPLICABILITY, (e) OF SECTION 3.3.3-A BUILT-UPON AREA DEVELOPMENT STANDARDS, AND SUBSECTION E OF SECTION 8.17.3 WATER QUALITY EXCEPTIONS TO APPLICABILITY OF THE ZONING ORDINANCE TO ALLOW AN APPLICANT TO EXCEED THE ALLOWABLE BUILT-UPON AREA (DENSITY) UNDER THE WATER SUPPLY WATERSHED RULES IF ALL CIRCUMSTANCES ARE MET.

Section 1. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection 1 of Section 9.000 of the Town of Huntersville Subdivision Ordinance, Enforcement, is hereby amended as follows:

1. After the effective date of this ordinance, any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Mecklenburg County shall~~, upon conviction, be guilty of a Class 1 misdemeanor, which shall~~ result in the assessment of a civil penalty ~~be punishable by a fine not to exceed~~ of $500.00 per offense and may result in other enforcement actions as allowed by law. ~~, or imprisonment for not more than 30 days for each and every offense.~~ The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town of Huntersville through the Town Attorney may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable

particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action as allowed by law. Each day's continuing violation shall be a separate and distinct offense.

Section 2. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 8.17.25(b) of the Town of Huntersville Zoning Ordinance is hereby amended as follows:

Remedies and Penalties. The remedies and penalties provided for violations of this ordinance~~, whether civil or criminal~~, shall be cumulative and in addition to any other remedy provided by law~~,~~ and may be exercised in any order.

Section 3. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 8.17.25(b)(3) of the Town of Huntersville Zoning Ordinance is hereby deleted and amended as follows:

~~Criminal Penalties Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

Section 4. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 11.2.3(a) of the Town of Huntersville Zoning Ordinance, Enforcement Remedies and Penalties for Violation, is hereby amended as follows:

(a) Criminal. Any person, firm, or corporation convicted of violating the provisions of this ordinance related to unsafe buildings, Section 11.2.3(f), or 11.3.2(h)(4) shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed twenty (20) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.

Section 5. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.02 of the Flood Damage Prevention Ordinance, Statutory Authorization, is hereby amended as follows:

The Legislature of the State of North Carolina has in G.S. Chapter 143, Art. 21, Part 6; Chapter 160D ~~160A, Art. 19~~, Parts 3, 5, and 8; and Chapter 160A, Art. 8, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Section 6. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.34 of the Flood Damage Prevention Ordinance, Penalties for Violation, is hereby amended as follows:

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of Floodplain Development Permits, Variances or special exceptions, shall constitute a misdemeanor and shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than thirty (30) days, but only if the violation is not related to ~~Article 19 of Chapter 160A of the North Carolina General Statutes or~~ a violation of Chapter 160D of the North Carolina General Statutes. ~~Any person who~~

~~violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than thirty (30) days~~. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Huntersville or the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctive relief, orders of abatement, or other similar equitable relief

Section 7. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.48(E) of the Flood Damage Prevention Ordinance, Corrective Procedures, is hereby amended as follows:

(E) Failure to comply with order. If the owner or occupant of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he/she ~~shall be guilty of a misdemeanor and shall be punished in the discretion of the court. In addition, the owner or occupant~~ shall be subject to civil enforcement as described in Article II, Section 14.

Section 8. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 110.99 of Title XI of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended as follows:

~~(A) *Criminal penalty.* Any person who violates any of the following provisions of this chapter shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of $500.00 or imprisonment, or both: Sections 110.20(B)(9)(a), 110.23, 110.26(D), 110.27(E), 110.30(C), 110.45, 110.46(C) and (D), 110.47(B) and 110.48(B) and (C). Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. The issuance of a notice of violation or a suspension or revocation of a sexually oriented business license shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the issuance of a notice of violation or a suspension or revocation of the license.~~

(A)~~(B)~~ *Civil injunction.* In addition to the issuance of a notice of violation and, the suspension or revocation of a sexually oriented business license, ~~or a prosecution for criminal violations,~~ any person who violates this chapter may be subject to all civil and equitable remedies stated in G.S. § 160A-175.

Section 9. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.01 of the Town of Huntersville Code of Ordinances, Findings; purpose, is hereby amended as follows:

(A) Pursuant to G.S. § ~~160A-441~~160D-1201, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. § 160D~~A~~, Article 1~~9, Part 6~~, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § ~~160A-444~~160D-1205.

Section 10. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(c) of the Town of Huntersville Code of Ordinances, Administrative Procedure, is hereby amended as follows:

(3) *In personam remedy*. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners may adopt an ordinance at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § ~~160A-446(g)~~ 160D-1208.

(4) *In rem remedy*. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. ~~§ 160A-443~~ 160D-1203 and Section 150.17 of this chapter.

Section 11. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(d) of the Town of Huntersville Code of Ordinances, Appeals from orders of Inspector, is hereby amended as follows:

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the town's Zoning Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one-days written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § ~~160A-446(f)~~ 160D-1208 and division (E) of this section.

Section 12. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(e) of the Town of Huntersville Code of Ordinances is hereby amended as follows:

(E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160A-446(e)~~ 160D-1208(c). In addition, any person aggrieved by an order issued by the Inspector or a decision

rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § ~~160A-446(f)~~ 160D-1208(d).

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18 of the Town of Huntersville Code of Ordinances, In rem action by Inspector; placarding, is hereby amended as follows:

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § ~~160A-443(5)~~160D-1203(4) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(B) Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § ~~160A-443(5)~~160D-1203(7).

Section 14. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20 of the Town of Huntersville Code of Ordinances, Costs a lien on premises, is hereby amended as follows:

As provided by G.S. § ~~160A-443(6)~~ 160D-1203(7), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160A, Article 10.

Section 15. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.23 of the Town of Huntersville Code of Ordinances, Lis Pendens, is hereby amended as follows:

Sec. 150.23- ~~Lis Pendens~~ Reserved

~~Upon issuance of a complaint and notice of hearing or an order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court of the county. The notice of lis pendens and a copy of the complaint and the notice of hearing or order attached thereto shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. § 1-117. From the date and time of indexing, the complaint and notice of hearing or order shall be binding upon successors and assigns of the owners of and parties in interest in the dwelling at the time of filing in accordance with G.S. § 160A-445. The notice of lis pendens shall remain in full force and effect until cancelled. The notice of lis pendens shall be~~

~~cancelled upon compliance with the order. Upon receipt of notice of cancellation from the town, the Clerk of Superior Court shall cancel the notice of lis pendens.~~

Section 16. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.99(B) of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended as follows:

(B) The violation of any provision related to unsafe buildings in ~~of~~ this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

Section 17. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 99.99 of Title IX of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended and added as follows:

Sec. 99.99- Penalty.

This chapter may be enforced by any or all of the following ways as provided by law.

(A) Anyone violating this chapter shall be guilty of a Class 3 misdemeanor and shall be fined not more than $100.00 or imprisoned for not more than 20 days.

(B) A violation of this chapter shall subject the violator to issuance of a citation in the amount of $100.00 for each citation. A citation remaining unpaid to the Town of Huntersville after 15 days from the date of issuance shall subject the violator to a civil penalty, which may be recovered by the town in a civil action. A violation, which is a continuing violation, shall subject the violator to separate citations for each day the violation continues.

(C) Any other penalty provided by law as set forth in Section 10.99 of this Code.

Section 18. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection (e) of Section 3.3.2-A, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

(1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
(2) The property has not been combined with additional lots after January 1, 2021.
(3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-A(h).
(4) The current use of the property is nonresidential.
(5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
(6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-A(f).

Section 19. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection (e) of Section 3.3.2-B, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

(1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
(2) The property has not been combined with additional lots after January 1, 2021.
(3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-B(i).
(4) The current use of the property is nonresidential.
(5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
(6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-B(f).

Section 20. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that (e) of Section 3.3.3-A, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

(1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
(2) The property has not been combined with additional lots after January 1, 2021.
(3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.3-A(i).
(4) The current use of the property is nonresidential.
(5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
(6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.3-A(f).

Section 21. **BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.3.2.2, Exceptions to Applicability, is hereby amended as follows:

.2 Exceptions to Applicability:

a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Mountain Island Lake Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.

b) An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 3.3.3-A, f) and g) or Section 3.3.3-B, f) and g), whichever are applicable.

c) Existing public utilities may expand without being subject to the restrictions of this part provided that:

(i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America, and

(ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

d) <u>This Section 3.3.2 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3</u>

<u>Section 22.</u> BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.3.3.2, Exceptions to Applicability, is hereby amended as follows:

.2 Exceptions to Applicability:

a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Lake Norman Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.

b) An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 3.3.4-A, f) and g), whichever are applicable.

c) Existing public utilities may expand without being subject to the restrictions of this part provided that:

(a) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and

(b) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

d) <u>This Section 3.3.3 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for</u>

the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

Section 23. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection e of Section 8.17.3, Exceptions to Applicability, is hereby amended as follows:

e) This Article shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in Article 3.

Section 24. This ordinance shall become effective upon the date of adoption.

Text Amendment Timeline
Recommendation by HOAB: 10/07/21 & 11/04/21
Public Hearing: 12/06/21
Proposed Recommendation by Planning Board: 12/21/21
Proposed Final Decision by Town Board: 01/08/22

Town of Huntersville
Town Board
December 21, 2021

To: Town Board

From: Brad Priest, Principal Planner

Date: December 21, 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 making a recommendation to the Town Board on Petition #21-10.

FINANCIAL IMPLICATIONS:
N/A

ATTACHMENTS:
1. R21-10 Northchase at the Park - PB 12 21 21
2. Updated Buffer Plan - 11 16 21
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

Applicant: ADE 883, LLC

Property Owners: Same as Applicant

Property Address: 10401 Hambright Road

Project Size: 15.4 acres

Parcel Numbers: 01740103

Existing Zoning:

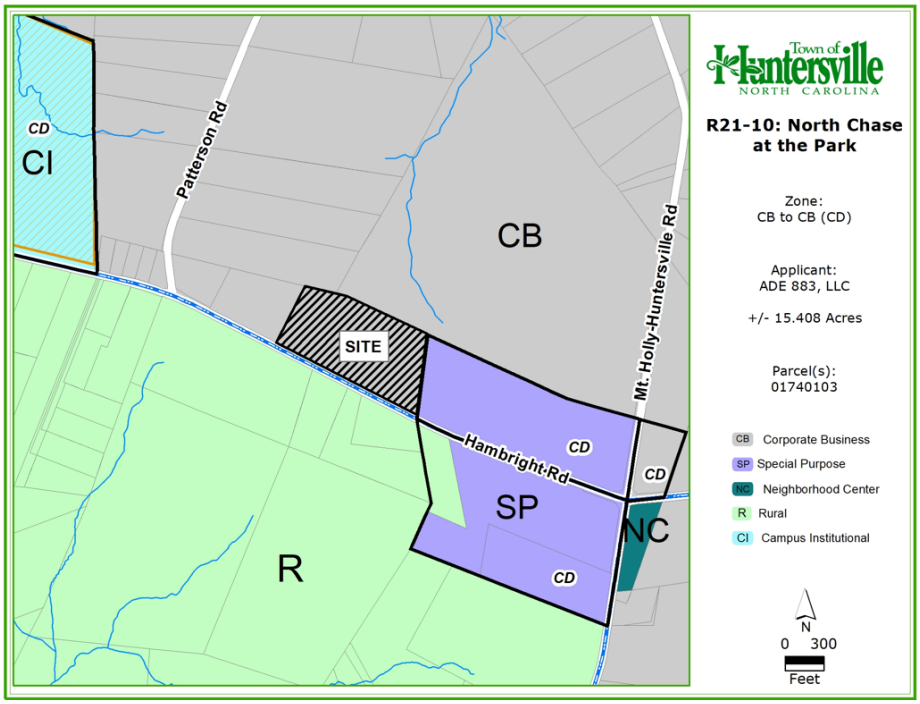
Corporate Business (CB)

Proposed Zoning:

Corporate Business Conditional District (CB-CD)

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 40 foot CB buffer. The property is located east of the intersection of Patterson Road and Hambright Road.



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.
2. 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.
3. 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.
4. 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

- 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.

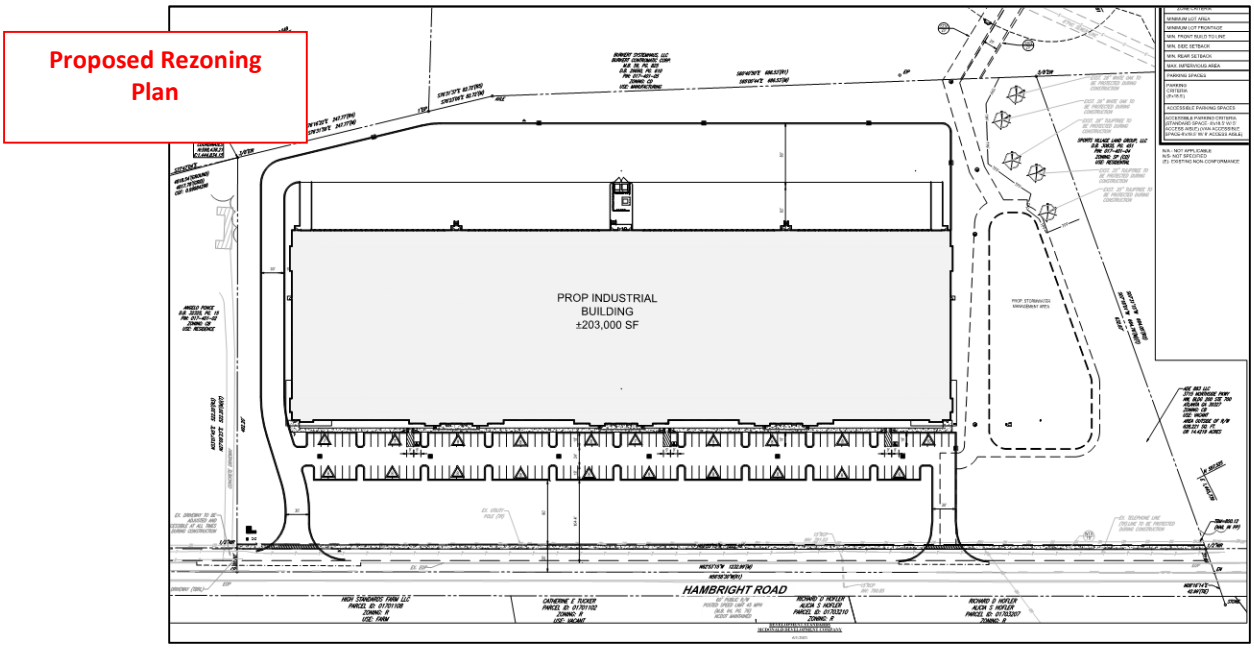
    - It is staff's understanding that the applicant is requesting the Town Board approve a modification to the planting requirements in order to keep the building and use visible from Hambright Road. Staff recommends modification notes be added to the plan to clearly outline the specific modifications requested.
    - 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*".
        - Article 11.4.7 K allows the Town Board to modify the requirements of the ordinance "provided the spirit of the ordinance is maintained".
    - 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 (UPDATE 12/10/21)
CB Buffer = 4 trees and 5 shrubs per 1,000 sqft of buffer area

Requirement/ Landscaping	Updated TA21-10 40 foot buffer Planting Requirement (Approved)	Original Proposed Landscaping (Estimated)	Applicant Updated Landscaping (11/22/21)
Trees	184	115	109
Evergreen Trees	92 (50%)	9	42
Large Maturing Trees	138 (75%)	55	48
Shrubs	230	245	350
Shrubs Evergreen	173 (75%)	245	302

- 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:
  - 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.
  - The dripline of specimen trees proposed to be saved are being encroached upon. Staff recommends that the deluded 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%).
  - 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.
- UPDATE 12/10/21: The updated plans submitted to staff did not address the site plan elements of the development. However due to the rezoning solely dealing with the required buffer plantings, staff is supportive

of focusing on the buffer discussion during the rezoning, and correcting any site design elements at the commercial site plan/permitting process. Please see transportation comments below in regard to future road improvements effects on the buffer.



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.
    - UPDATE 12/10/21: The updated plans submitted to staff did not address the site plan elements of the development. However due to the rezoning solely dealing with the required buffer plantings, staff is supportive of focusing on the buffer discussion during the rezoning, and correcting any site design elements at the commercial site plan/permitting process. However it is possible that future roadway improvements could encroach into the site and affect the proposed buffer plantings shown. Therefore staff recommends that if alternate buffer plantings are approved, a note be added to the plan committing to if needed, back up the required plantings to achieve the minimum 40 foot buffer width. With 80 feet located between Hambright Road and the parking lot on the plan, this potential modification would be feasible.

PART 4: REZONING CRITERIA

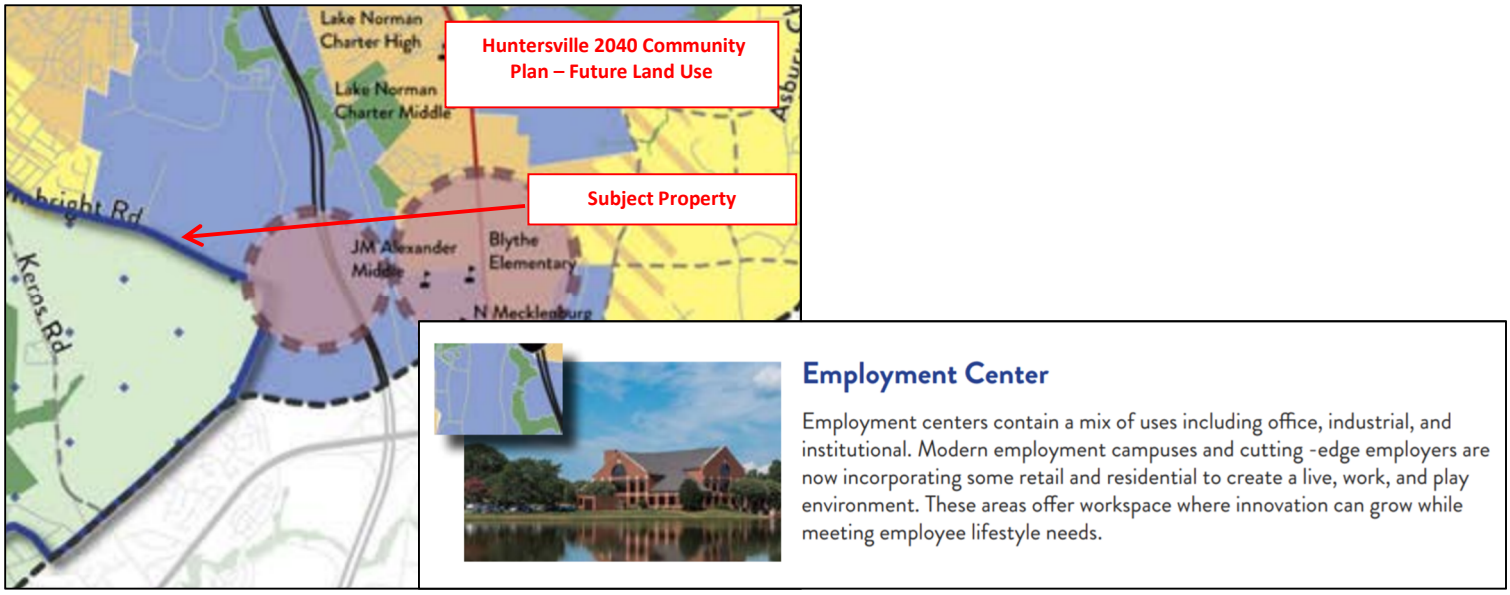
Article 11.4.7(d) of the Zoning Ordinance states that "in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, 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 6.
- **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 Hambright Road is low density residential and agricultural. A fully landscaped buffer along Hambright 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 Hambright Road was conditionally rezoned and includes the required vegetated buffer along Hambright 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.



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

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

   STAFF COMMENTS:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

PART 5: PUBLIC HEARING – UPDATE – 12/10/21

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. On November 1, 2021 the Town Board continued the application until the December 6, 2021 meeting.

On December 6, 2021 the Town Board opened the public hearing for the application. No one from the public spoke for or against the application. After Board and staff discussion the public hearing was closed.

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 40 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 December 21, 2021.

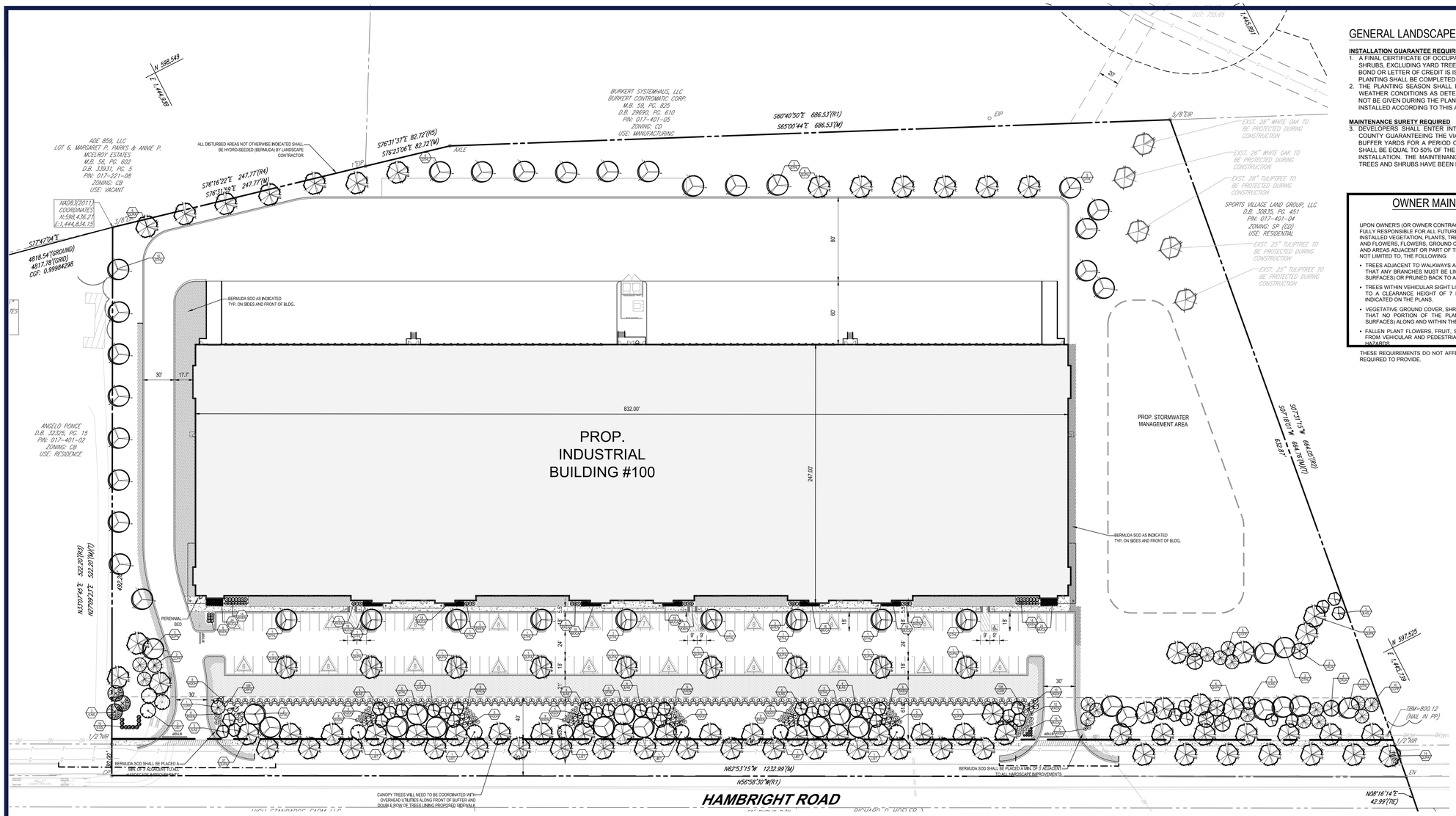
PART 8 CONSISTENCY STATEMENT – R21-10: North Chase at the Park

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 [insert applicable plan reference(s)] It is reasonable and in the public interest to amend the Zoning Ordinance because*…[Explain]*	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 [insert applicable plan reference(s)], therefore amends [insert plan reference(s) **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: [List and explain the change in conditions] It is reasonable and in the public interest to amend the approve the rezoning because*…[Explain]*	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Planning Board recommends denial based on the amendment being [consistent OR inconsistent] with [insert applicable plan reference(s)]. It is not reasonable and in the public interest to amend the Zoning Ordinance because*…[Explain]*

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 [insert applicable plan reference(s)] It is reasonable and in the public interest to amend the Zoning Ordinance because*…[Explain]*	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 [insert applicable plan reference(s)], therefore amends [insert plan reference(s) **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: [List and explain the change in conditions] It is reasonable and in the public interest to amend the approve the rezoning because*…[Explain]*	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Town Board recommends denial based on the amendment being [consistent OR inconsistent] with [insert applicable plan reference(s)]. It is not reasonable and in the public interest to amend the Zoning Ordinance because…[Explain]



GENERAL LANDSCAPE NOTES:

INSTALLATION GUARANTEE REQUIRED

1. A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES, DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 120% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT PLANTING SEASON.
2. THE PLANTING SEASON SHALL RUN FROM OCTOBER 15 TO MARCH 15, EXCEPT FOR EXTREME WEATHER CONDITIONS AS DETERMINED BY STAFF. A FINAL CERTIFICATE OF OCCUPANCY SHALL NOT BE GIVEN DURING THE PLANTING SEASON UNLESS ALL OF THE LANDSCAPING IS COMPLETELY INSTALLED ACCORDING TO THIS ARTICLE.

MAINTENANCE SURETY REQUIRED

3. DEVELOPERS SHALL ENTER INTO A MAINTENANCE SURETY AGREEMENT WITH MECKLENBURG COUNTY GUARANTEEING THE VIABILITY OF STREET TREES AND TREES AND SHRUBS PLANTED IN BUFFER YARDS FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING. THE AMOUNT OF THE SURETY SHALL BE EQUAL TO 50% OF THE VALUE OF THE NEW TREES OR LANDSCAPE MATERIAL AND THEIR INSTALLATION. THE MAINTENANCE SURETY SHALL BE PROVIDED WHEN ALL OF THE REQUIRED TREES AND SHRUBS HAVE BEEN PLANTED.

OWNER MAINTENANCE RESPONSIBILITIES

UPON OWNER'S (OR OWNER CONTRACTOR'S) COMPLETION OF LANDSCAPING WORK, THE OWNER IS FULLY RESPONSIBLE FOR ALL FUTURE MAINTENANCE, CARE, UPKEEP, WATERING, AND TRIMMING OF ALL INSTALLED VEGETATION, PLANTS, TREE, BUSHES, SHRUBS, GRASSES, GRASS, ORNAMENTAL PLANTS AND FLOWERS, FLOWERS, GROUND COVER, AND LANDSCAPING, INCLUDING ALL LANDSCAPE ISLANDS AND AREAS ADJACENT OR PART OF THE LANDSCAPED AREAS. THIS RESPONSIBILITY INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

- TREES ADJACENT TO WALKWAYS AND AREAS OF PEDESTRIAN TRAFFIC MUST BE MAINTAINED TO ASSURE THAT ANY BRANCHES MUST BE LIMBED UP TO A CLEARANCE HEIGHT OF 7 FT. (FROM ALL PEDESTRIAN SURFACES) OR PRUNED BACK TO AVOID ANY INTERFERENCE WITH THE TYPICAL PATH OF TRAVEL.
- TREES WITHIN VEHICULAR SIGHT LINES, AS ILLUSTRATED ON THE LANDSCAPE PLAN, ARE TO BE TRIMMED TO A CLEARANCE HEIGHT OF 7 FT. (FROM ALL PAVED, TRAVELED SURFACES), OR AS OTHERWISE INDICATED ON THE PLANS.
- VEGETATIVE GROUND COVER, SHRUBS AND ORNAMENTAL PLANTS AND GRASSES MUST BE TRIMMED SO THAT NO PORTION OF THE PLANT EXCEEDS 30 INCHES ABOVE GRADE (OF ALL PAVED. TRAVEL SURFACES) ALONG AND WITHIN THE SIGHT LINES OF PARKING LOTS AND INGRESS-EGRESS WAYS.
- FALLEN PLANT FLOWERS, FRUIT, SEEDS AND DEBRIS DROPPINGS ARE TO BE REMOVED IMMEDIATELY FROM VEHICULAR AND PEDESTRIAN TRAFFIC AREAS TO PREVENT TRIPPING, SLIPPING OR ANY OTHER HAZARDS.

THESE REQUIREMENTS DO NOT AFFECT THE PLANT LIFE GUARANTEES THE LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE.

LANDSCAPE SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	REMARKS
OVERSTORY TREES							
GTHL	52	GLEDITSIA TRIACANTHOS	THORNLESS HONEY LOCUST	2.5" CAL	B+B	12-14' HT	FULL, CENTRAL LEADER
QUPA	85	QUERCUS PALUSTRIS	PIN OAK	2.5" CAL	B+B	12-14' HT	FULL, CENTRAL LEADER
SUBTOTAL:	137						
UNDERSTORY TREES							
CCFP	19	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	2" CAL	B+B	8-10' HT	FULL
LIBT	9	LAGERSTROMIA INDICA 'TUSKEGEE'	TUSKEGEE CRAPE MYRTLE	1" CANES	B+B	8-10' HT	FULL, 3-6 CANES
SUBTOTAL:	28						
EVERGREEN TREES							
CRJA	6	CRYPTOMERIA JAPONICA	CRYPTOMERIA	2" CAL.	B+B	8' HT	FULL
ILAS	39	ILEX X ATTENUATA 'SAVANNAH'	SAVANNAH HOLLY	2" CAL.	B+B	8' HT	FULL
ILNS	3	ILEX X 'NELLIE R. STEVENS'	NELLIE STEVENS HOLLY	2" CAL.	B+B	8' HT	FULL TO GROUND
SUBTOTAL:	48						
SHRUBS							
HOOH	48	HYDRANGEA QUERCIFOLIA	OAKLEAF HYDRANGEA	N/A	3 GAL	24" HT	FULL
ICDB	108	ILEX CORNUTA 'DWARF BURFORD'	DWARF BURFORD HOLLY	N/A	3 GAL	24" HT	FULL
ILGS	10	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY HOLLY	N/A	3 GAL	18" HT	FULL
OSFO	109	OSMANTHUS X FORTUNEI	FORTUNE'S OSMANTHUS	N/A	3 GAL	24" HT	FULL
RXEN	128	RHODODENDRON X 'ENCORE'	ENCORE AZALEA VARIETY	N/A	3 GAL	32" HT	FULL
SUBTOTAL:	403						
ORNAMENTAL GRASSES							
MLICA	160	MUHLENBERGIA CAPILLARIS	PINK MUHLY GRASS	N/A	3 GAL	12-15" HT	FULL
SUBTOTAL:	160						

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN THE AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN WILL DICTATE.

AN ORDINANCE TO AMEND ARTICLE 7.5.3 OF THE ZONING ORDINANCE TO MODIFY THE CB/SP/CI 80 FOOT BUFFER ALONG STREET FRONTAGES

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5.3 footnote [2] of the **Zoning Ordinance** is hereby amended as follows:

2The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be ~~reduced~~ **removed** along street frontages where **the** building **proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4.** ~~scale, frontage relationship, and location of accessory uses ensure design compatibility off-site~~ **The 80 foot buffer may be *reduced* to the width below along street frontages when the following conditions are met:**

- **40 foot buffer**
  - **Along any thoroughfare where only passenger vehicle parking is located between the building and the street, and/or the architecture of the building does not meet the building type requirements of Article 4.**
  - **Along interior streets of existing or proposed business parks where loading, truck dock, or utility areas are located between the building and the street.**
- **20 foot buffer**
  - **Along interior streets of established or proposed business parks where only passenger vehicle parking is located in between the building and street, and/or the architecture of the building does not meet the building type requirements of Article 4.**
  - **Any building that meets the architectural standards of Article 4 but whose building is moved further from the street than the required build to line.**
- **Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.**

TOWN OF HUNTERSVILLE LANDSCAPE REQUIREMENTS

SECTION	REQUIREMENTS	CALCULATIONS/PROPOSED
ARTICLE 6: LANDSCAPING OF PARKING LOTS	PERIMETER LANDSCAPING OF PARKING SHALL MEET ALL STANDARDS BELOW: A. SCREENING SHALL BE PROVIDED ALONG THE PERIMETER OF THE PARKING LOT A CONTINUOUS ROW OF EVERGREEN SHRUBS MAX. SEPARATION 4' ON CENTER (MINIMUM HEIGHT 2' AT INSTALLATION, EXPECTED HEIGHT AT MATURITY AT LEAST 6') C. IN ADDITION TO SCREENING, LARGE MATURING CANOPY TREES SHALL LINE THE PARKING LOT; THEY SHALL BE PLANTED AT A MAXIMUM OF 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: 897/40=22.4 PROVIDED TREES: 14 (ADDITIONAL TREES PROVIDED IN 80' BUFFER (SEE BUFFER PLANTING PLAN) REQUIRED SHRUBS: 225 CALCULATION: 897/4=224.3 PROVIDED SHRUBS: 225
ARTICLE 7.5: BUFFER YARDS	ANY PROPERTY ZONED CI, CB, OR SP ABUTTING STREET RIGHT OF WAY AND PROPERTY LINES.	SEE AMENDED NOTES FOR NEW BUFFER WIDTHS.
ARTICLE 7.7: STREET TREES & INTERNAL LANDSCAPING	SPACING AND LOCATION OF STREET TREES STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7 FOOT PLANTING STRIP LOCATED BETWEEN THE EXISTING STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS: (A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40 FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS. (B) SMALL MATURING "CANOPY -LIKE" TREES SHALL BE PLANTED 30 FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES. (C) FOR PROPERTY LOCATED ON A MAJOR OR MINOR THOROUGHFARE, EXCLUDING THE TOWN CENTER (TC) ZONING DISTRICT, AN ADDITIONAL ROW OF STREET TREES ARE REQUIRED TO BE LOCATED BEHIND THE PROPOSED SIDEWALK IN A 10-FOOT LANDSCAPE EASEMENT TO BE RECORDED ON A PLAT 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: (A) REQUIRED STREET TREES: 1,085 LF / 40 OC = 27 TREES (C) ADDITIONAL STREET TREES BEHIND SIDEWALK = 26 TREES. TOTAL TREES REQUIRED AT FRONTAGE = 53 TREES FRONTAGE TREES PROVIDED = 53

40' BUFFER PLANTING CALC (45,800 SF OF BUFFER)

REQUIRED PLANTINGS:
3 TREES PER 1000 SF OF BUFFER AREA = 138 TREES
75% LARGE MATURING = 104 LARGE
25% SMALL MATURING = 34 SMALL
50% EVERGREEN = 69

5 SHRUBS PER 1000 SF OF BUFFER AREA = 229 SHRUBS
75% EVERGREEN = 172

PROVIDED
TOTAL TREES: 109 TREES
LARGE MATURING = 48
SMALL MATURING = 19
50% EVERGREEN = 42

TOTAL SHRUBS = 350
86% EVERGREEN = 302

50 25 12.5 0 50
1"= 50'

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PROJECT No.:	NCC182042.1
DRAWN BY:	RB
CHECKED BY:	DH
DATE:	3/13/2019
CAD I.D.:	LP0

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

NORTH CAROLINA PROFESSIONAL SEAL 045609 ENGINEER BRIAN B. MILLER 6/1/2021

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
C-701

ORG. DATE - 3/13/2019

Nov 15, 2021
\\BOHLERENG.NET\SHARES\NC-PROJECTS\2018\NCC182042.1\DRAWINGS\PLAN SETS\CONSTRUCTION DOCUMENTS\NCC182042.1.LP0 ---- LAYOUT: C-701 LANDSCAPE PLAN
AJF

REZONING DOCUMENTS

FOR

MCDONALD DEVELOPMENT

PROPOSED

NORTH CHASE AT THE PARK BUILDING 100

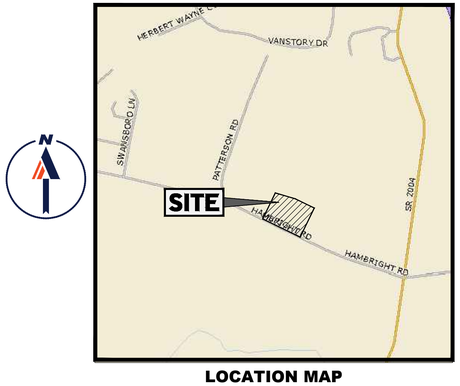
LOCATION OF SITE

HAMBRIGHT ROAD

TOWN OF HUNTERSVILLE, NORTH CAROLINA

PID: 01740103

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



LOCATION MAP

SCALE: N.T.S.
PLAN REFERENCE:

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DEVELOPER

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

PREPARED BY

BOHLER

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

ARCHITECT

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

SURVEYOR

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

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 FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

Jun 01, 2021
\\BOHL.ERENG.NET\SHARES\NC-PROJECTS\2018\NCC182042.1\DRAWINGS\PLAN SETS\REZONING DOCUMENTS\NCC182042.1RDP - 0 - - - LAYOUT C-101 COVER

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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

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NCBELS P-1132
1927 S. TRYON STREET, SUITE 310
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NORTH CAROLINA PROFESSIONAL SEAL 045609 ENGINEER BRIAN B. MILLER
6/1/2021

SHEET TITLE:

COVER

SHEET NUMBER:

RZ - 0

ORG. DATE - 3/13/2019

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 be 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.

FIDELITY NATIONAL TITLE INSURANCE COMPANY

COMMITMENT NO: NC2520040361, COMMITMENT DATE: MARCH 10, 2020

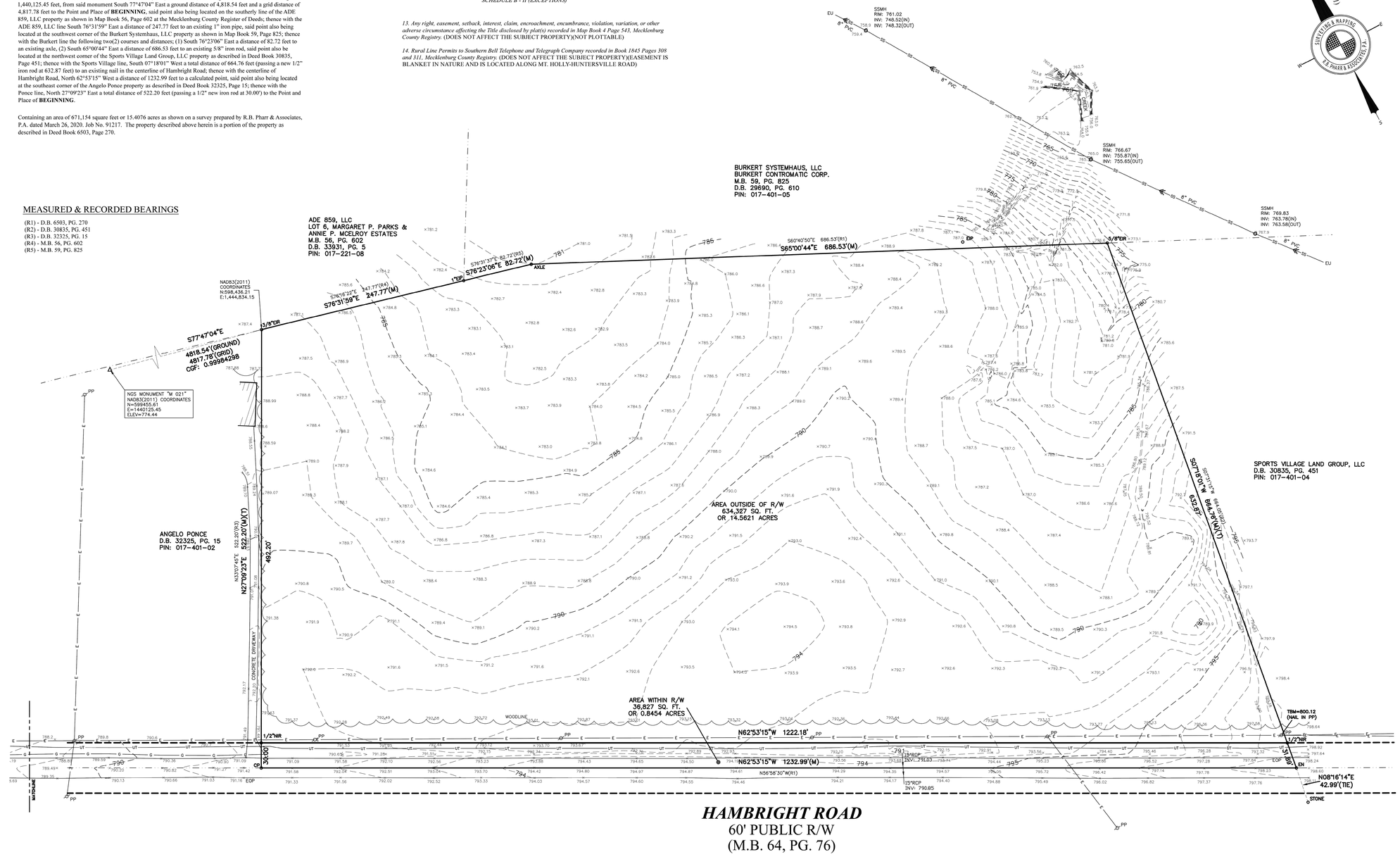
SCHEDULE B - II (EXCEPTIONS)

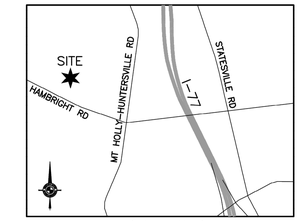
13. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Map Book 4 Page 543, Mecklenburg County Registry. (DOES NOT AFFECT THE SUBJECT PROPERTY)(NOT PLOTTABLE)

14. Rural Line Permits to Southern Bell Telephone and Telegraph Company recorded in Book 1845 Pages 308 and 311, Mecklenburg County Registry. (DOES NOT AFFECT THE SUBJECT PROPERTY)(EASEMENT IS BLANKET IN NATURE AND IS LOCATED ALONG MT. HOLLY-HUNTERSVILLE ROAD)

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





VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.

2. ALL CORNERS MONUMENTED AS SHOWN.

3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.

4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.

5. ELEVATIONS BASED ON N.G.S. MONUMENT "M 021", ELEVATION = 774.44 FEET, NAVD 88.

6. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.

7. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

ZONING:

SUBJECT PROPERTY ZONED: CB (CORPORATE BUSINESS DISTRICT)
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:

GENERAL REQUIREMENTS:
ALONG EXISTING STREETS, NEW BUILDINGS SHALL RESPECT SPACING OF STRUCTURES, BUILDING MASS AND SCALE, AND STREET FRONTAGE RELATIONSHIPS OF EXISTING BUILDINGS.

BUFFERS:
WIDTH: 80' ABUTTING STREET R/W & PROPERTY LINES.
TREES: 4 TREES PER 1000 SQ. FT. OF BUFFER AREA.
SHRUBS: 5 SHRUBS PER 1000 SQ. FT

FOR FURTHER INFORMATION CONTACT THE TOWN OF HUNTERSVILLE PLANNING DEPARTMENT AT (704)-875-7000.

PARKING:

NO PARKING OBSERVED AT TIME OF SURVEY

GPS CERTIFICATION:

I, JUSTIN F. CLONINGER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

(1) CLASS OF SURVEY: A(1:10,000)
(2) POSITIONAL ACCURACY: HORZ. NORTH=0.0003 EAST=0.00145; VERT.= 0.01425
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
(4) DATES OF SURVEY: 11/01/2017
(5) DATUM/EPOCH: NAVD 88; NAD 83(2011)
(6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT: "M 021"
(7) GEOID MODEL: GEOID12(CONUS)
(8) COMBINED GRID FACTOR(S): 0.99984298
(9) UNITS: US SURVEY FEET

ALTA/NSPS CERTIFICATION:

TO: MACQ, LLC, GEORGIA LIMITED LIABILITY COMPANY; ALICIA S. HOFLER; RICHARD D. HOFLER; FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4,5, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 26, 2020.

7/22/20

JUSTIN F. CLONINGER, NCPLS L-4430 — *DATE*
PROFESSIONAL LAND SURVEYOR
justinc@rbpharr.com

LEGEND:

CP - CALCULATED POINT
D.B. - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EN - 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
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
1-888-757-6500

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

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

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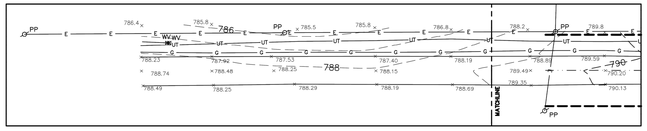


GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

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 .1600 (21 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

NORTH CAROLINA PROFESSIONAL SEAL L-4430 LAND SURVEYOR JUSTIN F. CLONINGER

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

REVISIONS
07/22/20 – ADDITONAL TOPOGRAPHICAL INFORMATION ADDED.

ALTA/NSPS LAND TITLE SURVEY FOR:

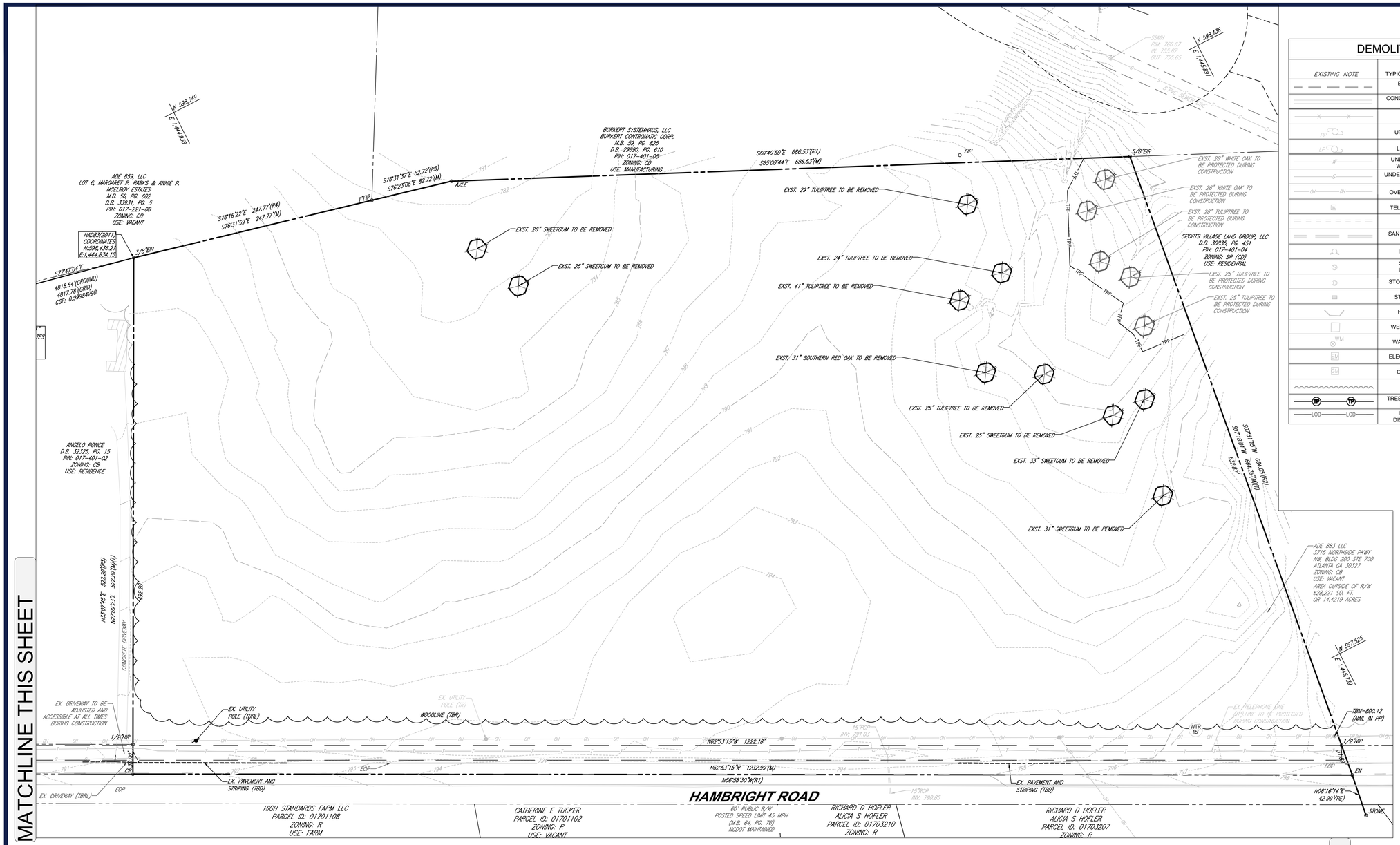
MACQ, LLC

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

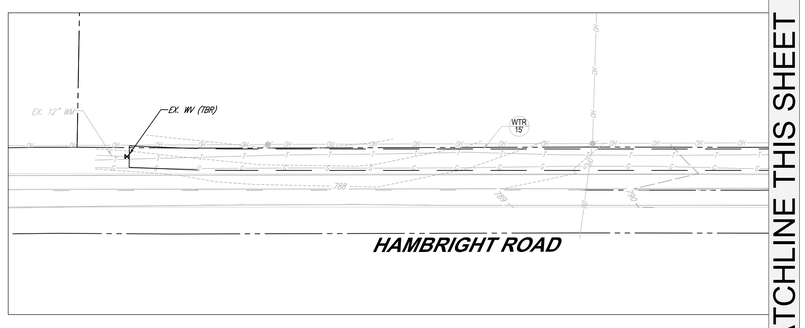
CREW:	DRAWN:	REVISED:	SCALE:	DATE:	JOB NO.
JB	DB	CW	1" = 60'	MARCH 26, 2020	91217

PLOTTED: 7/22/2020
C:\CARLSON PROJECTS\91\2\91217\DWG\91217.DWG



DEMOLITION LEGEND

EXISTING NOTE	TYPICAL NOTE TEXT	DEMOLITION NOTE
	EASEMENT LINE	
	CONCRETE CURB & GUTTER	
	FENCE	
	UTILITY POLE	
	LIGHT POLE	
	UNDERGROUND WATER LINE	
	UNDERGROUND GAS LINE	
	OVERHEAD WIRE	
	TELEPHONE BOX	
	STORM SEWER	
	SANITARY SEWER MAIN	
	HYDRANT	
	SANITARY MANHOLE	
	STORM MANHOLE	
	STORM INLET	
	HEADWALL	
	WELL LOCATION	
	WATER METER	
	ELECTRIC METER	
	GAS METER	
	WOODS	
	TREE PROTECTION FENCING	
	LIMITS OF DISTURBANCE	



50 25 12.5 0 50
1"= 50'

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CHECKED BY:	DH
DATE:	3/13/2019
CAD I.D.:	RSP - 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

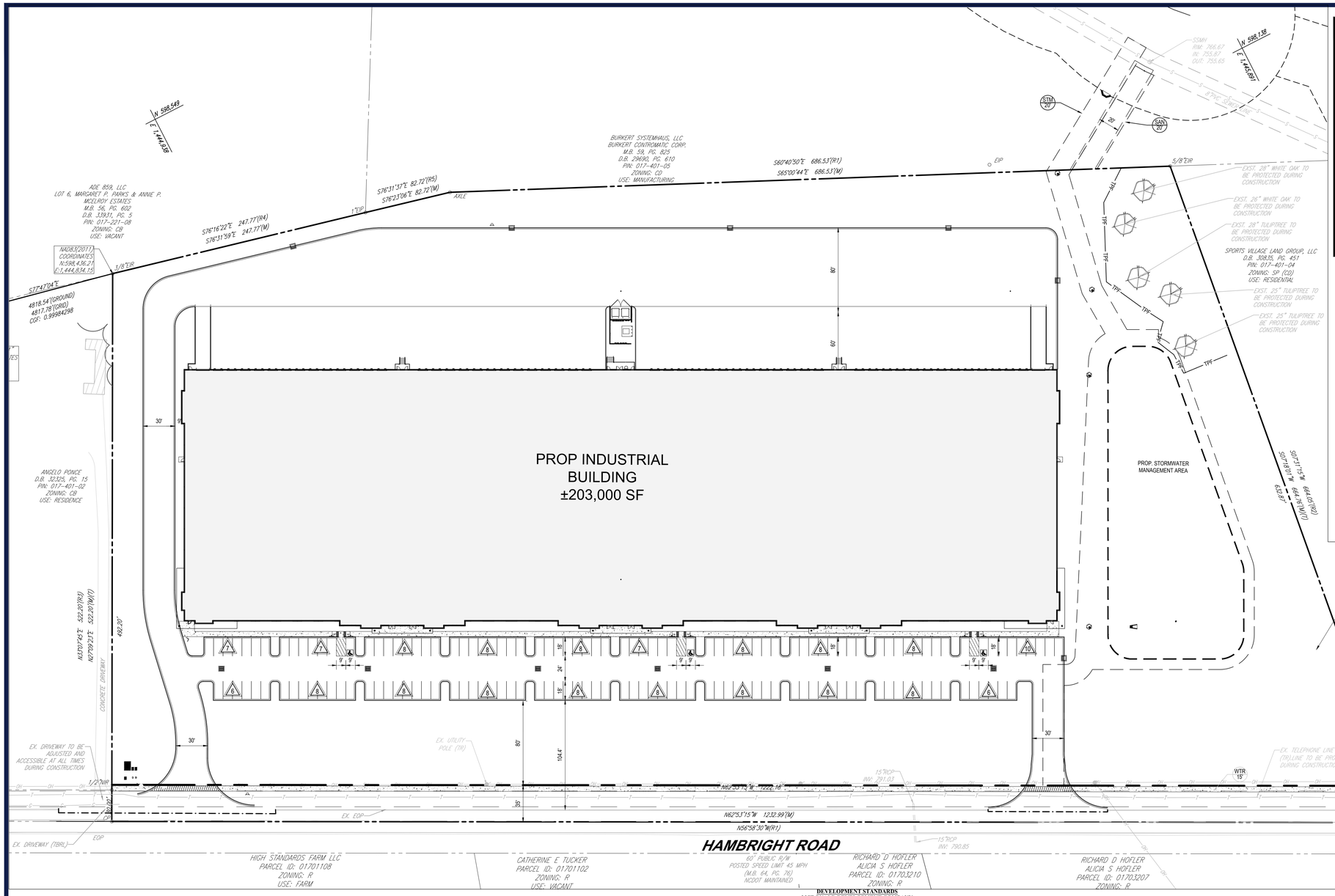
NORTH CAROLINA PROFESSIONAL SEAL 045609 ENGINEER BRIAN B. MILLER
6/1/2021

SHEET TITLE:
EXISTING CONDITIONS AND DEMOLITION PLAN

SHEET NUMBER:
RZ - 1

ORG. DATE - 3/13/2019

Jun 01, 2021
\\BOHLER\ENG\NET\SHARES\NC-PROJECTS\2018\NCC182042.1\DRAWINGS\PLAN SETS\REZONING DOCUMENTS\NCC182042.1\RSP - 0 - - - LAYOUT C-203 EXISTING CONDITIONS AND DEMOLITION PLAN



ZONING ANALYSIS TABLE

PROPOSED ZONING DISTRICT	CB (CONDITIONAL DISTRICT) INDUSTRIAL BUILDING		
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	N/S	15.4 AC.±	NO CHANGE
MINIMUM LOT FRONTAGE	N/S	1220.4 FT	NO CHANGE
MIN. FRONT BUILD TO LINE	15 FT	N/S	15 FT
MIN. SIDE SETBACK	0 FT	0 FT	0 FT
MIN. REAR SETBACK	0 FT	0 FT	0 FT
MAX. IMPERVIOUS AREA	N/S	N/S	62.1%
PARKING SPACES	51	N/A	157
PARKING CRITERIA (9'x18.5')	0.25 SPACE PER 1,000 SF GFA 203,000 SF / 4,000= 50.75 OR 51 SPACES REQUIRED		
ACCESSIBLE PARKING SPACES	5	N/A	6
ACCESSIBLE PARKING CRITERIA (STANDARD SPACE- 8'x18.5' W/ 5' ACCESS AISLE) (VAN ACCESSIBLE SPACE-8'x18.5' W/ 8' ACCESS AISLE)	TOTAL PARKING 1 TO 25 = 4 ACCESSIBLE SPACE VAN ACCESSIBLE SPACES = 1 SPACES		

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

DEVELOPMENT STANDARDS
MCDONALD DEVELOPMENT COMPANY

6/1/2021

SITE DEVELOPMENT DATA:

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

I. GENERAL PROVISIONS

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

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

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

II. PERMITTED USES AND MAXIMUM DEVELOPMENT

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

III. TRANSPORTATION

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

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

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

IV. ARCHITECTURAL STANDARDS

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

V. BUFFERING, SCREENING, AND LANDSCAPING

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

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

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

VI. ENVIRONMENTAL FEATURES

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

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

VII. BINDING EFFECT OF THE REZONING DOCUMENTS

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

N
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NORTH
SOUTH
LI

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1"= 50'

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

NORTH CAROLINA PROFESSIONAL SEAL 045609 ENGINEER BRIAN B. MILLER
6/1/2021

SHEET TITLE:

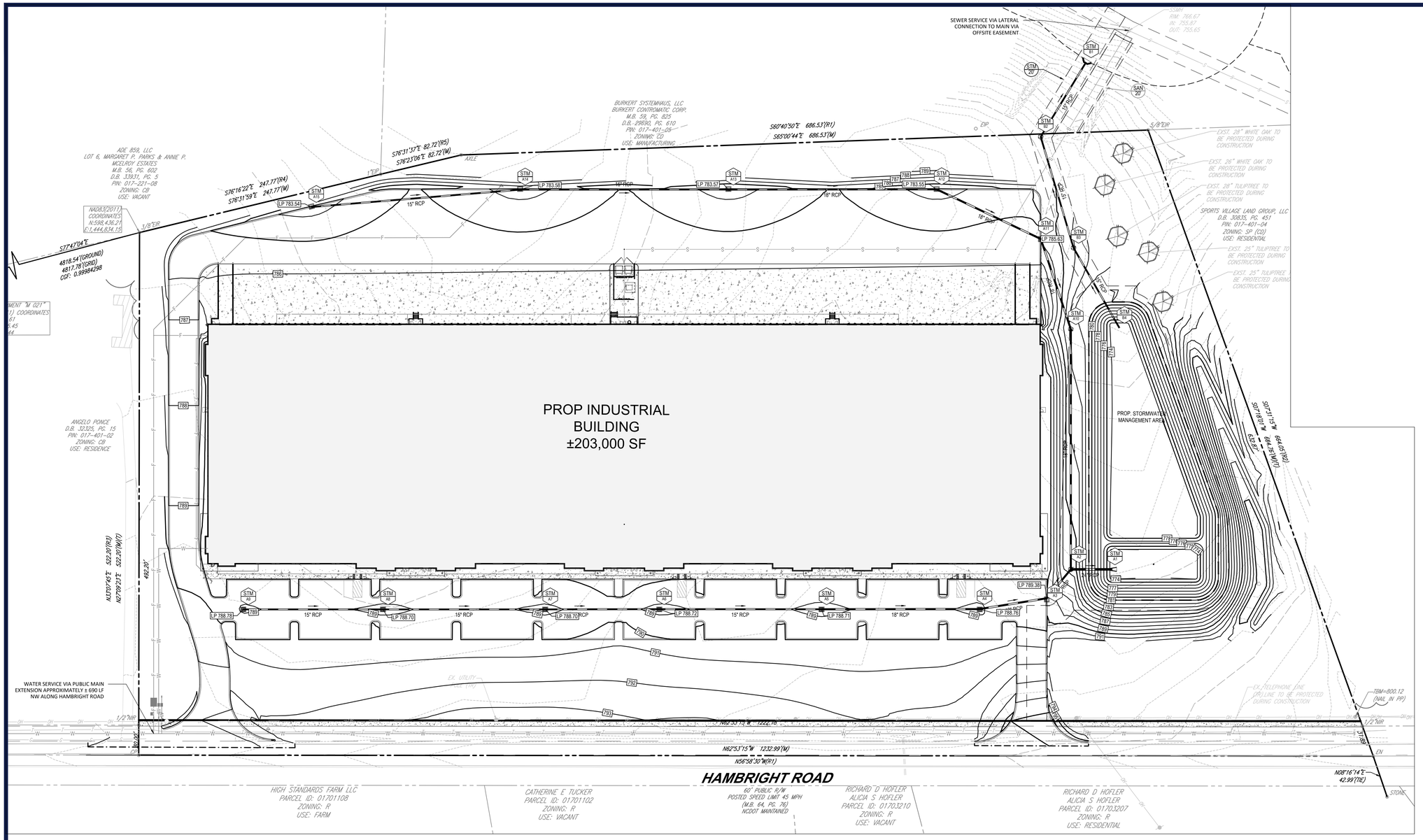
SITE PLAN

SHEET NUMBER:

RZ - 2

ORG. DATE - 3/13/2019

Jun 01, 2021
\\BOHLER\ENG.NET\SHARE\ENG-PROJECTS\2018\NCC182042.1\DRAWINGS\PLAN SETS\REZONING DOCUMENTS\NCC182042.1.RSP - 0 --- LAYOUT: C-301 SITE PLAN



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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

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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 045609 BRIAN B. MILLER
6/1/2021

SHEET TITLE:

GRADING PLAN

SHEET NUMBER:

RZ - 3

ORG. DATE - 3/13/2019

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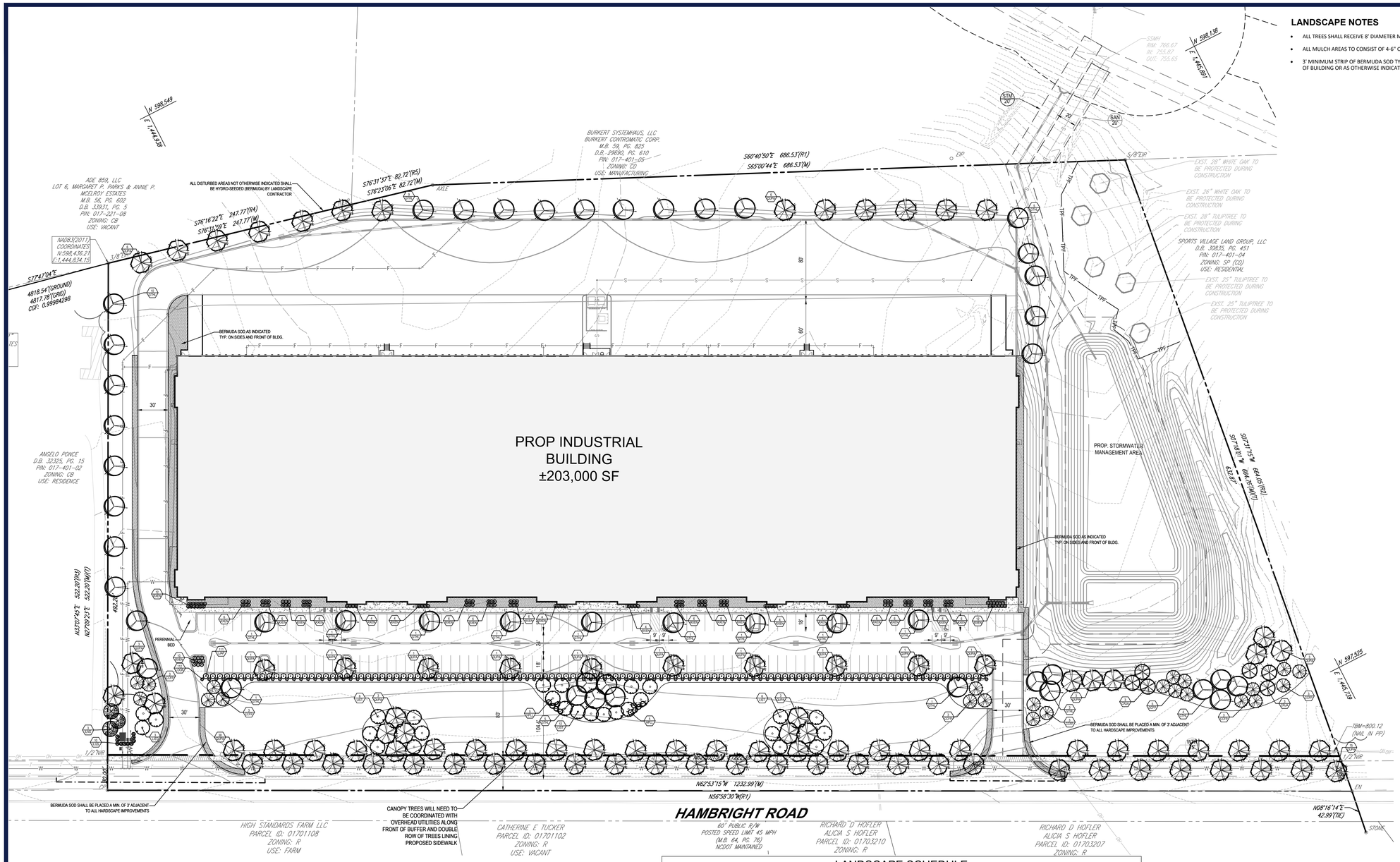
1"= 50'

Jun 01, 2021
C:\PROJDATA\BOHLER\C3D2020\TEMP\ACPUBLISH_23752\NSAVED\DRAWING2---LAYOUT C-401 GRADING PLAN



LANDSCAPE NOTES

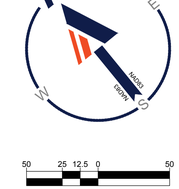
- ALL TREES SHALL RECEIVE 8' DIAMETER MULCH RING
- ALL MULCH AREAS TO CONSIST OF 4-6" OF PINE STRAW
- 3' MINIMUM STRIP OF BERMUDA SOD TYPICAL IN FRONT OF BUILDING OR AS OTHERWISE INDICATED

TOWN OF HUNTERSVILLE LANDSCAPE REQUIREMENTS

SECTION	REQUIREMENTS	CALCULATIONS/PROPOSED
ARTICLE 6: LANDSCAPING OF PARKING LOTS	PERIMETER LANDSCAPING OF PARKING SHALL MEET ALL STANDARDS BELOW: A. SCREENING SHALL BE PROVIDED ALONG THE PERIMETER OF THE PARKING LOT A CONTINUOUS ROW OF EVERGREEN SHRUBS MAX. SEPARATION 4' ON CENTER (MINIMUM HEIGHT 2' AT INSTALLATION, EXPECTED HEIGHT AT MATURITY AT LEAST 6') C. IN ADDITION TO SCREENING, LARGE MATURING CANOPY TREES SHALL LINE THE PARKING LOT; THEY SHALL BE PLANTED AT A MAXIMUM OF 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: 897/40=22.4 PROVIDED TREES: 23 REQUIRED SHRUBS: 225 CALCULATION: 897/4=224.3 PROVIDED SHRUBS: 225
ARTICLE 7.5: BUFFER YARDS	ANY PROPERTY ZONED CI, CB, OR SP ABUTTING STREET RIGHT OF WAY AND PROPERTY LINES.	SEE PLANS
ARTICLE 7.7: STREET TREES & INTERNAL LANDSCAPING	SPACING AND LOCATION OF STREET TREES STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7 FOOT PLANTING STRIP LOCATED BETWEEN THE EXISTING STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS: (A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40 FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS. (B) SMALL MATURING "CANOPY -LIKE" TREES SHALL BE PLANTED 30 FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES. (C) FOR PROPERTY LOCATED ON A MAJOR OR MINOR THOROUGHFARE, EXCLUDING THE TOWN CENTER (TC) ZONING DISTRICT, AN ADDITIONAL ROW OF STREET TREES ARE REQUIRED TO BE LOCATED BEHIND THE PROPOSED SIDEWALK IN A 10-FOOT LANDSCAPE EASEMENT TO BE RECORDED ON A PLAT 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:1900/40= 47.7 PROVIDED INTERIOR TREES: 55 PROVIDED STREET TREES: 53
ARTICLE 7.4: TREE PRESERVATION, PROTECTION, & REMOVAL	30% SPECIMEN TREE SAVE REQUIRED PER TABLE 7.4 2(c) OF ARTICLE 7-4	EXISTING SPECIMEN TREES = 15 15 x .3 = 5 SPECIMEN TREES REQUIRED 5 TREES PROVIDED

LANDSCAPE SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	Remarks
OVERSTORY TREES							
GTHL	47	Gleditsia triacanthos	Thornless Honey Locust	2.5" CAL	B+B	12-14' HT	Full, Central Leader
QUPA	90	Quercus palustris	Pin Oak	2.5" CAL	B+B	12-14' HT	Full, Central Leader
SUBTOTAL:	137						
UNDERSTORY TREES							
CCFP	23	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	2" CAL	B+B	8-10' HT	Full
LIST	27	Lagerstromia indica 'Tuskegee'	Tuskegee Crape Myrtle	1" CANES	B+B	8-10' HT	Full, 3-5 canes
SUBTOTAL:	50						
EVERGREEN TREES							
CRJA	6	Cryptomeria japonica	Cryptomeria	2" CAL	B+B	8' HT	Full
ILNS	3	Ilex x Nellie R. Stevens'	Nellie 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
ILGS	10	Ilex glabra 'Shamrock'	Shamrock Inkberry Holly	N/A	3 GAL	18" HT	Full
LJAP	111	Ligustrum japonicum	Waxleaf Ligustrum	N/A	3 GAL	24" HT	Multi Trunk
LOCR	112	Loropetalum chinense 'Ruby'	Ruby Loropetalum	N/A	3 GAL	24" HT	Full
RXEN	142	Rhododendron x 'Encore'	Encore Azalea Variety	N/A	3 GAL	32" HT	Full
SUBTOTAL:	385						



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1"= 50'

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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

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
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NC@BohlerEng.com

NORTH CAROLINA PROFESSIONAL SEAL 045609 ENGINEER BRIAN B. MILLER 6/1/2021

SHEET TITLE:

LANDSCAPE PLAN

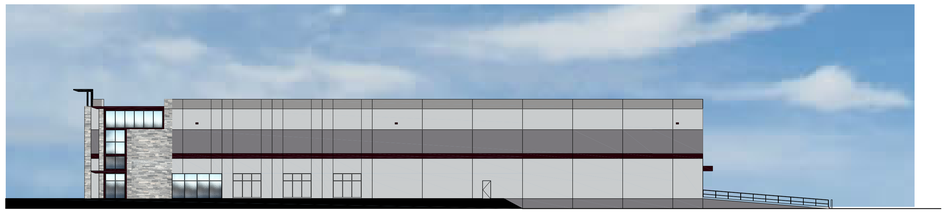
SHEET NUMBER:

RZ - 4

ORG. DATE - 3/13/2019

Jun 01, 2021
\\BOHLER\ENG\NETSHARE\ENG\PROJECTS\2018\NCC\182042.1\DRAWINGS\PLAN SET\REZONING DOCUMENTS\NCC182042.1RLP - 0----LAYOUT C-701 LANDSCAPE PLAN

SOUTH ELEVATION



EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

HARLEY
Commercial Architecture
FL LICENSE # AR100393
813-760-1957
JRH@HARLEYCOMM.COM

NORTH CHASE AT THE PARK
BUILDING 100
HUNTERSVILLE, NORTH CAROLINA

McDONALD

04/27/21

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_A	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 VIL	16930 W	CORNELIUS	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_A	CITY	STATE	ZIP_CODE	PROPERTY_	LEGAL DES	DEED BOO	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 VIL	16930 W	CORNELIUS	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			BoardMembers@huntersville.org
	MAILING_ADDRESS	Physical Ac	Email
John Aneralla	PO Box	Huntersvil	janeralla@huntersville.org
Town Board of Commissioners/ Town Council			
Melinda Bales	PO Box	Huntersvil	mbales@huntersville.org
Dan Boone	PO Box	Huntersvil	dboone@huntersville.org
Lance Munger	PO Box	Huntersvil	lmunger@huntersville.org
Brian Hines	PO Box	Huntersvil	bhines@huntersville.org
Stacy Phillips	PO Box	Huntersvil	sphillips@huntersville.org
Nick Walsh	PO Box	Huntersvil	nwalsh@huntersville.org
Planning Board Members and Town Clerk			
Janet Pierson - Town C	PO Box	Huntersvil	jpierson@huntersville.org
Town Manager	PO Box		
Anthony Roberts	PO Box	Huntersvil	aroberts@huntersville.org
Assistant Town Manag	PO Box		
Jackie Huffman	PO Box	Huntersvil	jhuffman@huntersville.org
Planning Dept	attn:	Town of	
Jack Simoneau	attn:	Town of	jsimoneau@huntersville.org
Brian Richards	attn:	Town of	brichards@huntersville.org
Tracy Barron	attn:	Town of	tbarron@huntersville.org;
Kimberly Behrenbrinke	attn:	Town of	kbehrenbrinker@huntersville.org
Au'Darius Blackwood	attn:	Town of	ablackwood@huntersville.org
Dave Hill	attn:	Town of	dhill@huntersville.org
David Peete	attn:	Town of	dpeete@huntersville.org
Brad Priest	attn:	Town of	bpriest@huntersville.org

Paul Lowe	attn:	Town of	plowe@huntersville.org
Claudia Schruhl	attn:	Town of	cschruhl@huntersville.org
Lauren Speight	attn:	Town of	lspeight@huntersville.org
Frances Tucker	attn:	Town of	ftucker@huntersville.org

Planning members	attn:	Huntersvil	bogeybaber@gmail.com
Greg Baber	attn:	Huntersvil	cbpack51@yahoo.com
Jennifer Davis	attn:	Huntersvil	jenniferdavis078@gmail.com
Frank Gammon	attn:	Huntersvil	gammonf@roadrunner.com
Catherine Graffy	attn:	Huntersvil	cgraffy@outlook.com
Scott Hensley	attn:	Huntersvil	hensleyscott1@gmail.com
Derek Partee	attn:	Huntersvil	dpartee755@gmail.com
Jeff Sny	attn:	Huntersvil	jeffrey.sny@gmail.com
Stephen Swanick	attn:	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
Birkdale, The Townhomes of	Behind Birkdale Village		Art Rouse 8253 Brickle 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 Mangement 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 Condominum			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 hendersonpro
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		705 Griffith Street, Suite 204 Davidsor		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 bcwelborn14@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		705 Griffith Street, Suite 204 Davidsor		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		danhoamontieithpark@gmail.com beth@csiproperties.com
Northcross Professional Park Association, Inc			705 Griffith Street, Suite 204 Davidsor		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		705 Griffith Street, Suite 204 Davidsor		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		Linda Hopkins 13510 Damson Drive 252-334-2348	2020	Hawthorne Management/Kendall Adair	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	kadair@hawthornemanagement.com admin@hawthornemgmt.com
Skybrook Homeowners Assoc., Inc.			Craig Sandhaus 11255 Skytop Drive 914-320-3633	2022	Cedar Management Group Susan Rouanzion	PO Box 26844, Charlotte, NC 28221			Susan Rouanzion <susanr@mycmg.com>
Stephens Grove Homeowners Assoc., Inc	Off Beatties Ford on Stephen's Road		Bob Brethen 14332 McLauren Lane Huntersville 704-948-2457	2020	Hawthorne Management/Cass Shapard	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management PO Box 11906 Charlotte NC 28220	thehoaboard@stephensgrove.com; cshapard@hawthornemgmt.com;admin@hawthornemgmt.com
Stillwell Farms Property Owner's Assoc., Inc	Beatties Ford and Cashion Road		John Higbee 4905 Harrisons Sabbath Dr 704-875-0709	Jul-05	Hawthrone 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 admin@hawthornemgmt.com
Vermillion			705 Griffith Street, Suite 204 Davidsor		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 Mangement 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

Alexander
Ricks
PLLC

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

June 29, 2021

VIA US MAIL

NOTICE TO INTERESTED PARTIES OF REZONING COMMUNITY MEETING

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

Dear Huntersville Neighbor:

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

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

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

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

Sincerely,

Collin W. Brown

Exhibit C

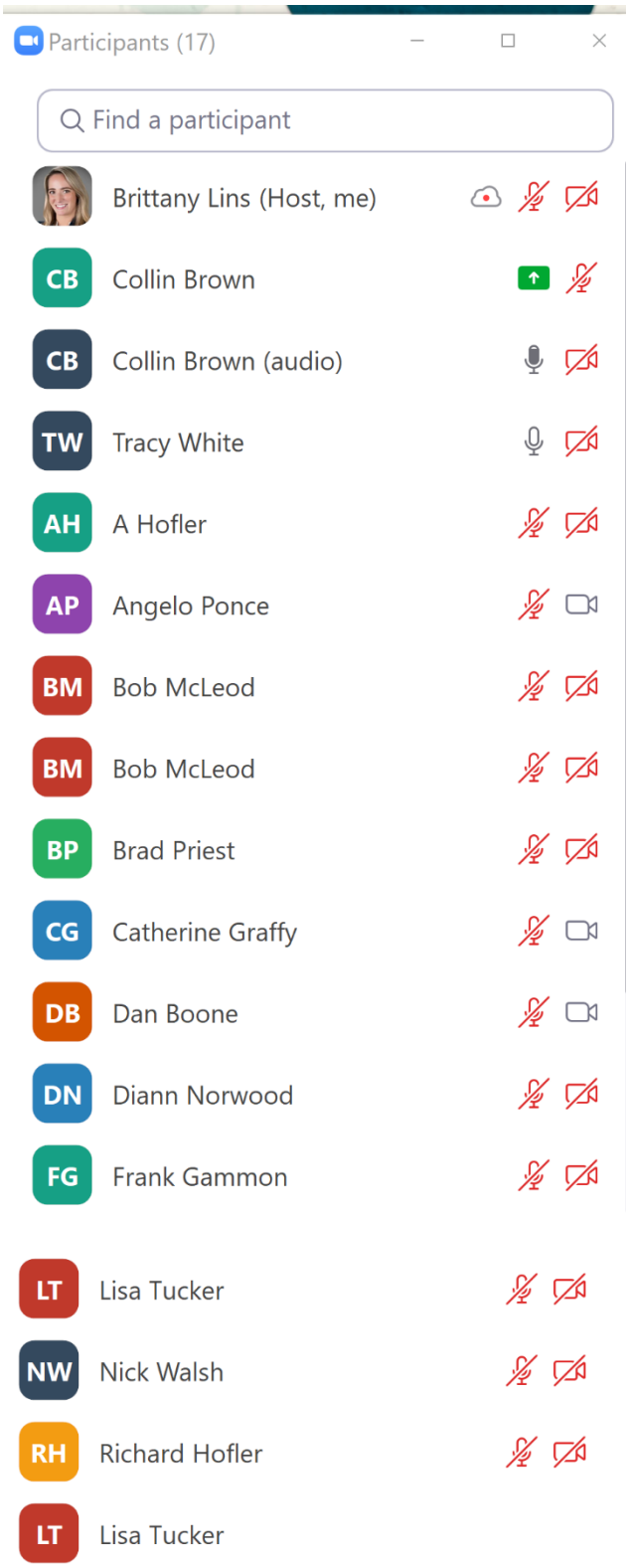

Participants (17)
Find a participant
Brittany Lins (Host, me)
CB Collin Brown
CB Collin Brown (audio)
TW Tracy White
AH A Hofler
AP Angelo Ponce
BM Bob McLeod
BM Bob McLeod
BP Brad Priest
CG Catherine Graffy
DB Dan Boone
DN Diann Norwood
FG Frank Gammon
LT Lisa Tucker
NW Nick Walsh
RH Richard Hofler
LT Lisa Tucker

Exhibit D

REZONING PETITION #R21-10

NORTH CHASE AT THE PARK

MCDONALD DEVELOPMENT CO.

Official Community Meeting

July 19, 2021

McDONALD
Leading Companies Call Us Home™

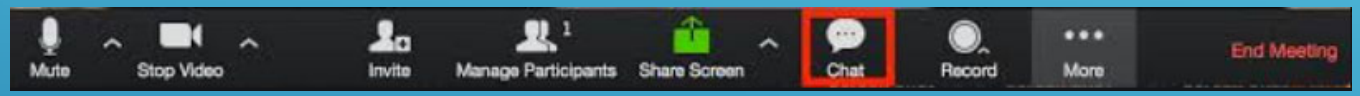
Alexander Ricks PLLC

MEETING AGENDA

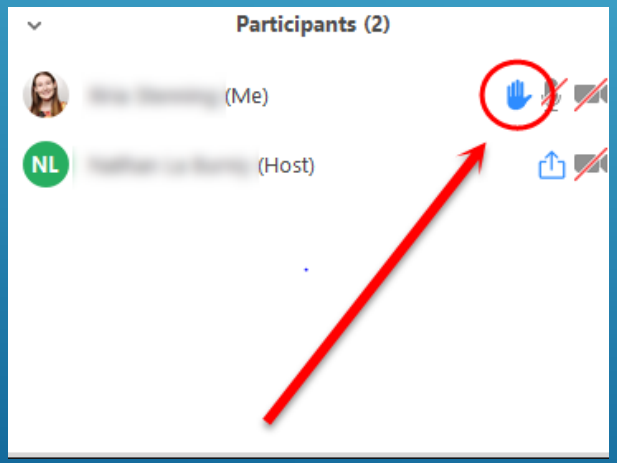
- Introductions
- Property Location
- Development Considerations
- Current Zoning
- Proposed Adjustment
- Example Rendering
- Potential Rezoning Timeline
- Questions/Discussion

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

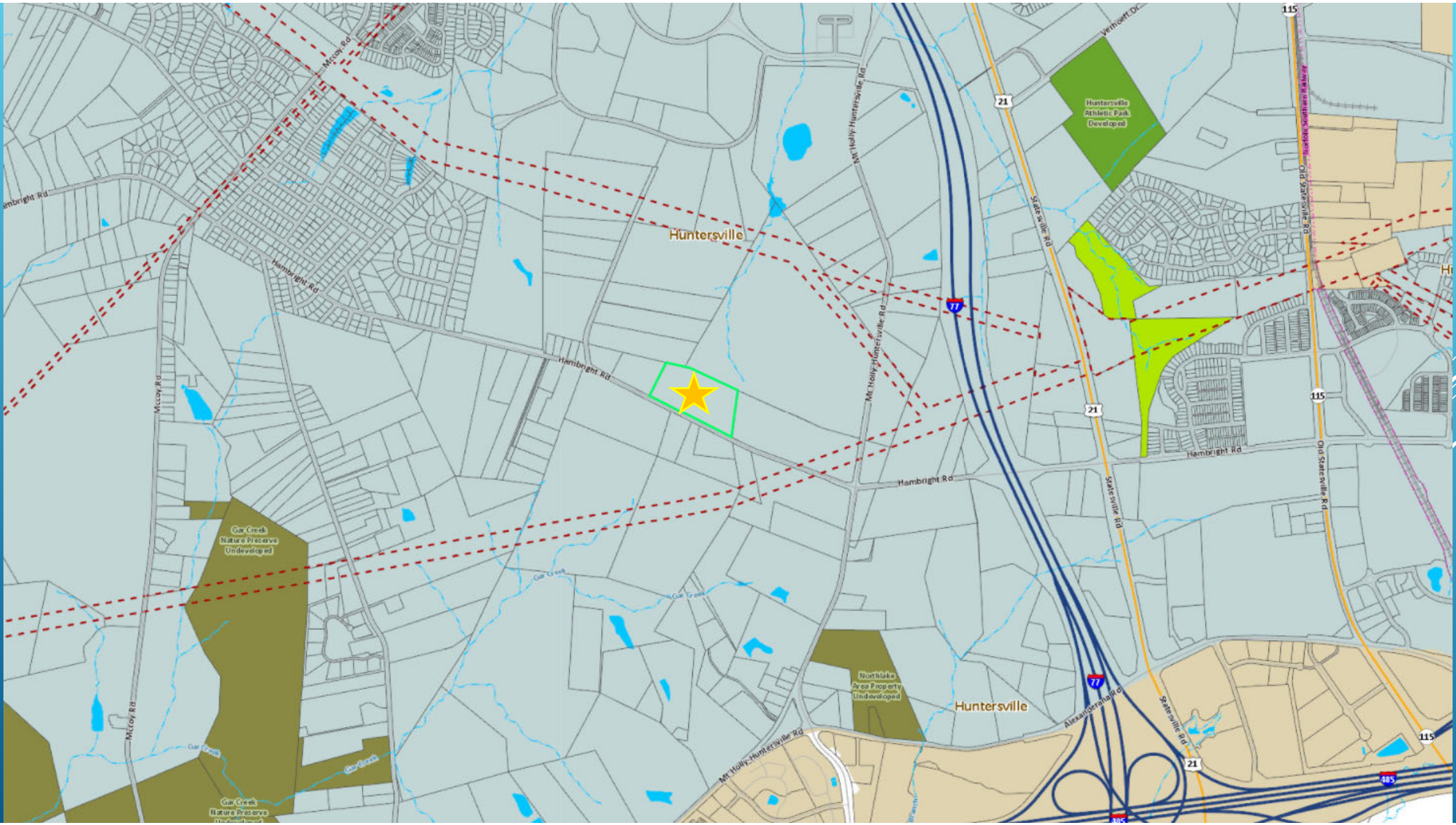
BOHLER

Brian Miller,
Steven Singleton

Alexander Ricks PLLC

Collin Brown,
Brittany Lins, &
Lisa Tucker

PROPERTY LOCATION


Huntersville
Hambright Rd
Mccoy Rd
Mt Holly-Huntersville Rd
Statesville Rd
Old Statesville Rd
Vethoeff Dr
Huntersville Athletic Park Developed
Gar Creek Nature Preserve Undeveloped
Northlake Area Property Undeveloped
Alexanderana Rd
Gar Creek
77
21
115
485

Huntersville
Huntersville
Hambright Rd
Huntersville
Huntersville

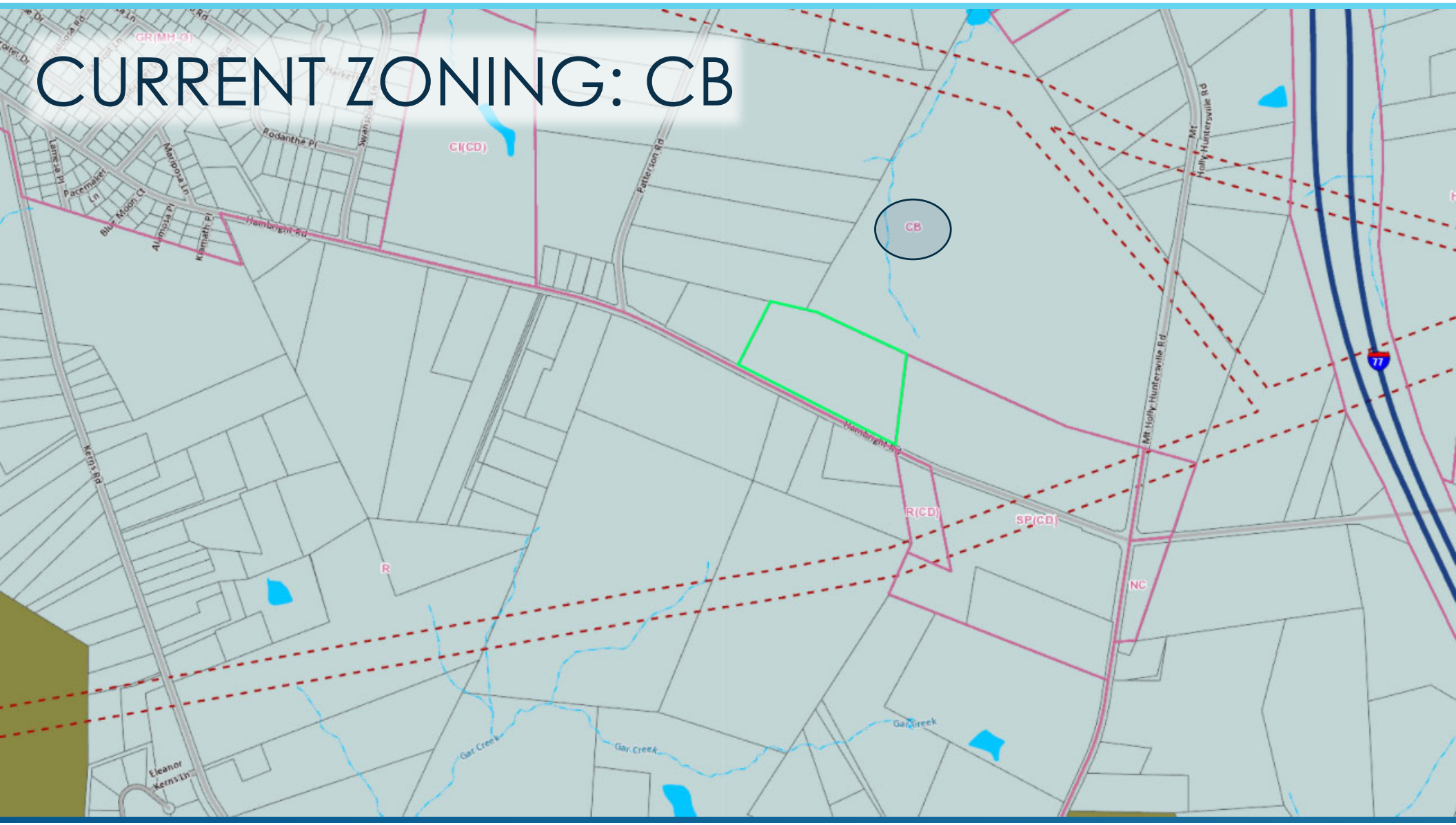
DEVELOPMENT CONSIDERATIONS

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

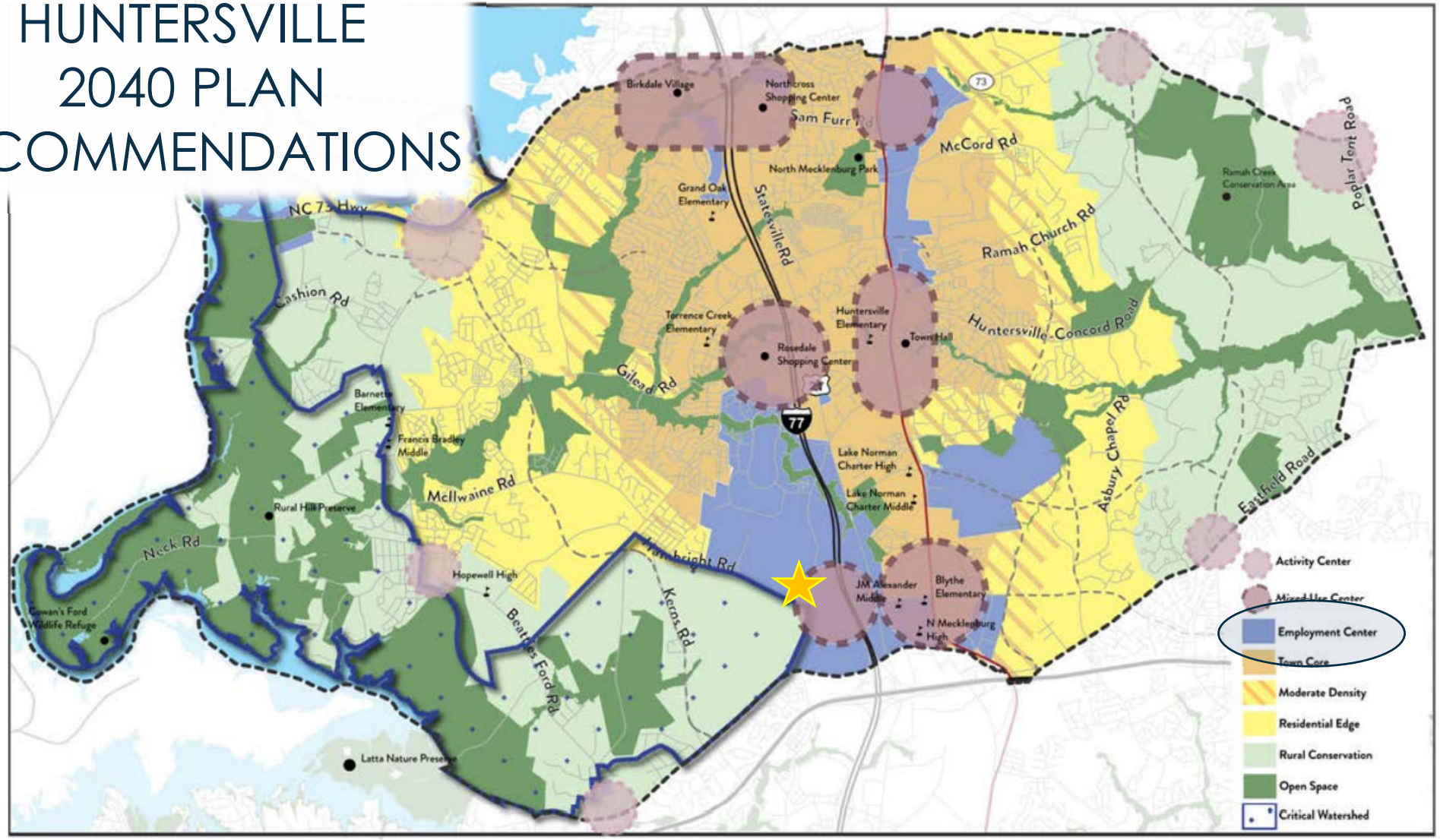
CURRENT ZONING

CURRENT ZONING: CB



HUNTERSVILLE 2040 PLAN RECOMMENDATIONS

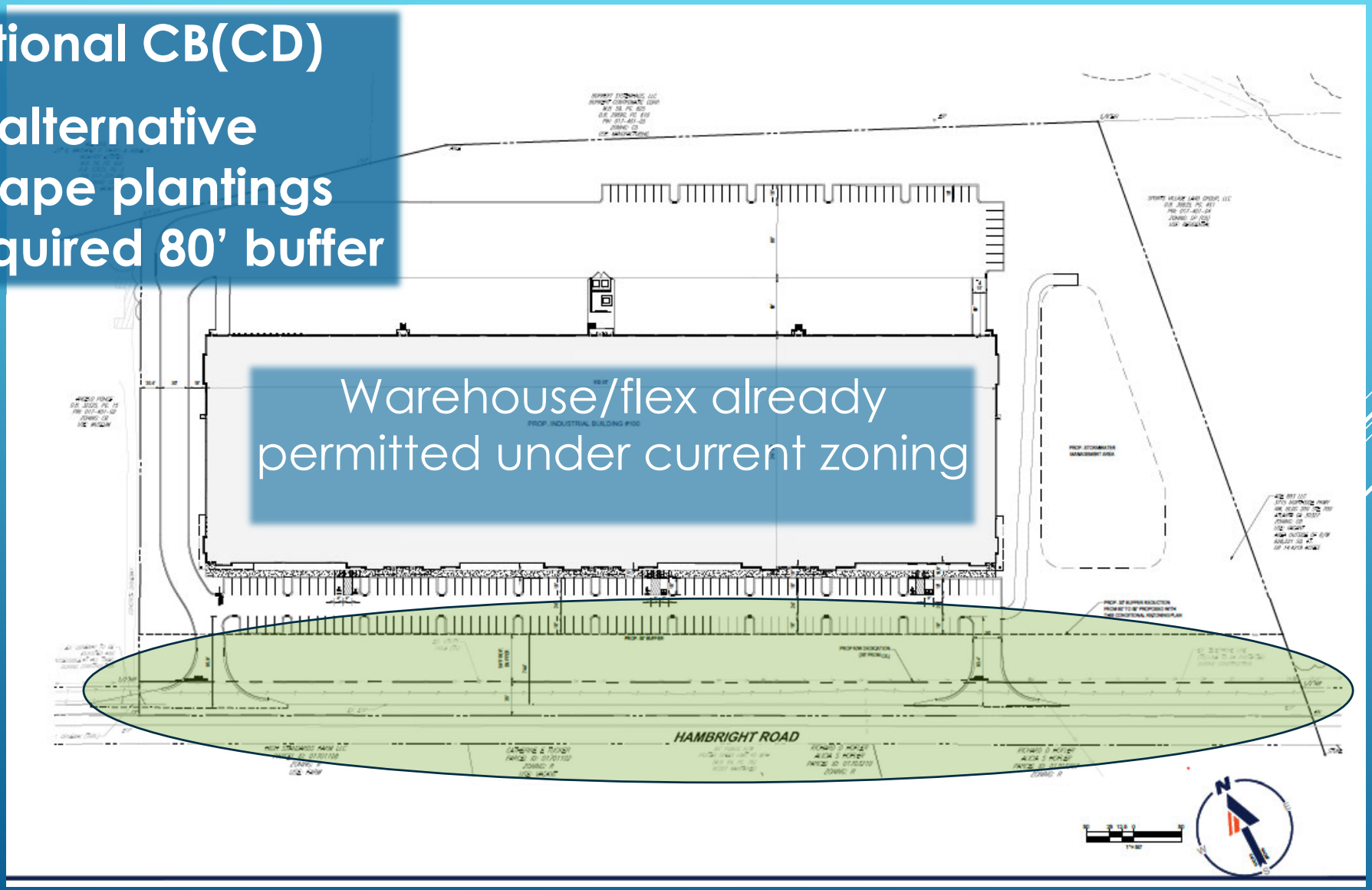
TOWN OF HUNTERSVILLE FUTURE LAND USE MAP



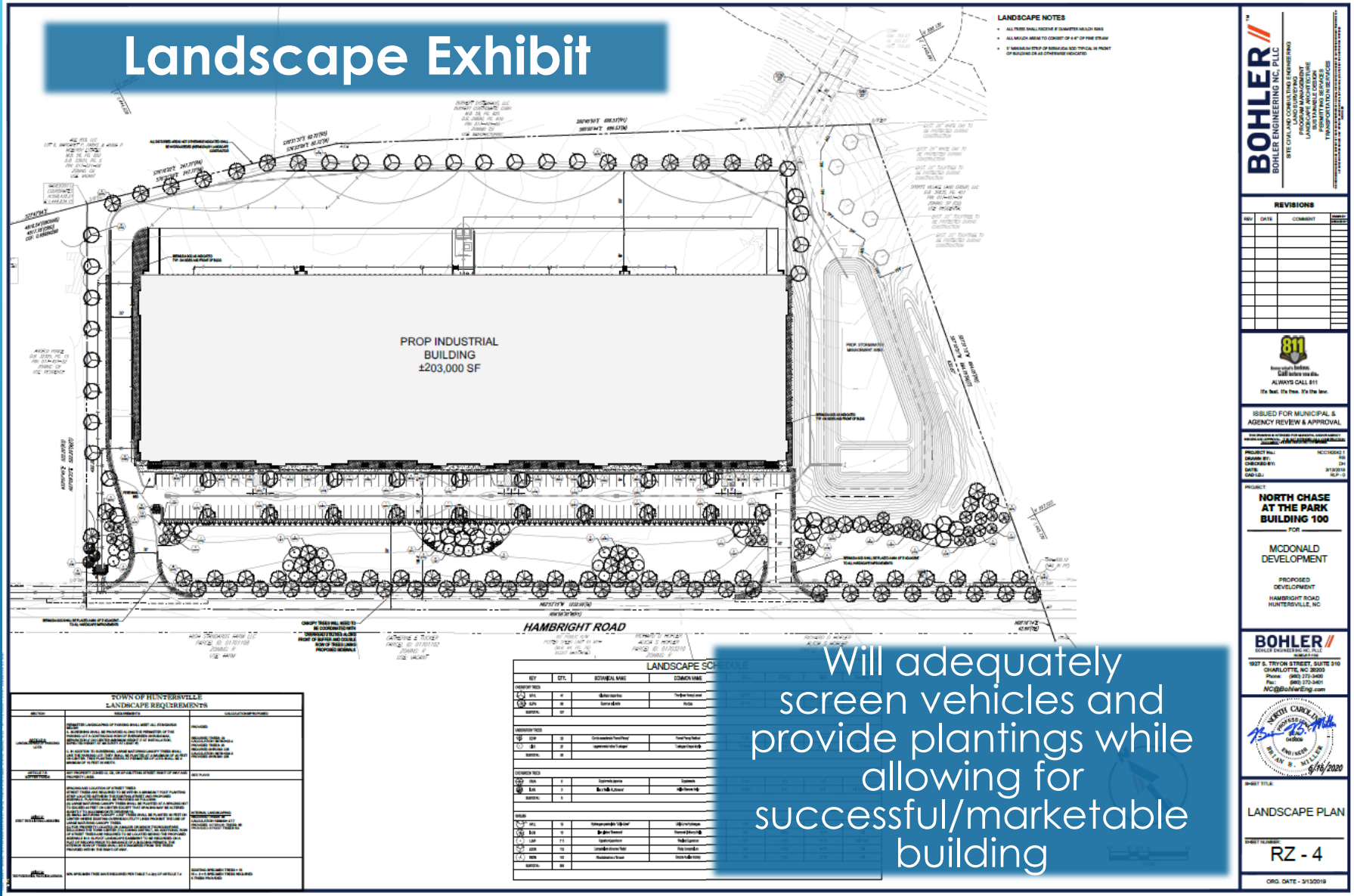
REZONING REQUEST

Conditional CB(CD)

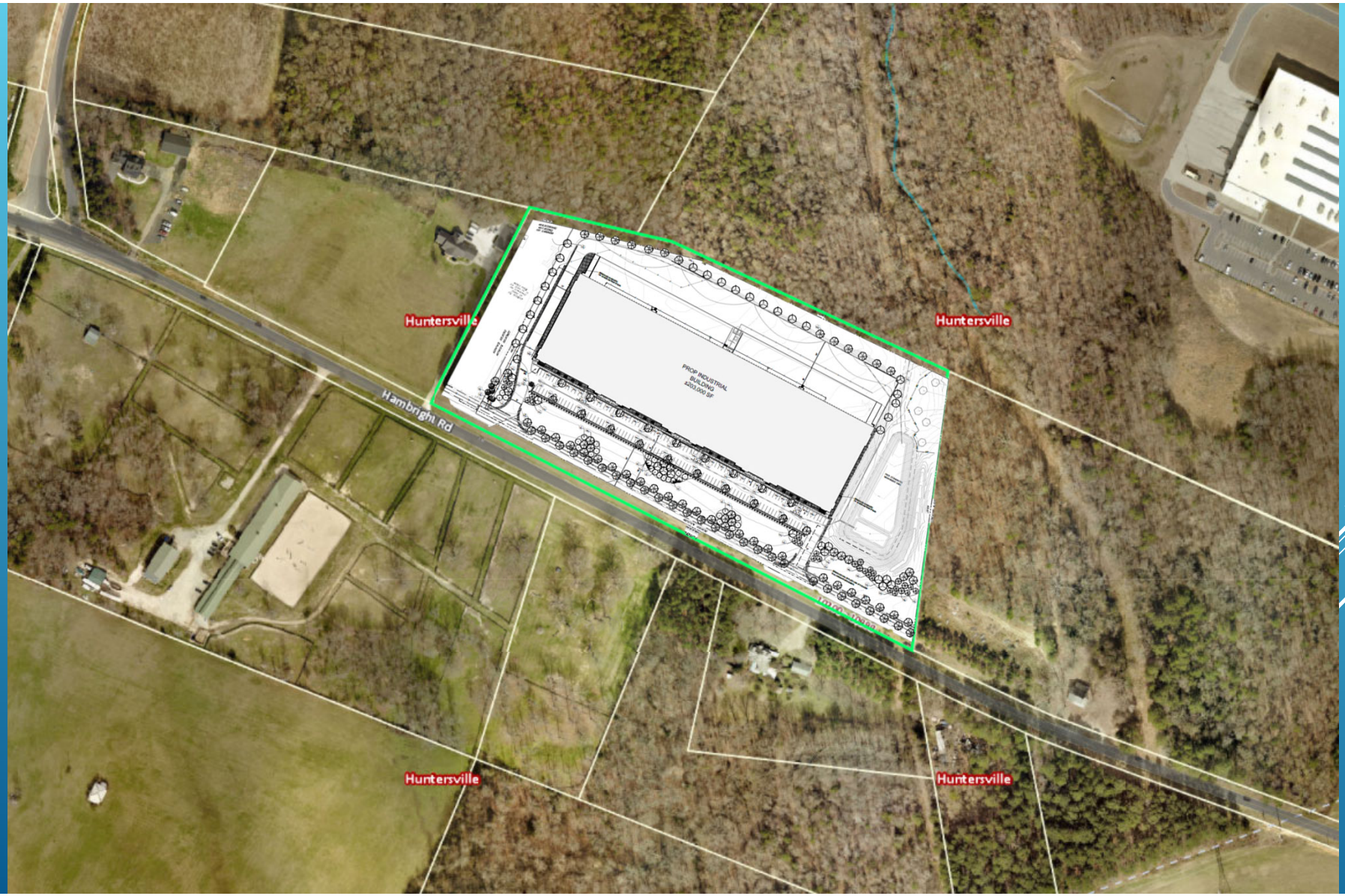
For alternative landscape plantings within required 80' buffer



Landscape Exhibit



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


Huntersville
Huntersville
Hambright Rd
PROP INDUSTRIAL
BUILDING
Huntersville
Huntersville

Example Rendering

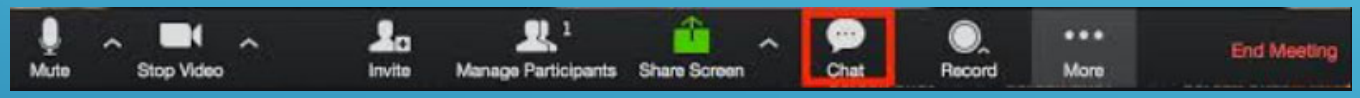
REZONING TIMELINE

POTENTIAL REZONING TIMELINE

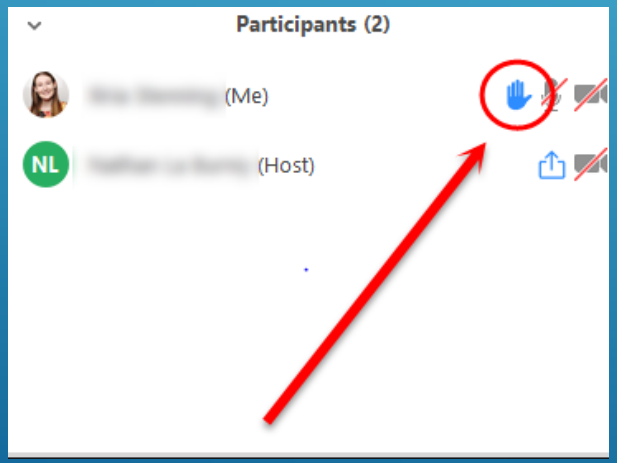
- Filed Application: June 1st
- Community Meeting: TODAY
- Earliest Possible Public Hearing: September 7th
- Planning Board Meeting: September 28th
- Earliest Possible Decision: October 18th

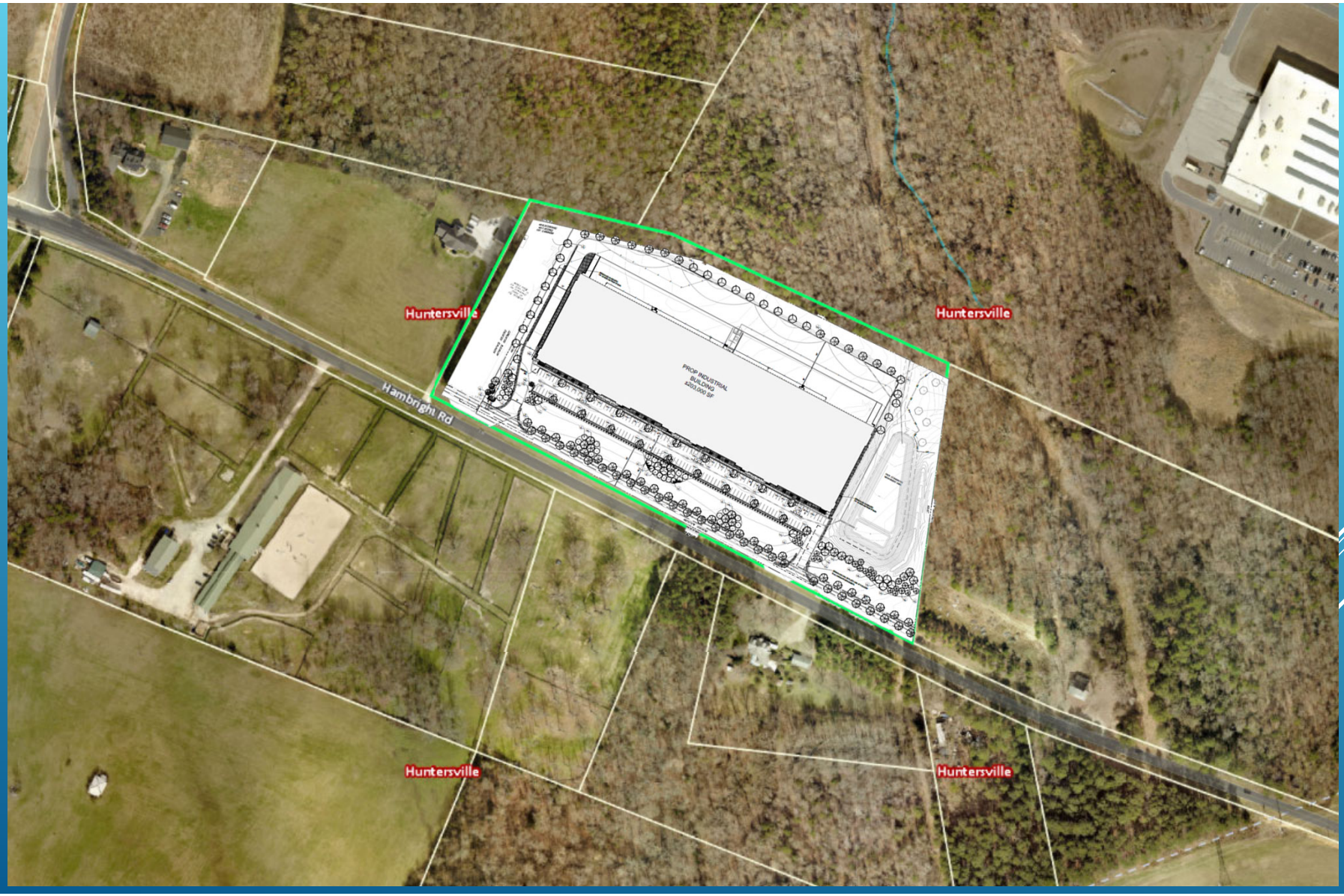
QUESTIONS & DISCUSSION

Type your questions



Or ask out loud




Huntersville
Huntersville
Hambright Rd
PROP INDUSTRIAL
BUILDING
Huntersville
Huntersville

THANK YOU!

Town of Huntersville
NORTH CAROLINA

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 Tracy 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

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

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	HOFLER, RICHARD D|HOFLER, ALICIA S	136 TWIN LAKE CIRCLE	NEWPORT NEWS	VA	23608	10516 HAMBRIGHT RD HUNTERSVILLE	R
01703210	HOFLER, RICHARD D|HOFLER, 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)

Column

OFFICIAL AD PROOF

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

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

See Proof on Next Page

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

FILER	FILING FOR
Tracy Barron tbarron@huntersville.org	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
Planning Board
December 21, 2021

To: Town Board

From: Tracy Barron, Executive Assistant

Date: December 21, 2021

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. BofC Meeting Schedule 2022 -Adopted 12062021
2. 2022 Schedule draft

Huntersville Board of Commissioners
2022 Town Board Regular Meeting Schedule

Meetings begin at 6:00 p.m. at Huntersville Town Hall located at 101 Huntersville-Concord Road, Huntersville, NC 28078 (unless otherwise posted) and livestreamed at https://www.facebook.com/HuntersvilleNCTownGovernment**.** Pre-meetings may occur as part of any regular meeting at the time and for the purposes specified on the regular meeting agenda. The time and purpose(s) of pre-meetings will be published on the agenda.

The Board of Commissioners reserve the right to hold virtual board meetings during declared States of Emergency as applicable in the Town of Huntersville. Notice of virtual meetings will be issued pursuant to N.C.G.S. § 166A-19.24.

When meetings are held virtually, the following procedures apply:
Meetings will be held both in person and virtually via livestream. The Board of Commissioners will participate remotely. The public is invited to attend and comment during public comment or during any of the public hearings: (1) in person or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. the day of the meeting. The public may also submit comments by email to the Town Clerk. Emailed comments regarding public hearings may be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing. The Town Clerk may be reached by email at jpierson@huntersville.org or by phone at (704) 766-2202.

January 3, 2022	
January 18, 2022	Tuesday, due to Martin Luther King, Jr Day
February 7, 2022	
February 21, 2022	
March 7, 2022	
March 21, 2022	
April 4, 2022	
April 18, 2022	
May 2, 2022	
May 16, 2022	
June 6, 2022	
June 21, 2022	Tuesday, due to Juneteenth National Independence Day
July 5, 2022	Cancelled, due to Independence Day
July 18, 2022	
August 1, 2022	
August 15, 2022	
September 6, 2022	Tuesday, due to Labor Day
September 19, 2022	
October 3, 2022	
October 17, 2022	
November 7, 2022	
November 21, 2022	
December 5, 2022	
December 20, 2022	Tuesday, due to First Day of Hanukkah

Adopted: December 6, 2021

Planning Board
2022 Regular Meetings

The Regular Meetings for the Planning Board shall be held on the fourth (4th) Tuesday of each and every month at 6:30 p.m., at the Town Hall located at 101 Huntersville-Concord Road, Huntersville NC 28078 unless otherwise noted below or changed upon compliance of the Open Meeting Law. Meetings will also be livestreamed at https://www.facebook.com/HuntersvilleNCTownGovernment.

January 25

February 22

March 22

April 26

May 24

June 28

July 26

August 23

September 27

October 25

November 15 (3rd Tuesday)

~~December 20 (3rd Tuesday)~~