



AGENDA

Regular Town Board Meeting (Virtual)

January 18, 2022 - 6:00 PM

HOSTED FROM TOWN HALL (101 Huntersville-Concord Road)

Virtual Meeting Information: The January 18, 2022 Regular Town Board Meeting will be held virtually. Members of the public may attend the meeting via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. The public is invited to comment during public comments or during public hearings by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. on January 18, 2022 to speak by telephonic communication. The 3-minute time limit for speakers still applies. The public may also submit comments by email to the Town Clerk at jpierson@huntersville.org. Emailed comments should be received by 3 p.m. on January 18, 2022. The Town Clerk may be reached by email to jpierson@huntersville.org or by phone at (704) 766-2202.

1. Pre-meeting - 5:00 p.m.

- 1.A. Update and discussion on FY22 goal related to minimizing/eliminating quasi-judicial process. (*Jack Simoneau*)
- 1.B. Closed Session pursuant to NCGS 143-318.11 (a)(5). (*Stephen Trott*)

2. Call to Order

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Mayor and Commissioner Reports-Staff Questions

6. Public Comments, Requests, or Presentations

- 6.A. Greenway, Trail, and Bikeway Commission 2022 Update. (*Tim Sanborn*)

7. Agenda Changes

8. Public Hearings

- 8.A. Conduct continuation of public hearing on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development. *(Stephen Trott)*

9. Other Business

- 9.A. Consider adopting Order to Abandon and Close a Portion of Birkdale Commons Parkway. *(Stephen Trott)*
- 9.B. Consider decision on Petition #R21-10, a request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer. *(Brad Priest)*
- 9.C. Consider decision 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)*
- 9.D. Consider decision 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)*
- 9.E. Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Beatties Ford at Hambright project. *(Stephen Trott)*
- 9.F. Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Gibson Park Drive Phase 2 project. *(Stephen Trott)*
- 9.G. Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Seagle St/4th St project. *(Stephen Trott)*
- 9.H. Consider approving the Lake Norman Charter School Synthetic Turf Agreement at Huntersville Athletic Park *(Michael Jaycocks)*

- 9.I. Adopt Social Media Policy for Town Employees and Town Social Media Sites. (*Emily Sloop*)
- 9.J. Adopt Resolution accepting dedication of public right-of-way for the Tannin Street connection. (*Brian Richards*)
- 9.K. Discuss Transit Oriented Development District. (*Commissioner Kidwell/Commissioner Kovacs*)

10. Consent Agenda

- 10.A. Approve the minutes of the January 3, 2022 Regular Town Board Meeting. (*Janet Pierson*)

11. Closing Comments

12. Adjourn

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

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Stephen Trott

Date: January 18, 2022

Subject: Continue Public Hearing on ROW Abandonment for Birkdale Commons Pkwy

EXPLAIN REQUEST:

Continue public hearing on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development.

ACTION RECOMMENDED:

Receive Comments

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

1. Staff Report - Birkdale ROW Abandonment
2. Petition - Birkdale Village ROW Abandonment - Attachment A
3. 160A-299 PROCEDURE FOR CLOSING STREETS & ALLEYS - Attachment B
4. Intent to close ROW - portion of Birkdale Commons Parkway - Attachment C

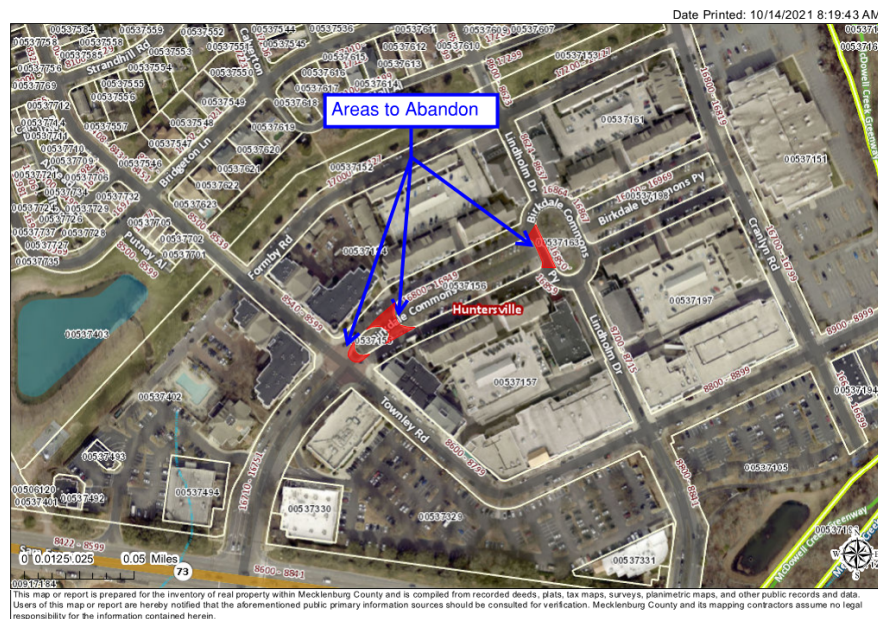
Right-of-Way Abandonment Petition: Unopened Street (Right-of-Way)

PART 1: DESCRIPTION

Right-of-Way Abandonment Petition: Birkdale Commons Parkway (right-of-way) abandonment is a request by DDRTC Birkdale Village, LLC to abandon public right-of-way within the Birkdale Village (approved sketch plan), see Attachment A. The requested abandonment includes three areas. Area 1 is of 0.015 acres, area 2 is 0.072 acres and area 3 is 0.055 acres.

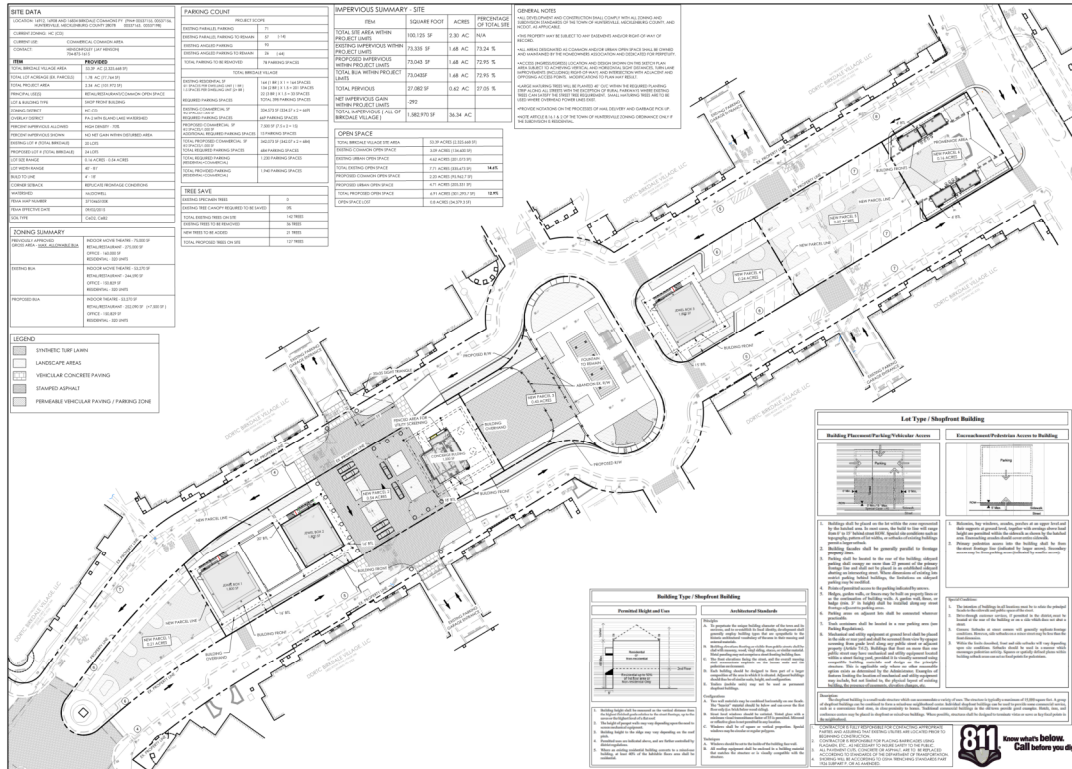
PART 2: LOCATION

Polaris 3G Map – Mecklenburg County, North Carolina



PART 3: BACKGROUND

Birkdale Village Redevelopment has an approved sketch plan to construct up to 8,400 square feet of retail space on various parcels on and surrounding the proposed right-of-way abandonment. See plans the plan for the subdivision in the image below.



North Carolina General Statue (NCGS) 160A-299, see Attachment B, gives the Town Board the authority to abandon street Right-of-Way (within the Town Limits) following a public hearing and a determination that the abandonment:

- Is not detrimental to the public interest, or the property rights of any individual.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.
- Is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

PART 4: STAFF RECOMMENDATION

Staff finds the right-of-way abandonment:

- Is not a detriment to public interest, or property rights of adjacent parcels.
- Does not deprive any individuals a reasonable means of ingress and egress to their property.
- Does not adversely affect connectivity.

Therefore, staff recommends approval of the right-of-way abandonment for these portions of Birkdale Commons Parkway (Right-of-Way).

Pursuant to §160A-299 notice of the intent to close this portion of Birkdale Commons Parkway Right-of-Way (Street) (see Attachment B) was advertised in the newspaper, copies of the notice were mailed to adjacent property owners, and two signs were posted along the right-of-way. Staff received no comments from adjacent property owners.

PART 6: PUBLIC HEARING

The Public Hearing was opened on December 20, 2021, and continued to the January 18, 2022 Town Board meeting.

PART 7: ATTACHEMENTS

Attachment A: Right-of-Way Abandonment Petition

Attachment B: NCGS 160A-299

Attachment C: Resolution of Intent to Close and Abandon a portion of Birkdale Commons Parkway



MEMORANDUM

To: Town of Huntersville
CC: Jay Henson, Tess Fallova, Nick Lombardo
From: Mike Lant
Re: Birkdale Village – Right-of-Way Abandonment
Date: August 6, 2021

DDRTC Birkdale Village, LLC is petitioning for the abandonment of right-of-way at Birkdale Village. This request contains three right-of-way areas:

Areas 1 & 2: These areas are existing in the common area island near the Townley Road / Birkdale Commons Parkway intersection. We are submitting these along with area 3 so these areas are corrected in GIS. We understand these areas to have been previously abandoned in MB 36 PG 349 and MB 36 PG 349 and are including these to clean up the parcels. We presume the city does not wish to maintain these areas.

Area 3: This area is the southwestern side of the Birkdale Commons Parkway / Lindholm Drive traffic circle. We are submitting this area in order to create a safe, contiguous common area space to hold community events, activations and gatherings. This area has been submitted to be dedicated common area in our sketch plan review.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lant", is written over a horizontal line.

Mike Lant
DDRTC Birkdale Village, LLC
Senior VP Development – North American Properties, LLC
1175 Peachtree St NE, Ste 1650, Atlanta, GA 30361

Mike.Lant@naproperties.com

(404) 401-7138

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

**TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA**

(name of petitioner) DDRTC Birkdale Village, LLC respectfully files this
Petition and requests that (a portion or all of),
(name of street or location of alley) Lindholm Drive / Birkdale Commons Parkway Circle
lying (general description of location) at the intersection of Lindholm and Birkdale Commons
Parkway

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing)

a) to provide contiguous common area event plaza for community events/activations. (Area 3)

b) to record the abandonment of previously recorded abandonments in GIS (Areas 1 & 2)

2. The closing of the southwest side of the Lindholm/Birkdale Commons Street is not
contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity
of Lindholm/Birkdale Street or in the subdivision in which it is located will be deprived of
reasonable means of ingress and egress to his or its property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described by interested bounds in "Exhibit B", attached
hereto and made a part hereof.

5. The street (or portion thereof), requested to be closed and abandoned
has not been previously accepted by the North Carolina Department of Transportation
for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the
Town of Huntersville consider this Petition and set the time for public hearing upon this
matter as required by law.

Respectfully submitted the sixth day of August, 2021


(signature of petitioner)

Mike Lant

(Print Name)

Address: 8712 Lindholm Drive, Ste 202

Huntersville, NC 28078

Telephone Number: 770-789-0364

00537154, 00537157

**PETITIONER'S PROCEDURES FOR
REQUESTING THE CLOSING OF DEDICATED STREETS AND ALLEYWAYS**

1. To initiate the process to close a street or alley, or any portion thereof, petition shall be filed between the hours of 8:00am and 5:00pm, Monday through Friday with the:

Town of Huntersville
Planning Department
105 Gilead Road
Town Center, Third Floor
Huntersville, NC 28078
Telephone No. 704-875-7000

2. The following documents shall be included with the petition:

(a) A legal survey identifying the area to be abandoned. The boundaries of the right-of-way shall be described on the survey map. Include a note on the survey map giving the source of the boundary information. Dimensions shall be shown which clearly define the location of the right-of-way subject to abandonment. The survey map shall also show the names of all abutting/adjoining property owners to the abandonment area. The original survey map should be labeled "Exhibit A" and be on paper to a size acceptable for recordation at the Mecklenburg County Register of Deeds (18"x 24", 21" x 30", and 24" x 36"). The legal description (metes/bounds) should be labeled "Exhibit B". In the event that multiple streets/alleyways are submitted, the original survey maps should be labeled "Exhibits A-1, A-2..." and the legal descriptions (metes/bounds) labeled "Exhibits B-1, B-2..."

(b) An agreement of understanding (attached) signed by the owners of all abutting/adjoining property to the area proposed for abandonment.

3. If this abandonment petition is affiliated with a proposed development project, the following information must be provided under item #1:

- (a) Development project name (if subdivision, provide subdivision approval date)
- (b) Type of Project (Single family, Multi-family, Commercial)
- (c) Rezoning petition number/Council approval date

4. The petition is to be typed on 8 ½" x 11 white paper with a cover letter giving the name, address and telephone number of the person to be contacted if additional information is required.

5. The application fee required to begin the abandonment process review is \$1,450.00 for one (1) street or alleyway. Petitions consisting of multiple streets or alleyways will be charged \$1,450.00 for the first street or alleyway plus \$725.00 for each additional street or alleyway. This filing fee, once submitted, is non refundable.


EXHIBIT B-1
GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

Project # 21-033 Birkdale Village

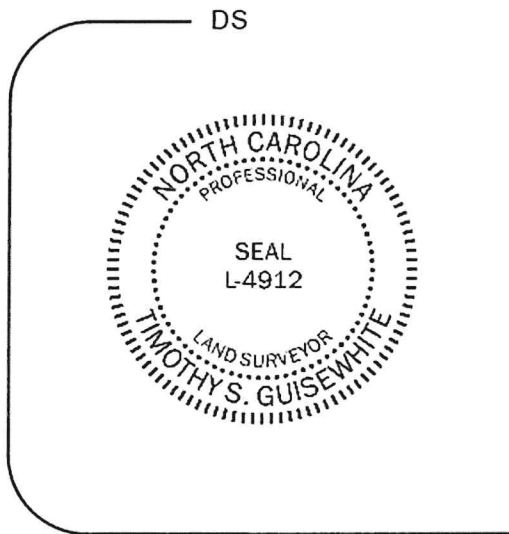
July 12, 2021

RIGHT OF WAY AREA 1

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 17.58' TO POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 64.07', WITH A CHORD BEARING OF S 41°32'36" E, AND A CHORD DISTANCE OF 43.71', TO A POINT ON A NON-TANGENT LINE; THENCE, S 54°44'11" W, A DISTANCE OF 17.38' TO A POINT ; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°51'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS.



DocuSigned by:

9192A8DFC66C4FE

7/12/2021

Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS

Guisewhite Professional Land Surveying, PC

www.GPLSurvey.com
Tim@GPLSurvey.com

P.O. Box 680388

Charlotte, NC 28216

Direct: 704.530.1700

GPLS



EXHIBIT B-2

GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

Project # 21-033 Birkdale Village

July 12, 2021

RIGHT OF WAY AREA 2

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING TWO COURSES AND DIATANCES; THENCE, 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 124.73', WITH A CHORD BEARING OF N 48°13'28" E, AND A CHORD DISTANCE OF 124.53', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 38.00', AN ARC LENGTH OF 112.18', WITH A CHORD BEARING OF S 30°37'48" E, AND A CHORD DISTANCE OF 75.66', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 86.83', WITH A CHORD BEARING OF S 62°21'22" W, AND A CHORD DISTANCE OF 86.78', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 56.39', WITH A CHORD BEARING OF N 14°31'55" W, AND A CHORD DISTANCE OF 42.17', TO A POINT; THENCE, ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 57.00', AN ARC LENGTH OF 49.18', WITH A CHORD BEARING OF S 67°15'55" W, AND A CHORD DISTANCE OF 47.66', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS.

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DocuSigned by:

7/12/2021

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Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS
Guisewhite Professional Land Surveying, PC
www.GPLSurvey.com Tim@GPLSurvey.com

P.O. Box 680388
Charlotte, NC 28216
Direct: 704.530.1700

GPLS

**EXHIBIT B-3****GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

Project # 21-033 Birkdale Village

July 12, 2021

RIGHT OF WAY AREA 3

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING FIVE COURSES AND DISTANCES: 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, 4) ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, 5) N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'41" E, AND A CHORD DISTANCE OF 51.46', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.13', WITH A CHORD BEARING OF S 12°10'20" E, AND A CHORD DISTANCE OF 15.99', TO A POINT; THENCE, S 25°09'04" E, A DISTANCE OF 100.99' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.12', WITH A CHORD BEARING OF S 38°11'08" E, AND A CHORD DISTANCE OF 15.98', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTH; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'54" W, AND A CHORD DISTANCE OF 51.41', TO A POINT OF CUSP WITH A CURVA CONCAVE TOWARD THE NORTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 19°49'31" E, AND A CHORD DISTANCE OF 28.29', TO A POINT; THENCE, N 25°10'05" W, A DISTANCE OF 41.00' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 70°09'47" W, AND A CHORD DISTANCE OF 28.29', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 2393.6 SQUARE FEET, 0.055 ACRES MORE OR LESS.

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DocuSigned by:

7/12/2021

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Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS
 Guisewhite Professional Land Surveying, PC
 www.GPLSurvey.com Tim@GPLSurvey.com

P.O. Box 680388
 Charlotte, NC 28216
 Direct: 704.530.1700

GPLS

**EXHIBIT B-4****GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

Project # 21-033 Birkdale Village

July 12, 2021

DESCRIPTION OF COMBINED PARCEL

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'44" E, AND A CHORD DISTANCE OF 51.46', TO A MAG NAIL SET; THENCE, ALONG A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 39.65', WITH A CHORD BEARING OF N 32°50'06" E, AND A CHORD DISTANCE OF 37.62', TO A DRILL HOLE FOUND; THENCE, N 64°15'39" E, A DISTANCE OF 3.97' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 55.82', WITH A CHORD BEARING OF S 70°08'11" E, AND A CHORD DISTANCE OF 50.25', TO A DRILL HOLE FOUND; THENCE, S 25°09'12" E, A DISTANCE OF 100.99' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 55.76', WITH A CHORD BEARING OF S 19°49'59" W, AND A CHORD DISTANCE OF 50.20', TO A MAG NAIL SET; THENCE, S 64°49'46" W, A DISTANCE OF 4.00' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 39.62', WITH A CHORD BEARING OF N 83°10'07" W, AND A CHORD DISTANCE OF 37.60', TO A MAG NAIL SET; THENCE, ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'59" W, AND A CHORD DISTANCE OF 51.42', TO A MAG NAIL SET; THENCE, S 64°49'46" W, A DISTANCE OF 321.81' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 133.90', WITH A CHORD BEARING OF S 60°29'59" W, AND A CHORD DISTANCE OF 133.71', TO A MAG NAIL SET; THENCE, S 54°44'11" W, A DISTANCE OF 17.60' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°51'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 51581.7 SQUARE FEET, 1.184 ACRES MORE OR LESS.



DocuSigned by:

7/12/2021

9192A8DEC66C4EE

Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

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 Charlotte, NC 28216
 Direct: 704.530.1700

GPLS

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**AMENDED RESOLUTION DECLARING INTENT TO ABANDON
AND CLOSE A PORTION OF BIRKDALE COMMONS PARKWAY**

WHEREAS, DDRTC Birkdale Village, LLC has filed a petition to close a part of Townley Road at Birkdale Commons Parkway, Birkdale Commons Parkway, and Lindholm Drive at Birkdale Commons Parkway, all commonly referred to as Birkdale Commons Parkway, in the Town of Huntersville, as further described in Exhibit A; and

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

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

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

WHEREAS, the Board originally adopted a Resolution Declaring Intent To Abandon and Close a Portion of Birkdale Commons Parkway on November 15th, 2021; and

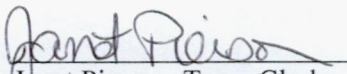
WHEREAS, the Board desires to amend the Resolution of Intent and continue the call for a public hearing until January 18, 2022.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

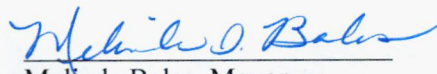
1. The Board hereby resolves that it intends to close a portion of Birkdale Commons Parkway, as further described in Exhibit A.
2. The Board hereby calls a public hearing on the question of closing a portion of Birkdale Commons Parkway to be held at 6:00pm on Tuesday, the 19th day of January, 2022, in person at the Town Hall located at 101 Huntersville-Concord Road, Huntersville, NC, 28078.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this the 20th day of December, 2021.

Attest:


Janet Pierson, Town Clerk




Melinda Bales, Mayor

Approved as to Form:

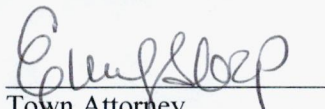

Town Attorney

Exhibit A – Legal Description

AREA #1

TOWNLEY ROAD AT BIRKDALE COMMONS PARKWAY– DESCRIPTION OF ABANDONMENT
AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 17.58' TO POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 64.07', WITH A CHORD BEARING OF S 41°32'36" E, AND A CHORD DISTANCE OF 43.71', TO A POINT ON A NON-TANGENT LINE; THENCE, S 54°44'11" W, A DISTANCE OF 17.38' TO A POINT ; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°S1'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS.

AREA #2

BIRKDALE COMMONS PARKWAY – DECSCRIPTION OF ABANDONMENT
AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN " HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM RAID STATION RUN THE FOLLOWING TWO COURSES AND DIATANCES; THENCE, 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 124.73', WITH A CHORD BEARING OF N 48°13'28" E, AND A CHORD DISTANCE OF 124.53', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 38.00', AN ARC LENGTH OF 112.18', WITH A CHORD BEARING OF S 30°37'48" E, AND A CHORD DISTANCE OF 75.66', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 86.83', WITH A CHORD BEARING OF S 62°21'22" W, AND A CHORD DISTANCE OF 86.78', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 56.39', WITH A CHORD BEARING OF N 14°31'SS" W, AND A CHORD DISTANCE OF 42.17', TO A POINT; THENCE, ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 57.00', AN ARC LENGTH OF 49.18', WITH A CHORD BEARING OF S 67°15'55" W, AND A CHORD DISTANCE OF 47.66', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS.

AREA #3

LINDHOLM DRIVE AT BIRKDALE COMMONS PARKWAY – DESCRIPTION OF ABANDONMENT
AN AREA OF 2393. 6 SQUARE FEET, 0.055 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING FIVE COURSES AND DISTANCES: 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, 4) ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, 5) N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'41" E, AND A CHORD DISTANCE OF 51.46', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.13', WITH A CHORD BEARING OF S 12°10'20" E, AND A CHORD DISTANCE OF 15.99', TO A POINT; THENCE, S 25°09'04" E, A DISTANCE OF 100.99' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.12', WITH A CHORD BEARING OF S 38°11'08" E, AND A CHORD DISTANCE OF 15.98', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTH; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'54" W, AND A CHORD DISTANCE OF 51.41', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 19°49'31" E, AND A CHORD DISTANCE OF 28.29', TO A POINT; THENCE, N 25°10'05" W, A DISTANCE OF 41.00' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 70°09'47" W, AND A CHORD DISTANCE OF 28.29', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 2393. 6 SQUARE FEET, 0.055 ACRES MORE OR LESS.

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Stephen Trott

Date: January 18, 2022

Subject: Decision on three ROW Abandonments along Birkdale Commons Parkway

EXPLAIN REQUEST:

Consider a decision on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

1. Decision Staff Report - Birkdale ROW Abandonment
2. Petition - Birkdale Village ROW Abandonment - Attachment A
3. 160A-299 PROCEDURE FOR CLOSING STREETS & ALLEYS - Attachment B
4. Intent to close ROW - portion of Birkdale Commons Parkway - Attachment C
5. Order closing ROW Birkdale 1-18-22 - Attachment D

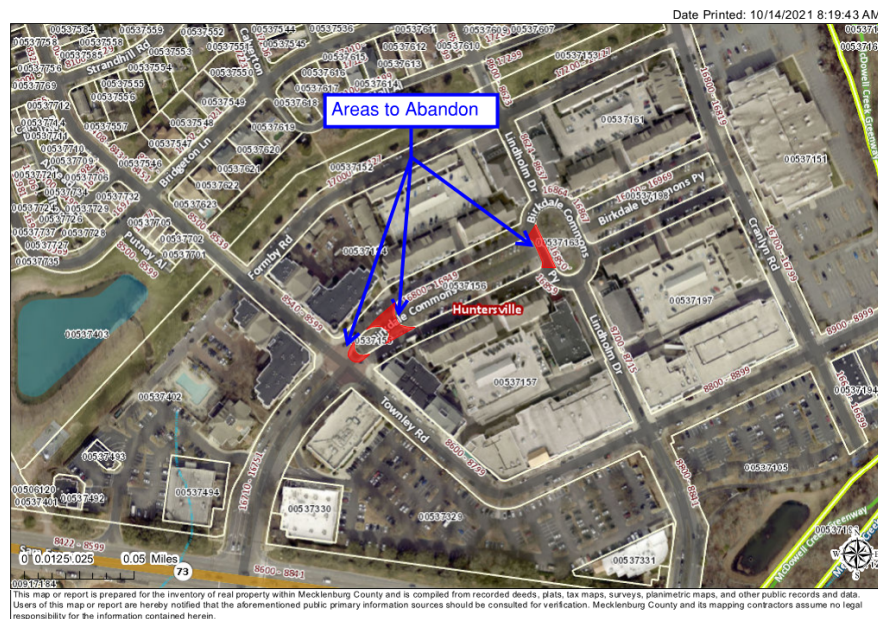
Right-of-Way Abandonment Petition: Unopened Street (Right-of-Way)

PART 1: DESCRIPTION

Right-of-Way Abandonment Petition: Birkdale Commons Parkway (right-of-way) abandonment is a request by DDRTC Birkdale Village, LLC to abandon public right-of-way within the Birkdale Village (approved sketch plan), see Attachment A. The requested abandonment includes three areas. Area 1 is of 0.015 acres, area 2 is 0.072 acres and area 3 is 0.055 acres.

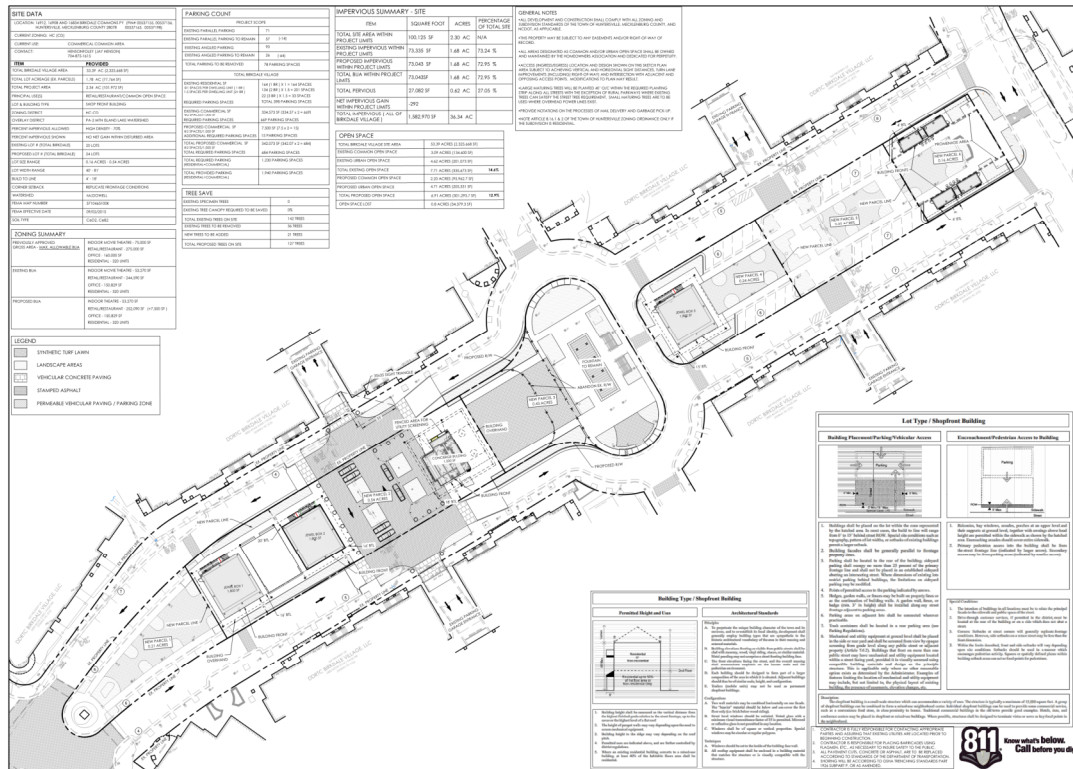
PART 2: LOCATION

Polaris 3G Map – Mecklenburg County, North Carolina



PART 3: BACKGROUND

Birkdale Village Redevelopment has an approved sketch plan to construct up to 8,400 square feet of retail space on various parcels on and surrounding the proposed right-of-way abandonment. See plans the plan for the subdivision in the image below.



North Carolina General Statute (NCGS) 160A-299, see Attachment B, gives the Town Board the authority to abandon street Right-of-Way (within the Town Limits) following a public hearing and a determination that the abandonment:

- Is not detrimental to the public interest, or the property rights of any individual.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.
- Is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

PART 4: STAFF RECOMMENDATION

Staff finds the right-of-way abandonment:

- Is not a detriment to public interest, or property rights of adjacent parcels.
- Does not deprive any individuals a reasonable means of ingress and egress to their property.
- Does not adversely affect connectivity.

Therefore, staff recommends approval of the right-of-way abandonment for these portions of Birkdale Commons Parkway (Right-of-Way).

Pursuant to §160A-299 notice of the intent to close this portion of Birkdale Commons Parkway Right-of-Way (Street) (see Attachment B) was advertised in the newspaper, copies of the notice were mailed to adjacent property owners, and two signs were posted along the right-of-way. Staff received no comments from adjacent property owners.

PART 6: PUBLIC HEARING

The Public Hearing was opened on December 20, 2021, and continued to the January 18, 2022 Town Board meeting.

PART 7: ATTACHEMENTS

Attachment A: Right-of-Way Abandonment Petition

Attachment B: NCGS 160A-299

Attachment C: Resolution of Intent to Close and Abandon a portion of Birkdale Commons Parkway

Attachment D: Order Closing Right-of-way – Portions of Birkdale Commons Parkway



MEMORANDUM

To: Town of Huntersville
CC: Jay Henson, Tess Fallova, Nick Lombardo
From: Mike Lant
Re: Birkdale Village – Right-of-Way Abandonment
Date: August 6, 2021

DDRTC Birkdale Village, LLC is petitioning for the abandonment of right-of-way at Birkdale Village. This request contains three right-of-way areas:

Areas 1 & 2: These areas are existing in the common area island near the Townley Road / Birkdale Commons Parkway intersection. We are submitting these along with area 3 so these areas are corrected in GIS. We understand these areas to have been previously abandoned in MB 36 PG 349 and MB 36 PG 349 and are including these to clean up the parcels. We presume the city does not wish to maintain these areas.

Area 3: This area is the southwestern side of the Birkdale Commons Parkway / Lindholm Drive traffic circle. We are submitting this area in order to create a safe, contiguous common area space to hold community events, activations and gatherings. This area has been submitted to be dedicated common area in our sketch plan review.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lant", is written over a horizontal line.

Mike Lant
DDRTC Birkdale Village, LLC
Senior VP Development – North American Properties, LLC
1175 Peachtree St NE, Ste 1650, Atlanta, GA 30361

Mike.Lant@naproperties.com

(404) 401-7138

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

**TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA**

(name of petitioner) DDRTC Birkdale Village, LLC respectfully files this
Petition and requests that (a portion or all of),
(name of street or location of alley) Lindholm Drive / Birkdale Commons Parkway Circle
lying (general description of location) at the intersection of Lindholm and Birkdale Commons
Parkway

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing)

a) to provide contiguous common area event plaza for community events/activations. (Area 3)

b) to record the abandonment of previously recorded abandonments in GIS (Areas 1 & 2)

2. The closing of the southwest side of the Lindholm/Birkdale Commons Street is not
contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity
of Lindholm/Birkdale Street or in the subdivision in which it is located will be deprived of
reasonable means of ingress and egress to his or its property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described by interested bounds in "Exhibit B", attached
hereto and made a part hereof.

5. The street (or portion thereof), requested to be closed and abandoned
has not been previously accepted by the North Carolina Department of Transportation
for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the
Town of Huntersville consider this Petition and set the time for public hearing upon this
matter as required by law.

Respectfully submitted the sixth day of August, 2021


(signature of petitioner)

Mike Lant

(Print Name)

Address: 8712 Lindholm Drive, Ste 202

Huntersville, NC 28078

Telephone Number: 770-789-0364

00537154, 00537157

**PETITIONER'S PROCEDURES FOR
REQUESTING THE CLOSING OF DEDICATED STREETS AND ALLEYWAYS**

1. To initiate the process to close a street or alley, or any portion thereof, petition shall be filed between the hours of 8:00am and 5:00pm, Monday through Friday with the:

Town of Huntersville
Planning Department
105 Gilead Road
Town Center, Third Floor
Huntersville, NC 28078
Telephone No. 704-875-7000

2. The following documents shall be included with the petition:

(a) A legal survey identifying the area to be abandoned. The boundaries of the right-of-way shall be described on the survey map. Include a note on the survey map giving the source of the boundary information. Dimensions shall be shown which clearly define the location of the right-of-way subject to abandonment. The survey map shall also show the names of all abutting/adjoining property owners to the abandonment area. The original survey map should be labeled "Exhibit A" and be on paper to a size acceptable for recordation at the Mecklenburg County Register of Deeds (18"x 24", 21" x 30", and 24" x 36"). The legal description (metes/bounds) should be labeled "Exhibit B". In the event that multiple streets/alleyways are submitted, the original survey maps should be labeled "Exhibits A-1, A-2..." and the legal descriptions (metes/bounds) labeled "Exhibits B-1, B-2..."

(b) An agreement of understanding (attached) signed by the owners of all abutting/adjoining property to the area proposed for abandonment.

3. If this abandonment petition is affiliated with a proposed development project, the following information must be provided under item #1:

- (a) Development project name (if subdivision, provide subdivision approval date)
- (b) Type of Project (Single family, Multi-family, Commercial)
- (c) Rezoning petition number/Council approval date

4. The petition is to be typed on 8 ½" x 11 white paper with a cover letter giving the name, address and telephone number of the person to be contacted if additional information is required.

5. The application fee required to begin the abandonment process review is \$1,450.00 for one (1) street or alleyway. Petitions consisting of multiple streets or alleyways will be charged \$1,450.00 for the first street or alleyway plus \$725.00 for each additional street or alleyway. This filing fee, once submitted, is non refundable.


EXHIBIT B-1
GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

Project # 21-033 Birkdale Village

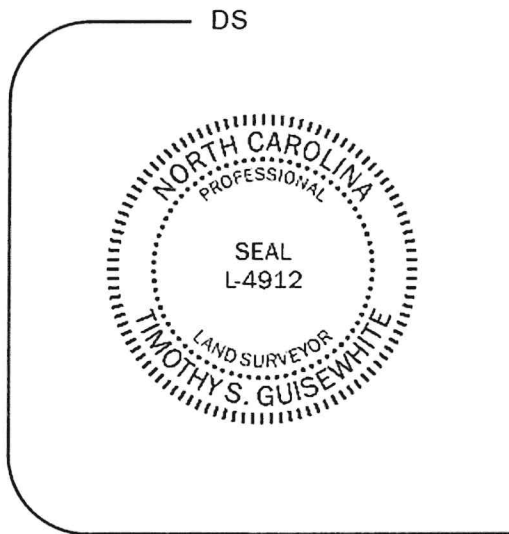
July 12, 2021

RIGHT OF WAY AREA 1

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 17.58' TO POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 64.07', WITH A CHORD BEARING OF S 41°32'36" E, AND A CHORD DISTANCE OF 43.71', TO A POINT ON A NON-TANGENT LINE; THENCE, S 54°44'11" W, A DISTANCE OF 17.38' TO A POINT ; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°51'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS.



DocuSigned by:

9192A8DFC66C4FE

7/12/2021

Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS

Guisewhite Professional Land Surveying, PC

www.GPLSurvey.com
Tim@GPLSurvey.com

P.O. Box 680388

Charlotte, NC 28216

Direct: 704.530.1700

GPLS

**EXHIBIT B-2****GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

Project # 21-033 Birkdale Village

July 12, 2021

RIGHT OF WAY AREA 2

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING TWO COURSES AND DISTANCES; THENCE, 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 124.73', WITH A CHORD BEARING OF N 48°13'28" E, AND A CHORD DISTANCE OF 124.53', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 38.00', AN ARC LENGTH OF 112.18', WITH A CHORD BEARING OF S 30°37'48" E, AND A CHORD DISTANCE OF 75.66', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 86.83', WITH A CHORD BEARING OF S 62°21'22" W, AND A CHORD DISTANCE OF 86.78', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 56.39', WITH A CHORD BEARING OF N 14°31'55" W, AND A CHORD DISTANCE OF 42.17', TO A POINT; THENCE, ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 57.00', AN ARC LENGTH OF 49.18', WITH A CHORD BEARING OF S 67°15'55" W, AND A CHORD DISTANCE OF 47.66', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS.

DS



DocuSigned by:

7/12/2021

9192A8DEC66C4EE

Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS
Guisewhite Professional Land Surveying, PC
www.GPLSurvey.com Tim@GPLSurvey.com

P.O. Box 680388
Charlotte, NC 28216
Direct: 704.530.1700

GPLS

**EXHIBIT B-3****GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

Project # 21-033 Birkdale Village

July 12, 2021

RIGHT OF WAY AREA 3

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING FIVE COURSES AND DISTANCES: 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, 4) ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, 5) N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'41" E, AND A CHORD DISTANCE OF 51.46', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.13', WITH A CHORD BEARING OF S 12°10'20" E, AND A CHORD DISTANCE OF 15.99', TO A POINT; THENCE, S 25°09'04" E, A DISTANCE OF 100.99' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.12', WITH A CHORD BEARING OF S 38°11'08" E, AND A CHORD DISTANCE OF 15.98', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTH; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'54" W, AND A CHORD DISTANCE OF 51.41', TO A POINT OF CUSP WITH A CURVA CONCAVE TOWARD THE NORTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 19°49'31" E, AND A CHORD DISTANCE OF 28.29', TO A POINT; THENCE, N 25°10'05" W, A DISTANCE OF 41.00' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 70°09'47" W, AND A CHORD DISTANCE OF 28.29', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 2393.6 SQUARE FEET, 0.055 ACRES MORE OR LESS.

DS



DocuSigned by:

7/12/2021

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Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS
 Guisewhite Professional Land Surveying, PC
 www.GPLSurvey.com Tim@GPLSurvey.com

P.O. Box 680388
 Charlotte, NC 28216
 Direct: 704.530.1700

GPLS

**EXHIBIT B-4****GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

Project # 21-033 Birkdale Village

July 12, 2021

DESCRIPTION OF COMBINED PARCEL

ALL THAT CERTAIN tract or parcel of land situate in Huntersville Township, Mecklenburg County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'44" E, AND A CHORD DISTANCE OF 51.46', TO A MAG NAIL SET; THENCE, ALONG A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 39.65', WITH A CHORD BEARING OF N 32°50'06" E, AND A CHORD DISTANCE OF 37.62', TO A DRILL HOLE FOUND; THENCE, N 64°15'39" E, A DISTANCE OF 3.97' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 55.82', WITH A CHORD BEARING OF S 70°08'11" E, AND A CHORD DISTANCE OF 50.25', TO A DRILL HOLE FOUND; THENCE, S 25°09'12" E, A DISTANCE OF 100.99' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 55.76', WITH A CHORD BEARING OF S 19°49'59" W, AND A CHORD DISTANCE OF 50.20', TO A MAG NAIL SET; THENCE, S 64°49'46" W, A DISTANCE OF 4.00' TO A DRILL HOLE FOUND; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 39.62', WITH A CHORD BEARING OF N 83°10'07" W, AND A CHORD DISTANCE OF 37.60', TO A MAG NAIL SET; THENCE, ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'59" W, AND A CHORD DISTANCE OF 51.42', TO A MAG NAIL SET; THENCE, S 64°49'46" W, A DISTANCE OF 321.81' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 133.90', WITH A CHORD BEARING OF S 60°29'59" W, AND A CHORD DISTANCE OF 133.71', TO A MAG NAIL SET; THENCE, S 54°44'11" W, A DISTANCE OF 17.60' TO A MAG NAIL SET; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°51'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 51581.7 SQUARE FEET, 1.184 ACRES MORE OR LESS.



DocuSigned by:

7/12/2021

9192A8DEC66C4EE

Timothy S. Guisewhite NC Professional Land Surveyor #L-4912

Prepared By:

Timothy S. Guisewhite, PLS
 Guisewhite Professional Land Surveying, PC
 www.GPLSurvey.com Tim@GPLSurvey.com

P.O. Box 680388
 Charlotte, NC 28216
 Direct: 704.530.1700

GPLS

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**AMENDED RESOLUTION DECLARING INTENT TO ABANDON
AND CLOSE A PORTION OF BIRKDALE COMMONS PARKWAY**

WHEREAS, DDRTC Birkdale Village, LLC has filed a petition to close a part of Townley Road at Birkdale Commons Parkway, Birkdale Commons Parkway, and Lindholm Drive at Birkdale Commons Parkway, all commonly referred to as Birkdale Commons Parkway, in the Town of Huntersville, as further described in Exhibit A; and

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

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

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

WHEREAS, the Board originally adopted a Resolution Declaring Intent To Abandon and Close a Portion of Birkdale Commons Parkway on November 15th, 2021; and

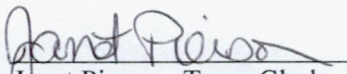
WHEREAS, the Board desires to amend the Resolution of Intent and continue the call for a public hearing until January 18, 2022.

NOW THEREFORE, BE IT RESOVLED AS FOLLOWS:

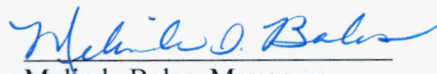
1. The Board hereby resolves that it intends to close a portion of Birkdale Commons Parkway, as further described in Exhibit A.
2. The Board hereby calls a public hearing on the question of closing a portion of Birkdale Commons Parkway to be held at 6:00pm on Tuesday, the 19th day of January, 2022, in person at the Town Hall located at 101 Huntersville-Concord Road, Huntersville, NC, 28078.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this the 20th day of December, 2021.

Attest:


Janet Pierson, Town Clerk




Melinda Bales, Mayor

Approved as to Form:

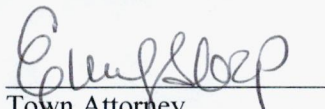

Town Attorney

Exhibit A – Legal Description

AREA #1

TOWNLEY ROAD AT BIRKDALE COMMONS PARKWAY– DESCRIPTION OF ABANDONMENT
AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 17.58' TO POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 64.07', WITH A CHORD BEARING OF S 41°32'36" E, AND A CHORD DISTANCE OF 43.71', TO A POINT ON A NON-TANGENT LINE; THENCE, S 54°44'11" W, A DISTANCE OF 17.38' TO A POINT ; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°S1'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS.

AREA #2

BIRKDALE COMMONS PARKWAY – DECSCRIPTION OF ABANDONMENT
AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN " HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM RAID STATION RUN THE FOLLOWING TWO COURSES AND DIATANCES; THENCE, 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 124.73', WITH A CHORD BEARING OF N 48°13'28" E, AND A CHORD DISTANCE OF 124.53', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 38.00', AN ARC LENGTH OF 112.18', WITH A CHORD BEARING OF S 30°37'48" E, AND A CHORD DISTANCE OF 75.66', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 86.83', WITH A CHORD BEARING OF S 62°21'22" W, AND A CHORD DISTANCE OF 86.78', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 56.39', WITH A CHORD BEARING OF N 14°31'SS" W, AND A CHORD DISTANCE OF 42.17', TO A POINT; THENCE, ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 57.00', AN ARC LENGTH OF 49.18', WITH A CHORD BEARING OF S 67°15'55" W, AND A CHORD DISTANCE OF 47.66', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS.

AREA #3

LINDHOLM DRIVE AT BIRKDALE COMMONS PARKWAY – DESCRIPTION OF ABANDONMENT
AN AREA OF 2393. 6 SQUARE FEET, 0.055 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING FIVE COURSES AND DISTANCES: 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, 4) ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, 5) N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'41" E, AND A CHORD DISTANCE OF 51.46', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.13', WITH A CHORD BEARING OF S 12°10'20" E, AND A CHORD DISTANCE OF 15.99', TO A POINT; THENCE, S 25°09'04" E, A DISTANCE OF 100.99' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.12', WITH A CHORD BEARING OF S 38°11'08" E, AND A CHORD DISTANCE OF 15.98', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTH; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'54" W, AND A CHORD DISTANCE OF 51.41', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 19°49'31" E, AND A CHORD DISTANCE OF 28.29', TO A POINT; THENCE, N 25°10'05" W, A DISTANCE OF 41.00' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 70°09'47" W, AND A CHORD DISTANCE OF 28.29', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 2393. 6 SQUARE FEET, 0.055 ACRES MORE OR LESS.

Order to Abandon and Close a Portion of Birkdale Commons Parkway

WHEREAS, DDRTC Birkdale Village, LLC filed a petition to close a portion of Birkdale Commons Parkway in the Town of Huntersville, as described in the attached Exhibit A; and

WHEREAS, pursuant to N.C.G.S. § 160A-299, on November 15, 2021, the Board of Commissioners for the Town of Huntersville (the “Board”) adopted a resolution declaring its intent to close the street; and

WHEREAS, on December 20, 2021, the Board adopted an amended resolution declaring its intent to close the street and continuing the public hearing to January 18, 2022; and

WHEREAS, said amended resolution of intent to close the street was published for a period of once a week for four successive weeks; and

WHEREAS, said amended resolution of intent was sent by registered or certified mail to all owners of property adjoining the streets, and a notice of closing and public hearing was prominently posted in at least two places along the streets; and

WHEREAS, a public hearing was held on the 18th day of January 2022, where the Board of Commissioners determined that the closing of the property described in Exhibit A is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

WHEREAS, the Board desires to, through this Order and pursuant to N.C.G.S. § 160A-299, order the closing of a portion of Birkdale Commons Parkway as described in the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby, through this Order, orders the closure of a portion of Birkdale Commons Parkway described in the attached Exhibit A.
2. This Order shall be recorded in the Mecklenburg County Register of Deeds.

Ordered this the 18th day of January 2022.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney

Exhibit A

AREA #1

TOWNLEY ROAD AT BIRKDALE COMMONS PARKWAY– DESCRIPTION OF ABANDONMENT

AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN; THENCE, S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY AND BEING THE TRUE POINT OF BEGINNING; THENCE, N 42°32'41" E, A DISTANCE OF 17.58' TO POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 64.07', WITH A CHORD BEARING OF S 41°32'36" E, AND A CHORD DISTANCE OF 43.71', TO A POINT ON A NON-TANGENT LINE; THENCE, S 54°44'11" W, A DISTANCE OF 17.38' TO A POINT ; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.10', AN ARC LENGTH OF 59.13', WITH A CHORD BEARING OF N 41°S1'06" W, AND A CHORD DISTANCE OF 40.00', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 632.0 SQUARE FEET, 0.015 ACRES MORE OR LESS.

AREA #2

BIRKDALE COMMONS PARKWAY – DECSCRIPTION OF ABANDONMENT

AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN " HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM RAID STATION RUN THE FOLLOWING TWO COURSES AND DIATANCES; THENCE, 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 124.73', WITH A CHORD BEARING OF N 48°13'28" E, AND A CHORD DISTANCE OF 124.53', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 38.00', AN ARC LENGTH OF 112.18', WITH A CHORD BEARING OF S 30°37'48" E, AND A CHORD DISTANCE OF 75.66', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.45', AN ARC LENGTH OF 86.83', WITH A CHORD BEARING OF S 62°21'22" W, AND A CHORD DISTANCE OF 86.78', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTHWEST; THENCE, ALONG

SAID CURVE TO THE LEFT HAVING A RADIUS OF 22.00', AN ARC LENGTH OF 56.39', WITH A CHORD BEARING OF N 14°31'55" W, AND A CHORD DISTANCE OF 42.17', TO A POINT; THENCE, ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 57.00', AN ARC LENGTH OF 49.18', WITH A CHORD BEARING OF S 67°15'55" W, AND A CHORD DISTANCE OF 47.66', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 3118.5 SQUARE FEET, 0.072 ACRES MORE OR LESS.

AREA #3

LINDHOLM DRIVE AT BIRKDALE COMMONS PARKWAY – DESCRIPTION OF ABANDONMENT

AN AREA OF 2393.6 SQUARE FEET, 0.055 ACRES MORE OR LESS

COMMENCING AT A NATIONAL GEODETIC SURVEY STATION "DEAN" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING: 628,345.27' EASTING: 1,439,389.39' AND FROM SAID STATION RUN THE FOLLOWING FIVE COURSES AND DISTANCES: 1) S 03°31'28" E A GRID DISTANCE OF 6,144.11' TO A MAG NAIL SET IN THE SOUTHERLY MARGIN OF THE SOUTHWEST BOUND BIRKDALE COMMONS PARKWAY; THENCE, 2) N 42°32'41" E, A DISTANCE OF 38.38' TO A MAG NAIL FOUND; THENCE, 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 624.73', AN ARC LENGTH OF 147.71', WITH A CHORD BEARING OF N 49°16'08" E, AND A CHORD DISTANCE OF 147.37', TO A DRILL HOLE FOUND; THENCE, 4) ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 155.00', AN ARC LENGTH OF 23.66', WITH A CHORD BEARING OF N 60°26'23" E, AND A CHORD DISTANCE OF 23.64', TO A MAG NAIL FOUND; THENCE, 5) N 64°50'04" E, A DISTANCE OF 282.90' TO A MAG NAIL SET BEING THE TRUE POINT OF BEGINNING; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.86', WITH A CHORD BEARING OF N 35°00'41" E, AND A CHORD DISTANCE OF 51.46', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHEAST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.13', WITH A CHORD BEARING OF S 12°10'20" E, AND A CHORD DISTANCE OF 15.99', TO A POINT; THENCE, S 25°09'04" E, A DISTANCE OF 100.99' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.50', AN ARC LENGTH OF 16.12', WITH A CHORD BEARING OF S 38°11'08" E, AND A CHORD DISTANCE OF 15.98', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE SOUTH; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 51.75', AN ARC LENGTH OF 53.81', WITH A CHORD BEARING OF N 85°22'54" W, AND A CHORD DISTANCE OF 51.41', TO A POINT OF CUSP WITH A CURVE CONCAVE TOWARD THE NORTHWEST; THENCE, ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 19°49'31" E, AND A CHORD DISTANCE OF 28.29', TO A POINT; THENCE, N 25°10'05" W, A DISTANCE OF 41.00' TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00', AN ARC LENGTH OF 31.42', WITH A CHORD BEARING OF N 70°09'47" W, AND A CHORD DISTANCE OF 28.29', TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 2393. 6 SQUARE FEET, 0.055 ACRES MORE OR LESS.

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Brad Priest, Principal Planner

Date: January 18, 2022

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 taking final action on Petition #21-10.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-10 Northchase at the Park - FA 1 18 22
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

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.

Applicant: ADE 883, LLC

Property Owners: Same as Applicant

Property Address: 10401 Hambright Road

Project Size: 15.4 acres

Parcel Numbers:

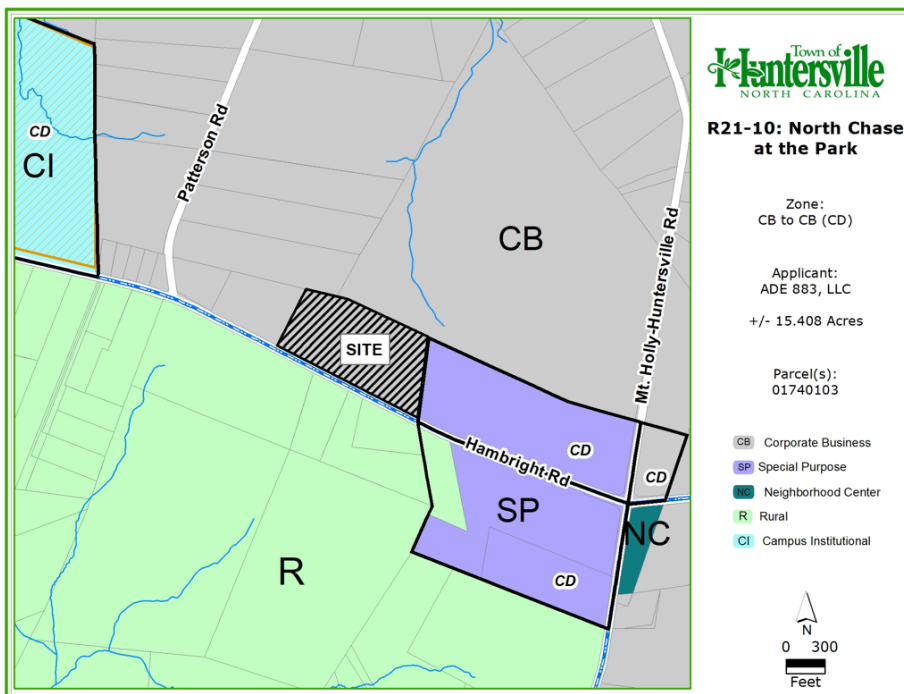
01740103

Existing Zoning:

Corporate Business (CB)

Proposed Zoning:

Corporate Business Conditional District (CB-CD)



1. Adjoining Zoning and Land Uses

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

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

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

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

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

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

PART 2: REZONING/SITE PLAN ISSUES

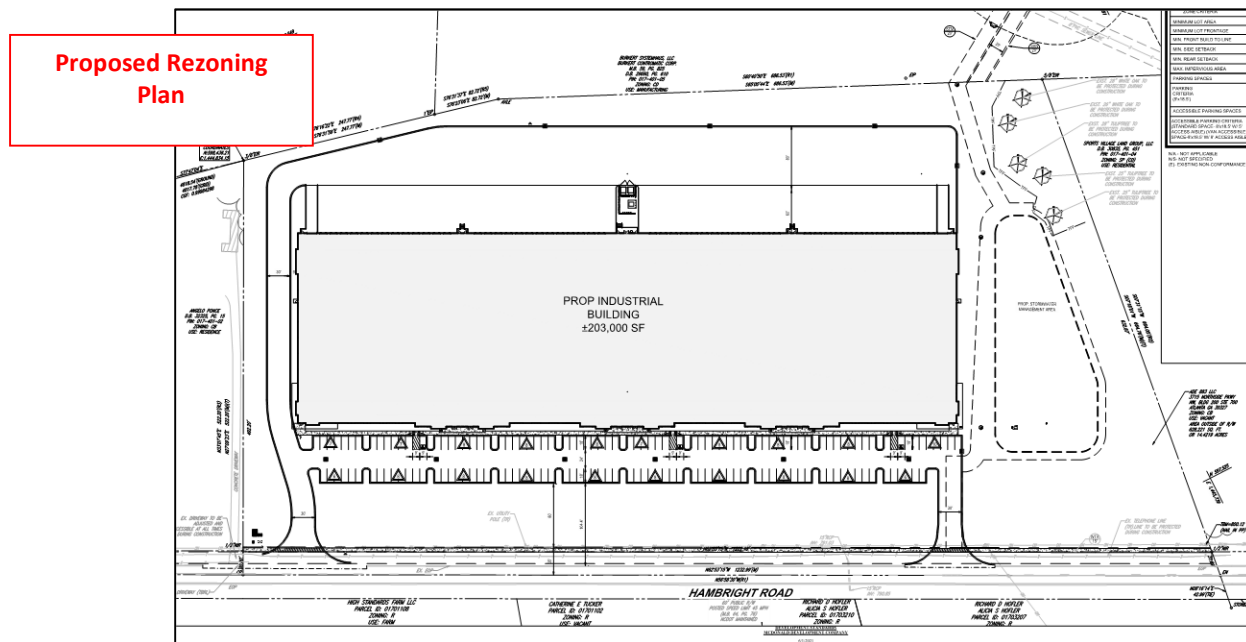
- Buffer Modification – Along New Public Street: Article 7.5 of the Zoning Ordinance requires CB uses establish an 80 foot buffer along public streets unless the building architecturally fronts the street per Article 4. The proposed buildings will not meet Article 4 of the ordinance therefore an 80 foot 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.
 - o 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

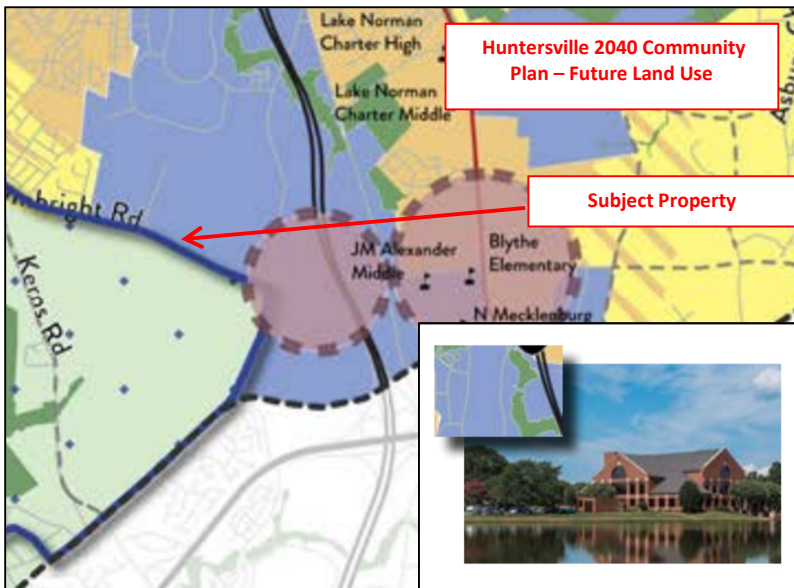
Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to,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



Employment Center

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

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

- 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.
- 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 – 1/6/22 UPDATE
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The Planning Board considered the application at their December 21, 2021 meeting. After discussion about the intent of the buffer and the architecture of the building, S. Swanick made a Motion to Approve R21-10, North Chase at the Park as the Planning Board finds the amendment inconsistent with buffer requirements and recommends that the Zoning Ordinance give consideration regarding buffer requirements for this building type with employee and customer parking in the front and the requirement for rear load docks. The Planning Board considered this in their decision and as a condition of approval requires 100% screening of all automobiles on the street side by shrubs and trees with a minimum of 7-8 feet in height that mature in a period of 3 years or less to meet the intent of the cars not being visible from the street. It is reasonable and in the public interest to make these changes so that we can find an adequate compromise between tree save requirements, the aesthetic improvements of this building and the spirit of the Ordinance regarding what should and should not be visible. S. Hensley seconded the motion.

S. Swanick amended the motion to include a requirement that all recommendations are contingent upon the increased architectural standards as modeled on the rendering as provided today be met within the subjective opinion of staff as that is a critical part of the reason for granting the exception. S. Hensley accepted the amendment.

The motion passed (5-3) with F. Gammon, J. Davis, and T. Loomis opposed.

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)
S. Swanick made a Motion to Approve R21-10, North Chase at the Park as the Planning Board finds the amendment inconsistent with buffer requirements and recommends that the Zoning Ordinance give consideration regarding buffer requirements for this building type with employee and customer parking in the front and the requirement for rear load docks. The Planning Board considered this in their decision and as a condition of approval requires 100% screening of all automobiles on the street side by shrubs and trees with a minimum of 7-8 feet in height that mature in a period of 3 years or less to meet the intent of the cars not being visible from the street. It is reasonable and in the public interest to make these changes so that we can find an adequate compromise between tree save requirements, the aesthetic improvements of this building and the spirit of the Ordinance regarding what should and should not be visible. S. Hensley seconded the motion. S. Swanick amended the motion to include a requirement that all recommendations are contingent upon the increased architectural standards as modeled on the rendering as provided today be met within the subjective opinion of staff as that is a critical part of the reason for granting the exception. S. Hensley accepted the amendment	N/A	N/A

Town Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change __?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning Petition R21-10, North Chase at the Park, the Town Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u>. It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s) AND detail the ways the policy or reference is to be amended]</u>. The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-10, North Chase at the Park, the Town Board recommends denial based on the amendment being [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]



PROPOSED

NORTH CHASE AT THE PARK BUILDING 100

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

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

The logo for BOHLER, featuring the word "BOHLER" in a bold, dark blue sans-serif font, followed by two parallel orange diagonal lines.

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

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

[illegible]

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DOCUMENT UNLESS INDICATED OTHERWISE.

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

PROJECT:

**NORTH CHASE
AT THE PARK
BUILDING 100**

_____ FOR _____

MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

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



SHEET TITLE:

COVER

SHEET NUMBER:

RZ - 0

ORG. DATE - 3/13/2019

un_01_2021
BOHLERENG.NET\SHARES\NC-PROJECTS\2018\NC-182042_1\DRAWINGS\PLAN SETS\REZONING DOCUMENT\SNCC182042_1.RDP - 0-->LAYOUT: C-101 COVER

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

LEGAL DESCRIPTION

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

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

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

MEASURED & RECORDED BEARINGS

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

FIDELITY NATIONAL TITLE INSURANCE COMPANY

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

SCHEDULE B - II (EXCEPTIONS)

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

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

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

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

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

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

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

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

LEGEND:

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

UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898

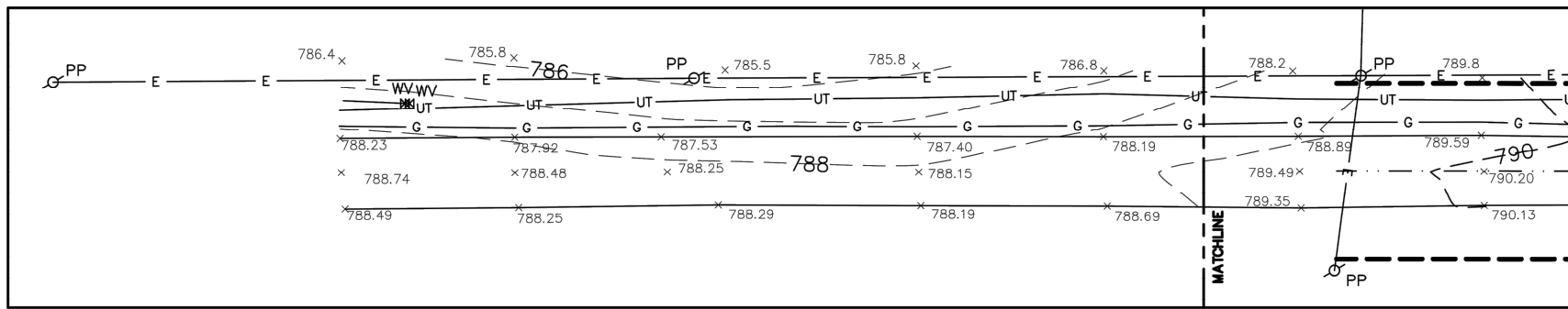
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-257-6500

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

GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504
CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253



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GRAPHIC SCALE

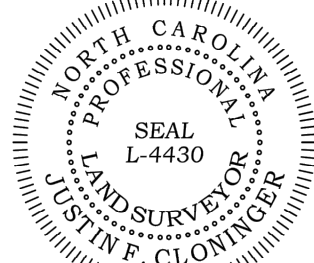
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

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.

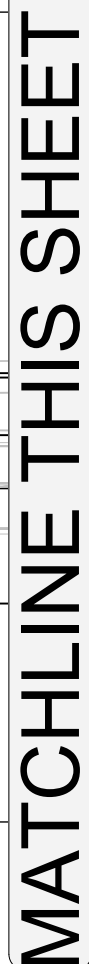
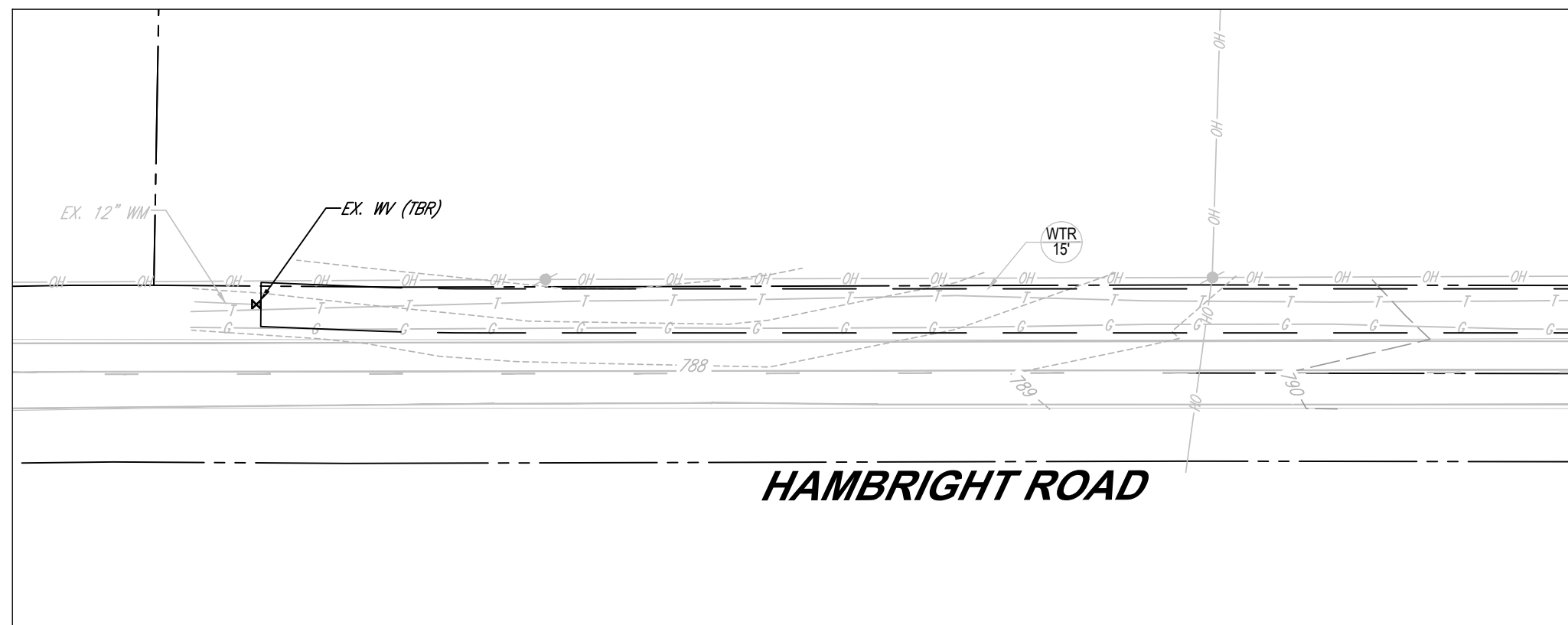
MAP NUMBER: 3710454900K
THIS IS TO CERTIFY THAT ON THE 26TH DAY OF MARCH 20 20, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (2) NCAC 56 AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED Justin F. Cloninger



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

REVISIONS				ALTA/NSPS LAND TITLE SURVEY FOR:			
07/22/20	ADDITIONAL TOPOGRAPHICAL INFORMATION ADDED.			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		



RZ - 1

ORG. DATE - 3/13/2019



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

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

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PROJECT:

_____ FOR

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC



SHEET NUMBER

RZ - 2

ORG. DATE - 3/13/2019

- SITE DEVELOPMENT DATA:**

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

I. GENERAL PROVISIONS

a. THESE DEVELOPMENT STANDARDS FORM PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MCDONALD DEVELOPMENT COMPANY (THE "PETITIONER") TO ACCOMMODATE AN INDUSTRIAL DEVELOPMENT ON THAT APPROXIMATELY 15,408-ACRE SITE LOCATED ON THE NORTHERN SIDE OF HAMBRIGHT ROAD, EAST OF PATTERSON ROAD AND WEST OF MT. HOLLY-HUNTERSVILLE ROAD IN HUNTERSVILLE, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED AS TAX PARCEL NUMBER 017-401-03 (THE "SITE").

b. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THE ACCOMPANYING REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE 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.

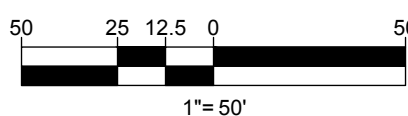
VI. ENVIRONMENTAL FEATURES

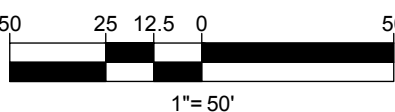
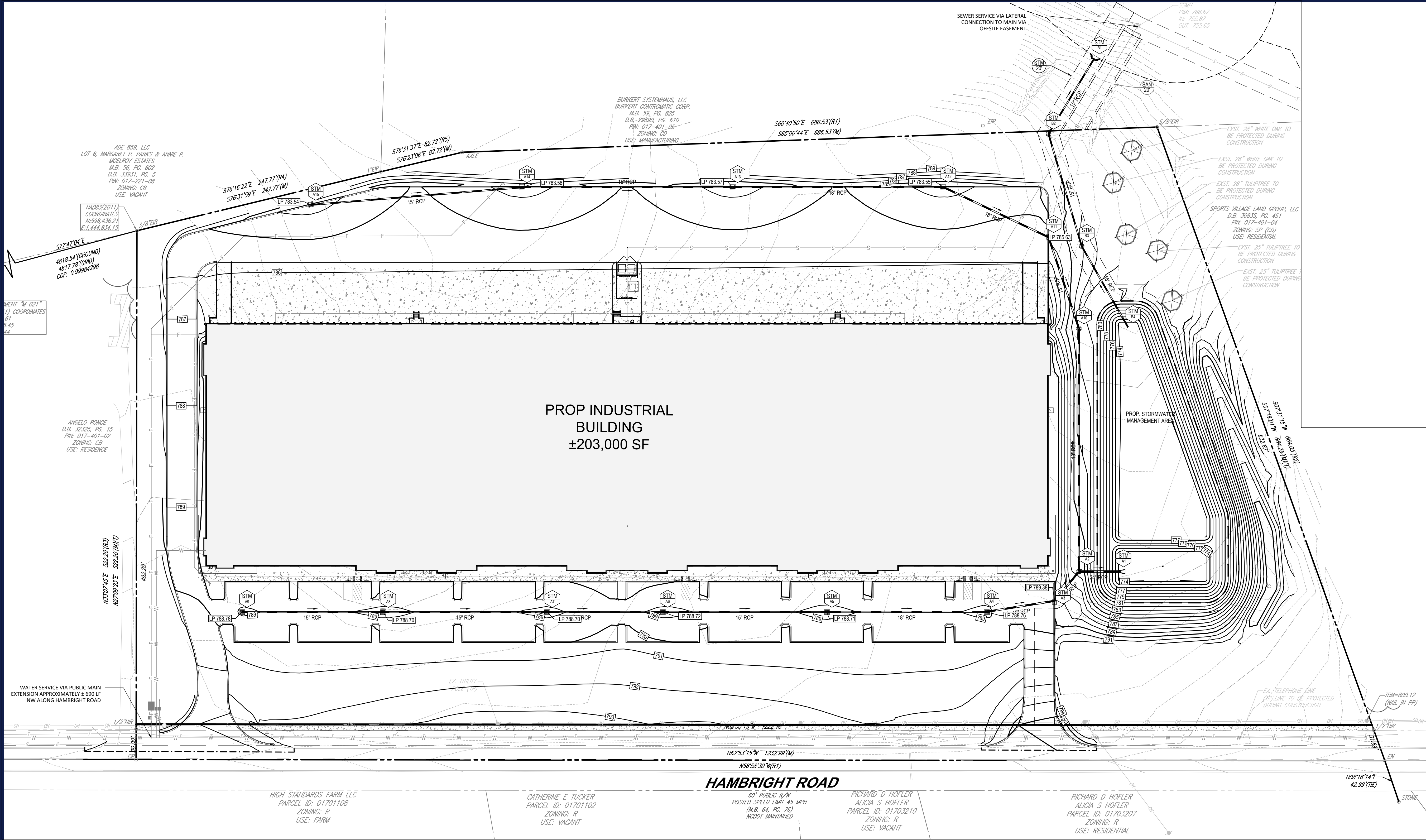
a. THE PETITIONER SHALL SATISFY THE STORMWATER REQUIREMENTS FOR A MAXIMUM OF 70% BUILT-UPON AREA.

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.





BOHLER

BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING

PROGRAM MANAGEMENT

LANDSCAPE ARCHITECTURE

SUSTAINABLE DESIGN

PERMITTING SERVICES

TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	

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

PROJECT:
NORTH CHASE AT THE PARK BUILDING 100
FOR

MCDONALD DEVELOPMENT

PROPOSED DEVELOPMENT
HAMBRIGHT ROAD
HUNTERSVILLE, NC

BOHLER

BOHLER ENGINEERING NC, PLLC

NCEBS P-1132

1927 S. TRYON STREET, SUITE 310

CHARLOTTE, NC 28203

Phone: (980) 272-3400

Fax: (980) 272-3401

NC@BohlerEng.com

NORTH CAROLINA

PROFESSIONAL SEAL

045609

ENGINEER

DR. BRIAN B. MILLER

6/1/2021

DR. BRIAN B. MILLER

6/1/2021

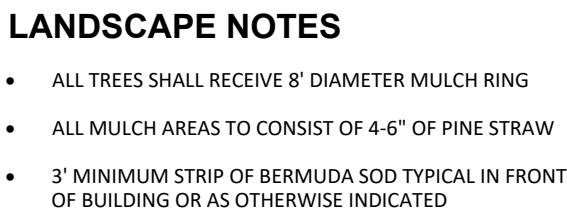
SHEET TITLE:

GRADING PLAN

SHEET NUMBER:

RZ - 3

ORG. DATE - 3/13/2019





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BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING

PROGRAM MANAGEMENT

LANDSCAPE ARCHITECTURE

SUSTAINABLE DESIGN

PERMITTING SERVICES

TRANSPORTATION SERVICES

REVISIONS

[illegible]

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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

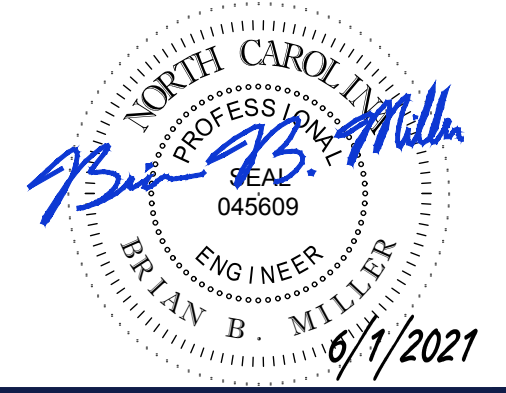
PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

**1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203**

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



SHEET TITLE:

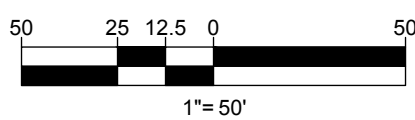
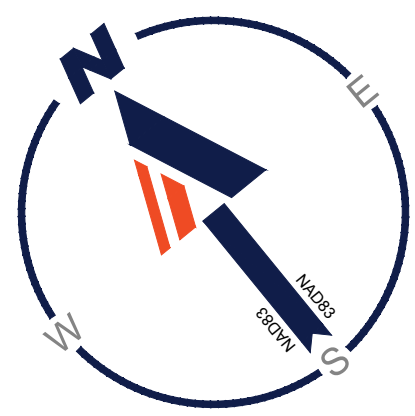
LANDSCAPE PLAN

SHEET NUMBER:
RZ - 4

ORG. DATE - 3/13/2019

TOWN OF HUNTERSVILLE LANDSCAPE REQUIREMENTS		
SECTION	REQUIREMENTS	CALCULATIONS/PROPOSED
ARTICLE 6 LANDSCAPING OF PARKING LOTS	PERIMETER LANDSCAPING OF PARKING SHALL MEET ALL STANDARDS BELOW A. SCREENING SHALL BE PROVIDED ALONG THE PERIMETER OF THE PARKING LOT: A CONTINUOUS ROW OF EVERGREEN SHRUBS MAX. SEPARATION @ 4" ON CENTER (MINIMUM HEIGHT 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 PERIMETERS OF LOTS SHALL BE A MINIMUM OF 10 FEET IN WIDTH.	PROVIDED REQUIRED TREES: 23 CALCULATION 89740-22.4 PROVIDED TREES: 23 REQUIRED SHRUBS: 225 CALCULATION 89724-23 PROVIDED SHRUBS: 225
ARTICLE 7.5 BUFFER YARDS	ANY PROPERTY ZONED CL, CB, OR SR ADJUTING STREET RIGHT OF WAY AND PROPERTY LINES.	SEE PLANS
ARTICLE 12 STREET TREE/STREET 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 60 FEET ON CENTER EXCEPT THAT SPACING MAY BE ADJUSTED SLIGHTLY TO ACCOMMODATE DRIVEWAY. (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) 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 PLANTING EASEMENT TO BE RECORDED ON A P.L. OF RECORD PRIOR TO ISSUANCE OF A BUILDING PERMIT. THE INTERIOR ROW OF TREES SHALL BE STAGED FROM THE TREES PROVIDED WITHIN THE RIGHT-OF-WAY.	INTERNAL LANDSCAPING REQUIRED TREES: 48 CALCULATION 100404-47.7 PROVIDED INTERIOR TREES: 55 PROVIDED STREET TREES: 53
ARTICLE 14 TREE PRESERVATION, PROTECTION, & REMOVAL	30% SPECIMEN TREE SAVE REQUIRED PER TABLE 7.4.2(a) OF ARTICLE 7.4	EXISTING SPECIMEN TREES = 15 15 ± ± ± SPECIMEN TREES REQUIRED 5 TREES PROVIDED

LANDSCAPE SCHEDULE								
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	Remarks	
OVERSTORY TREES								
	QTL	47	Gleditsia bicoloribus	Thromble Honey Locust	13" CAL	B+B	15-14 HT	F&L Central Leader
	QUPL	96	Quercus pallens	Pin Oak	2.5" CAL	B+B	12-14 HT	F&L Central Leader
SUBTOTAL:		137						
UNDERSTORY TREES								
	COFP	23	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	2" CAL	B+B	8-10 HT	F&L
	LIBT	27	Lagerstromia indica 'Tussock'	Tussock Crane Myrtle	1" CANES	B+B	8-10 HT	F&L 3-5 canes
SUBTOTAL:		50						
EVERGREEN TREES								
	CRJA	6	Cryptomeria japonica	Cryptomeria	2" CAL	B+B	8 HT	F&L
	ENNS	3	Box x 'Nello R. Stevens'	Nello Stevens Holly	2" CAL	B+B	8 HT	F&L TO GROUND
SUBTOTAL:		9						
SHRUBS								
	HPLL	10	Hydrangea paniculata 'Little Lime'	Little Lime Hydrangea	N/A	3 GAL	24" HT	F&L
	BLGS	10	Box glabra 'Shamrock'	Shamrock Inkberry Holly	N/A	3 GAL	19" HT	F&L
	LIAP	111	Ligustrum japonicum	Walled Ligustrum	N/A	3 GAL	24" HT	Multi Trunk
	LOCR	112	Coronilla chinensis 'Ruby'	Ruby Coronilla	N/A	3 GAL	24" HT	F&L
	RYEN	142	Rhododendron x 'Encorn'	Encorn Azalea Variety	N/A	3 GAL	32" HT	F&L
SUBTOTAL:		385						



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

A

B

C

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H

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M

N

A

B

C

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G

H

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L

M

N



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

NORTH CHASE AT THE PARK
BUILDING 100
HUNTERVILLE, NORTH CAROLINA

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

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

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

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

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

DATE, TIME AND FORMAT OF MEETING:

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

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

MEETING PARTICIPATION:

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

SUMMARY OF PRESENTATION/DISCUSSION:

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted this 23th day of July 2021.

cc: Brad Priest, Huntersville Planning Department

Exhibit A

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

250 Feet Buffer

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

Huntersville Personnel

Mayor - Huntersville NC

	MAILING_ADDRESS
John Aneralla	PO Box

BoardMembers@huntersville.org

Physical Ac Email
Huntersvil janeralla@huntersville.org

Town Board of Commissioners/ Town Council

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

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

Planning Board Members and Town Clerk

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

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

Assistant Town Manag PO Box

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

Huntersvil jhuffman@huntersville.org

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

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

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

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

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

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

HOA From Staff Compared to 2000 Feet Buffer Deed CSV Results

TBD by Brittany

Subdivision	Location	Emails	HOA Contact Info	Term Expires	Management Co. Contact	Address	Phone	Registered Agent	Website
Arrington Owners Association	Bud Henderson & Gilead Road		Lennar Christina Blue 3030 Latrobe Drive Charlotte 28211 704-535-1122x285	Builder	Henderson Properties Krystal Rogers		704-535-1122x285	Lennar 3030 Latrobe Drive Charlotte NC 28211	Krystal.Rogers@hendersonproperties.com
Birkdale, The Townhomes of	Behind Birkdale Village		Art Rouse 8253 Brick Lane 704-806-4085 artrouselkn@gmail.com	2020	Henderson Properties (Chesney Jackson)	3030 Latrobe Drive Charlotte NC 28211	704-535-1122		hoa@hendersonproperties.com
Caldwell Station HOA, Inc.	Old Statesville		Adam Nowocin 18249 Conductor Court Cornelius 540 219-3429	2019	CSI Property Management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394	CSI Property Management	adam_nowocin@live.com beth@csiproperties.com
Cashion Woods Community Assoc., Inc.	Beatties Ford		Karen Magoteaux 14318 Rhiannon lane 937-423-0546	2019	Hawthorne Management- Sarah Ziegler	4530 Park Road Ste 201 Charlotte NC 28209			Sarah Ziegler <sziegler@hawthornemgmt.com>
Cedarfield Plantation	McCoy	danny4911@verizon.com	Daniel Spencer 12725 Cedar Fall Dr 727-753-4584 danny4911@verizon.com	Dec-19	Cedar Management Group	9500 Statesville Road charlotte nc 28269	704-644-8808		James Stracener <jcszrs@att.net>
Cedarfield Park (aka Torrence Crossing)	Gilead & Bradford Hill		Cheryl Westlake 8516 Fox Tail Lane 704-728-1073 westny716@gmail.com	2019	Hawthorne Management	PO Box 11906, Charlotte 28220	704-377-0144	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	admin@hawthornemgmt.com
Centennial @ Historic Huntersville HOA, Inc.	Huntersville-Concord		Chris Parke 15752 Centennial Forest Dr 704-305-8572 christopherparke@yahoo.com	2020	Henderson Properties Yamile Hernandez	3030 Latrobe Drive Charlotte NC 28269	704-535-1122	Sellers, Sellers & Dortch 301 S McDowell St #410 Charlotte NC 28204 704-377-5050	yamile.hernandez@hendersonproperties.com
Cobblestone Manor	Off Ranson Road		Lester Olivia 8903 Bur Lane 704-303-0014	2021	Cusick Company Bill Gill	8008 Corporate Center Dr Ste 100 Charlotte NC 28226	704-800-3216		lolivia9432@gmail.com, bgill@cusickcompany.com
Courtyards of Huntersville Condominium			Bill Heckman 8209 Parknoll Drive 704-274-5968	2022	Henderson Properties Brayden Johnson	3030 Latrobe Drive Charlotte NC 28269	704-535-1122x255	Henderson Properties 3030 Latrobe Drive Charlotte NC 28269	wsheckman@yahoo.com brayden.johnson@hendersonproperties.com
Courtyards at Kinnamon Park Condo Association			Rick Cushing 9206 Edelweiss Lane 704-905-3300	2020	Henderson Properties Brayden Johnson	3030 Latrobe Drive Charlotte NC 28269	704-535-1122x255	Henderson Properties 3030 Latrobe Drive Charlotte NC 28269	rcushing@gmail.com brayden.johnson@hendersonproperties.com
Crosswinds	McCoy		Vincent Ragone, Pres vjragone@yahoo.com		Taylor Dasilva Red Rock Management		(888) 757.3376 ext. 732		http://www.crosswindshomeowners.com/ taylor@gowithredrock.com
Gilead Ridge HOA	Gilead		Richard Hirsch 8157 Bridgegate Dr 516-996-2727	2021	Henderson Properties	3030 Latrobe Drive Charlotte NC 28211	704-896-7224	Chesney Jackson Henderson Properties	gridgepres@gmail.com hendersonpr
Gilead Village Homeowners Association, Inc.			Mindy DeLano 6904 Dunton Street 704-281-7660	2020	Cedar Management Group Ashley Miller	PO Box 26844 Charlotte NC 28221	704-281-7660		Ashley Miller <amiller@cedarmanage
Henderson Park HOA, Inc.	off Bud Henderson Rd				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Lakemont Commons	Gilead Rd & Baytown Ct		Brian Welborn 14336 Baytown Ct Huntersville NC 28078 704-249-7753 bcowelborn14@gmail.com	Dec-19	CSI Properties Attn: Angela Benkovich	575 Davidson Gateway Dr Ste 200 Davidson 28036	704-892-1660		lakemontcommons@csiproperties.com
McAlpine-Rosedale Homeowners Association			Melissa Tuttle 9576 Blossom Hill Dr 336-408-3636	2019	CSI Property management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394		melissatuttle@bellsouth.net beth@csiproperties.com
McGinnis Village Homeowners Assoc., Inc.			Robert Maze Jr 12710 McGinnis Woods Dr 704-644-8808	Jul-05	Cedar Management Group Jennifer Cordell	9500 Statesville Road charlotte nc 28269			Jennifer Cordell <jcordell@mycmg.com>
Melbourne HOA, Inc.	Gilead & McCoy		Cameron Drennan, Pres, 9153 Hillston Ridge Rd., 28078; 704-947-6723	Jul-05	Cedar Management Group Nicole DeRiso	9500 Statesville Road charlotte nc 28269	704-565-5009		Nicole DeRiso <nderiso@mycmg.com>
Mirabella	Huntersville-Concord Rd				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Monteith Park Homeowners Assoc., Inc.	Stumptown Rd		Dan Mooney 15340 Barnsbury Dr 980-373-7155	Jul-05	CSI Property management Beth Wilkins	PO Box 4810 Davidson NC 28036	704-897-1394		danhoamonteithpark@gmail.com beth@csiproperties.com
Northcross Professional Park Association, Inc					Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Olmsted	Eastfield				Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Plum Creek	Old Statesville			2020	Hawthorne Management/Kendall Adair	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	kadair@hawthornemanagement.com m admin@hawthornemgmt.com
Skybrook Homeowners Assoc., Inc.			Linda Hopkins 13510 Damson Drive 252-334-2348	2022	Cedar Management Group Susan Rouanzion	PO Box 26844, Charlotte, NC 28221			Susan Rouanzion <susanr@mycmg.com>
Stephens Grove Homeowners Assoc., Inc	Off Beatties Ford on Stephen's Road		Bob Brethen 14332 McLauren Lane Huntersville 704-948-2457	2020	Hawthorne Management/Cass Shapard	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management PO Box 11906 Charlotte NC 28220	thehoaboard@stephensgrove.com, cshapard@hawthornemgmt.com, admin@hawthornemgmt.com
Stillwell Farms Property Owner's Assoc., Inc.	Beatties Ford and Cashion Road		John Higbee 4905 Harrison's Sabbath Dr 704-875-0709	Jul-05	Hawthorne Management/Cass Shapard	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management PO Box 11906 Charlotte NC 28220	cshapard@hawthornemgmt.com, admin@hawthornemgmt.com
The Pavillion	Huntersville-Concord Rd		Catherine Graffy 15120 Pavillion Loop 860-805-1196	2021	Hawthorne Management/Kendall Adair	PO Box 11906, Charlotte 28220	704-377-0114	Hawthorne Management 4530 Park Rd, Charlotte, NC 28209	kadair@hawthornemanagement.com m admin@hawthornemgmt.com
Vermillion					Kuester Management Group Gabrielle Baisey	130 Ben Casey Drive, Ste 100 Fort Mill SC 29708	704-894-9052	Bryan Kuester 705 Griffith Street, Ste 204 Davidson NC 28036	support@kuester.com
Willowbrook POA, Inc.			Gary Mills 12600 Willow Grove Way 704-896-4948	2021	Hawthorne Management Company Sarah Ziegler	4530 Park Road Ste 201 Charlotte NC 28209			Sarah Ziegler <sziegler@hawthornemgmt.com>
Wynfield Forest HOA, Inc.	Off Wynfield Creek Pkwy				Hawthorne Management Ashleigh Jones	PO Box 11906 Charlotte NC 28220	704-377-0114		www.wynfieldforest.org, admin@hawthornemgmt.com

Exhibit B

June 29, 2021

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

VIA US MAIL

NOTICE TO INTERESTED PARTIES OF REZONING COMMUNITY MEETING

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

Dear Huntersville Neighbor:

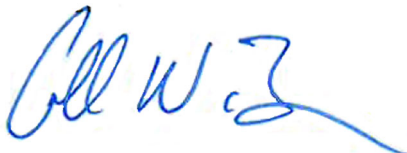
Our firm represents McDonald Development Company (the "Petitioner") in their evaluation of a potential rezoning request to modify the buffer requirements with alternative landscape plantings along Hambright Road as related to a warehouse/distribution development project. The alternative proposal would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

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

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

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

Sincerely,



Collin W. Brown

Exhibit C

Participants (17)

Find a participant

Brittany Lins (Host, me)

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

02415-001/00315625-2

3

Exhibit D



REZONING PETITION #R21-10

NORTH CHASE AT THE PARK

MCDONALD DEVELOPMENT CO.

Official Community Meeting
July 19, 2021

Alexander
Ricks
PLLC

MEETING AGENDA

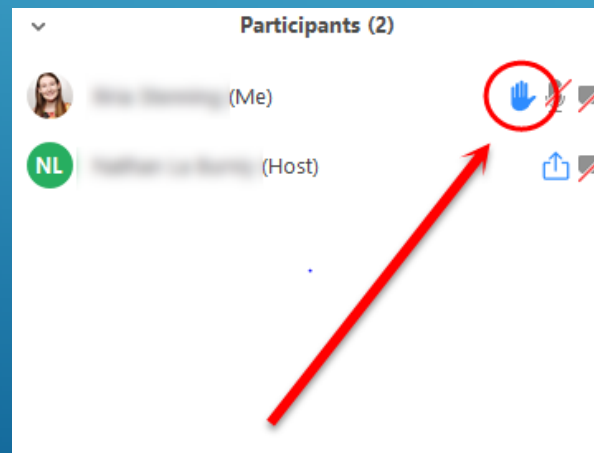
- **Introductions**
 - **Property Location**
 - **Development Considerations**
 - **Current Zoning**
 - **Proposed Adjustment**
 - **Example Rendering**
 - **Potential Rezoning Timeline**
 - **Questions/Discussion**
- 
- A series of several thin, white, parallel diagonal lines extending from the middle-right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

AT THE END: QUESTIONS & DISCUSSION

Type your
questions



Or ask out loud



TEAM INTRODUCTIONS

Property Owner: **ADE 883, LLC**

Petitioner: **McDonald Development Company**
Tracy White

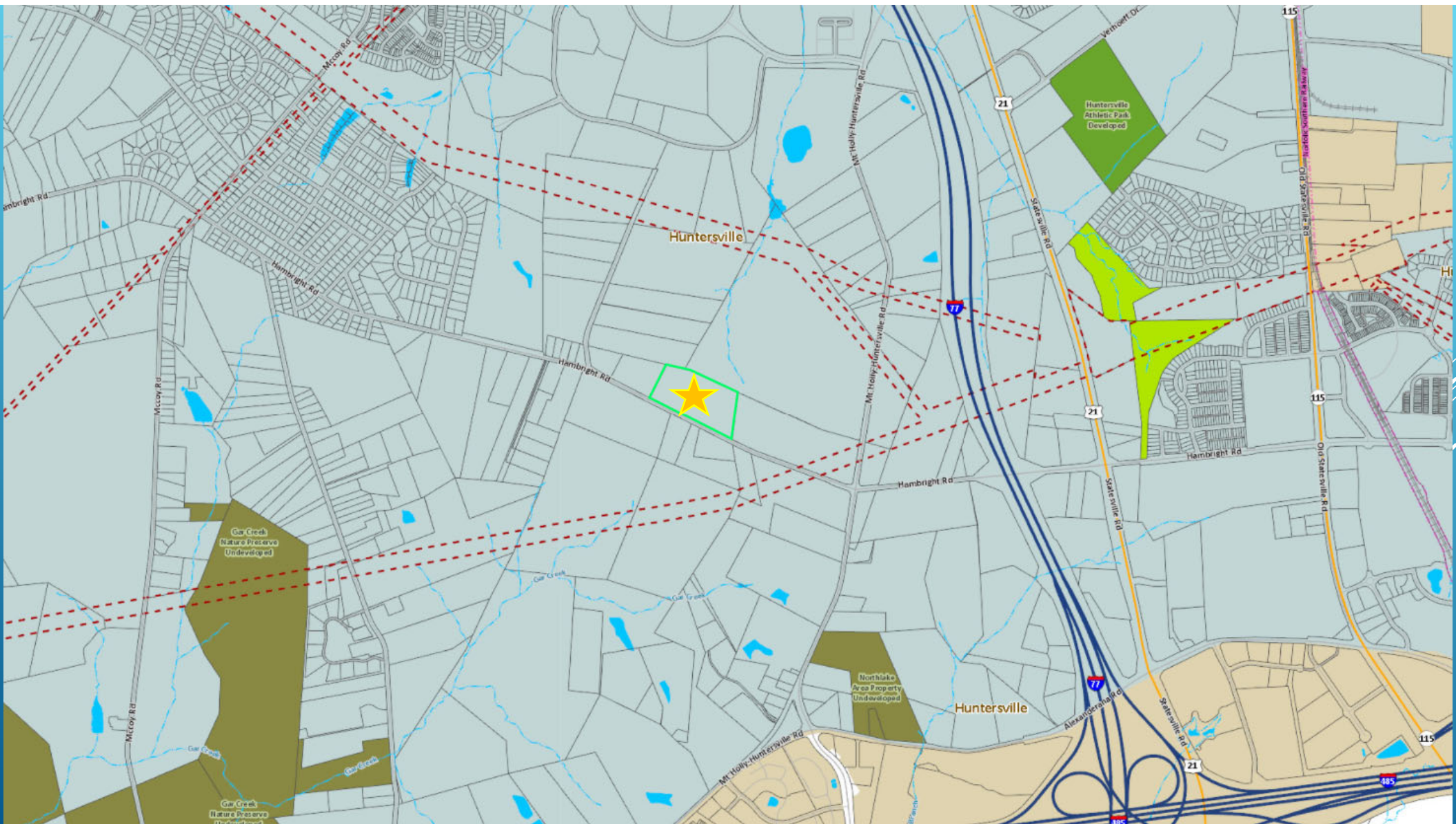


Brian Miller,
Steven Singleton



Collin Brown,
Brittany Lins, &
Lisa Tucker

PROPERTY LOCATION









DEVELOPMENT CONSIDERATIONS



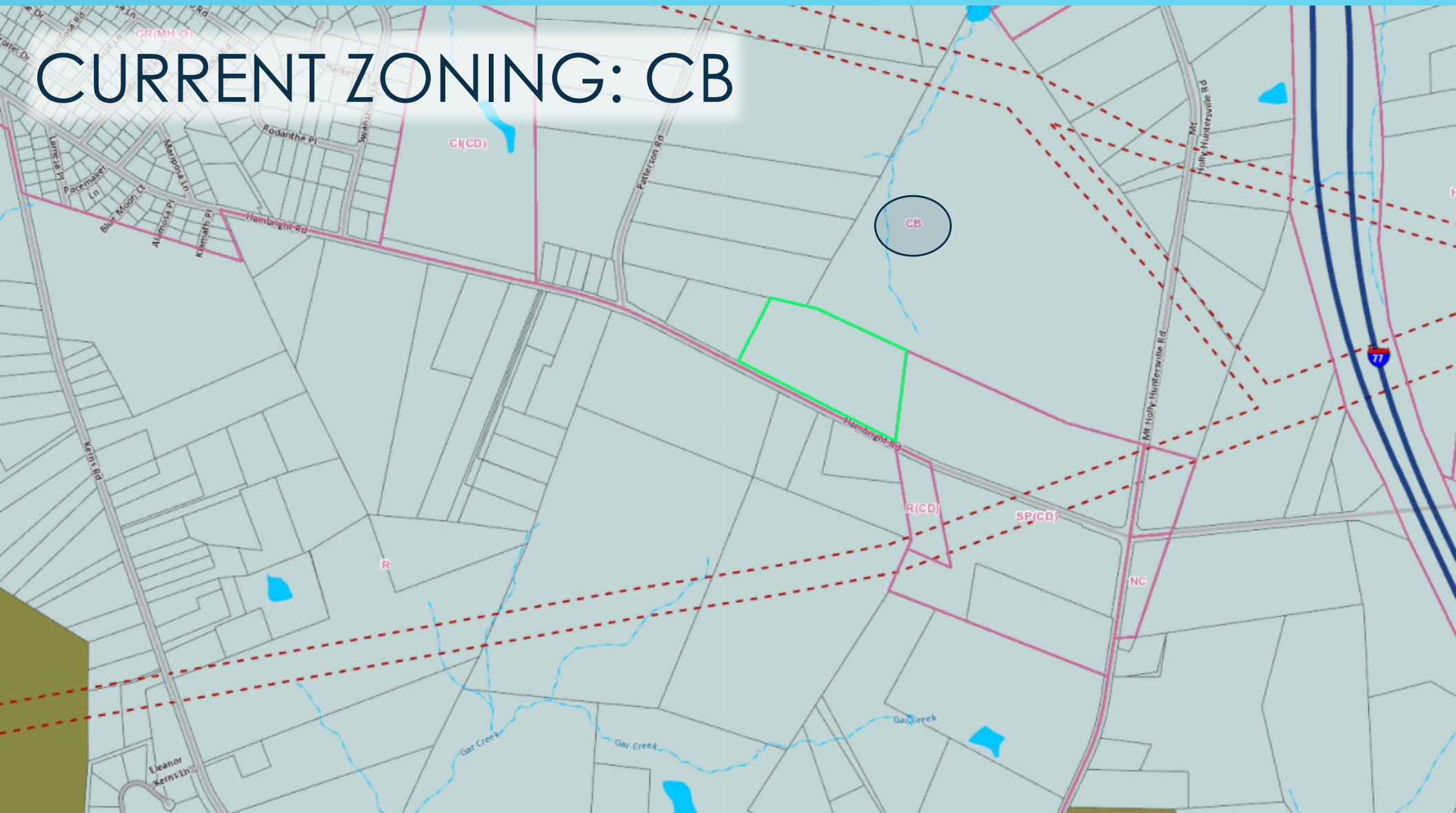
DEVELOPMENT CONSIDERATIONS

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



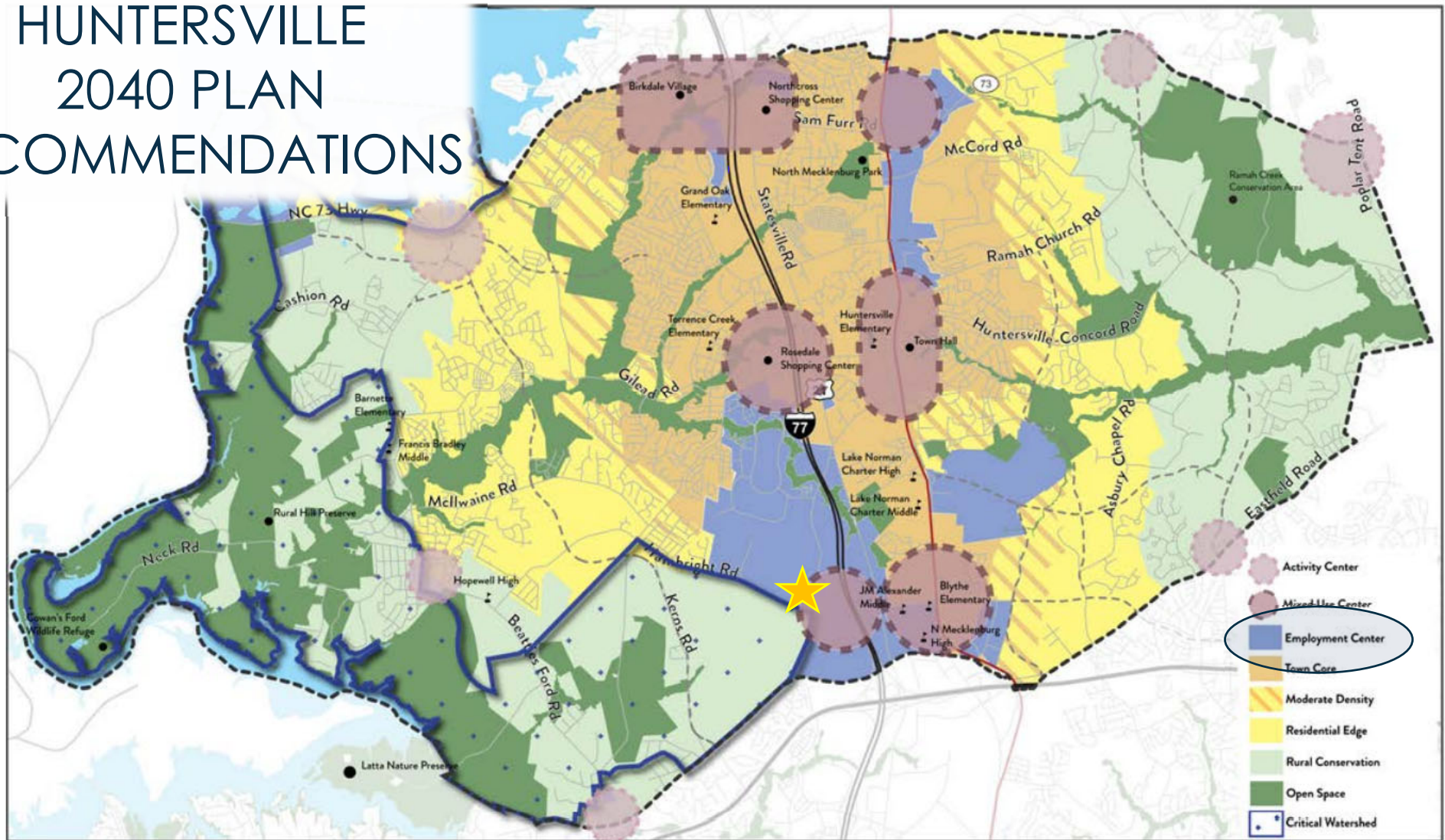
CURRENT ZONING

CURRENT ZONING: CB



TOWN OF HUNTERSVILLE FUTURE LAND USE MAP

HUNTERSVILLE 2040 PLAN RECOMMENDATIONS

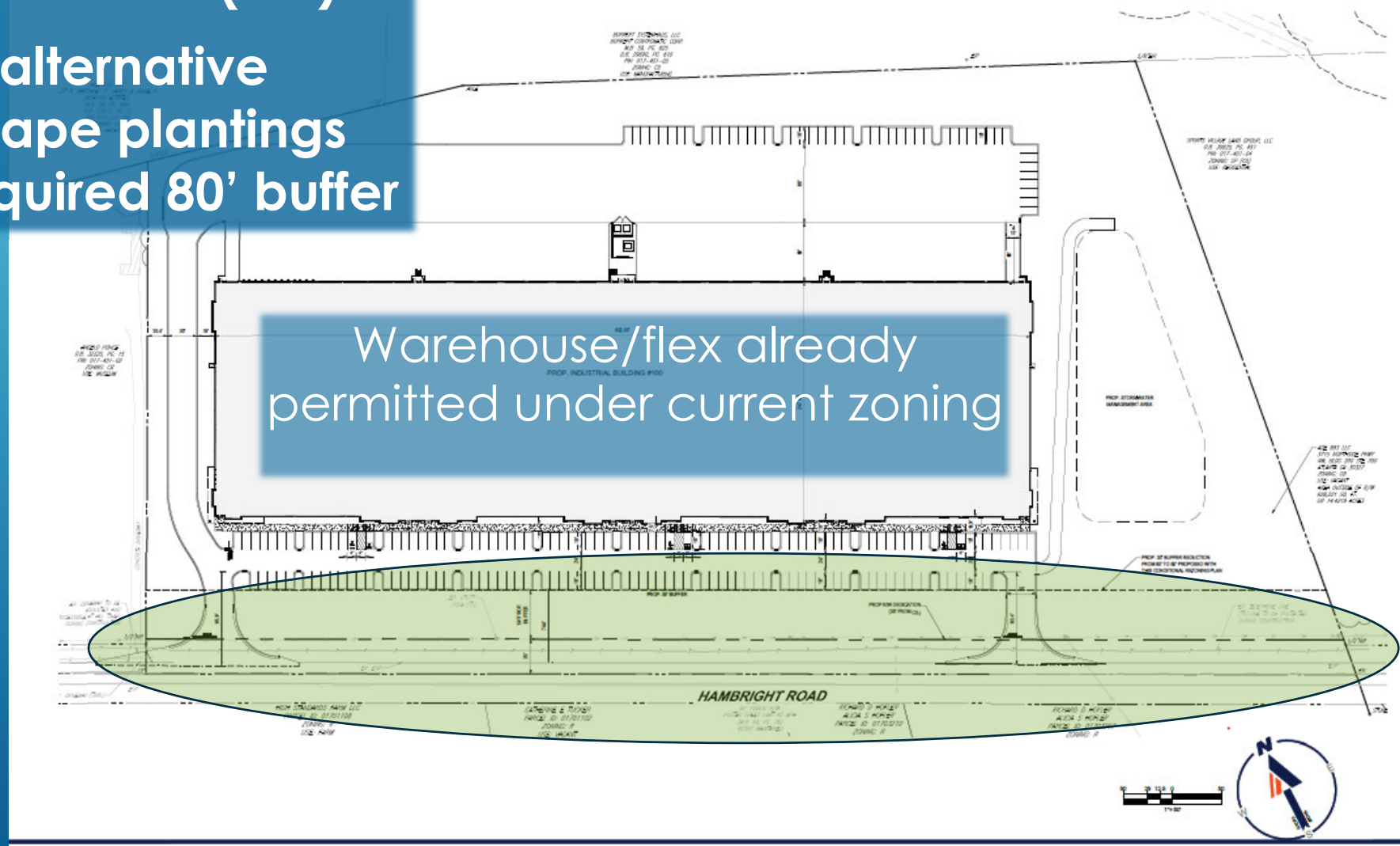


REZONING REQUEST

Several thin, parallel white lines of varying lengths and orientations are positioned in the lower right quadrant of the slide, creating a modern, abstract graphic element.

Conditional CB(CD)

For alternative
landscape plantings
within required 80' buffer



Landscape Exhibit

LANDSCAPE NOTES

- ALL TREES SHALL BE 4" DBH OR LARGER
- ALL TREES SHALL BE 4" DBH OR LARGER
- ALL TREES SHALL BE 4" DBH OR LARGER

PROP INDUSTRIAL BUILDING
1203,000 SF

HAMBRIGHT ROAD

[illegible]

LANDSCAPE SC			
REV	DTL	REVISION NAME	COMING TIME
REVISION YES			
1	DTL	1	1/1/2018
2	DTL	2	1/1/2018
3	DTL	3	1/1/2018
REVISION YES			
4	DTL	4	1/1/2018
5	DTL	5	1/1/2018
6	DTL	6	1/1/2018
REVISION YES			
7	DTL	7	1/1/2018
8	DTL	8	1/1/2018
9	DTL	9	1/1/2018
REVISION YES			
10	DTL	10	1/1/2018
11	DTL	11	1/1/2018
12	DTL	12	1/1/2018
REVISION YES			
13	DTL	13	1/1/2018
14	DTL	14	1/1/2018
15	DTL	15	1/1/2018
REVISION YES			
16	DTL	16	1/1/2018
17	DTL	17	1/1/2018
18	DTL	18	1/1/2018
REVISION YES			
19	DTL	19	1/1/2018
20	DTL	20	1/1/2018
21	DTL	21	1/1/2018
REVISION YES			
22	DTL	22	1/1/2018
23	DTL	23	1/1/2018
24	DTL	24	1/1/2018
REVISION YES			
25	DTL	25	1/1/2018
26	DTL	26	1/1/2018
27	DTL	27	1/1/2018
REVISION YES			
28	DTL	28	1/1/2018
29	DTL	29	1/1/2018
30	DTL	30	1/1/2018
REVISION YES			
31	DTL	31	1/1/2018
32	DTL	32	1/1/2018
33	DTL	33	1/1/2018
REVISION YES			
34	DTL	34	1/1/2018
35	DTL	35	1/1/2018
36	DTL	36	1/1/2018
REVISION YES			
37	DTL	37	1/1/2018
38	DTL	38	1/1/2018
39	DTL	39	1/1/2018
REVISION YES			
40	DTL	40	1/1/2018
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REVISION YES			
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REVISION YES			
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REVISION YES			
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50	DTL	50	1/1/2018
51	DTL	51	1/1/2018
REVISION YES			
52	DTL	52	1/1/2018
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REVISION YES			
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REVISION YES			
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REVISION YES			
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63	DTL	63	1/1/2018
REVISION YES			
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REVISION YES			
67	DTL	67	1/1/2018
68	DTL	68	1/1/2018
69	DTL	69	1/1/2018
REVISION YES			
70	DTL	70	1/1/2018
71	DTL	71	1/1/2018
72	DTL	72	1/1/2018
REVISION YES			
73	DTL	73	1/1/2018

LANDSCAPE NOTES

- ALL TREES SHALL RECEIVE 8" DIAMETER MULCH RING
- ALL MULCH AREAS TO CONSIST OF A 4" OF PINE STRAW
- 3" MINIMUM STRIP OF BERMUDA GRASS TYPICAL IN FRONT



BOHLER
BOHLER ENGINEERING NC, PLLC

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

REVISIONS

[illegible]

Know what's below.
Call before you dig.
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ISSUED FOR MUNICIPAL &
AGENCY REVIEW & APPROVAL

PROJECT No.:	NCCT0004
DRAWN BY:	
CHECKED BY:	
DATE:	21/3/20
CDN L2:	SL

PROJECT

NORTH CHASE AT THE PARK BUILDING 100

MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT
HAMBRIGHT ROAD
HUNTERSVILLE, IN

BOHLER

1927 S. TRYON STREET, SUITE 210
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

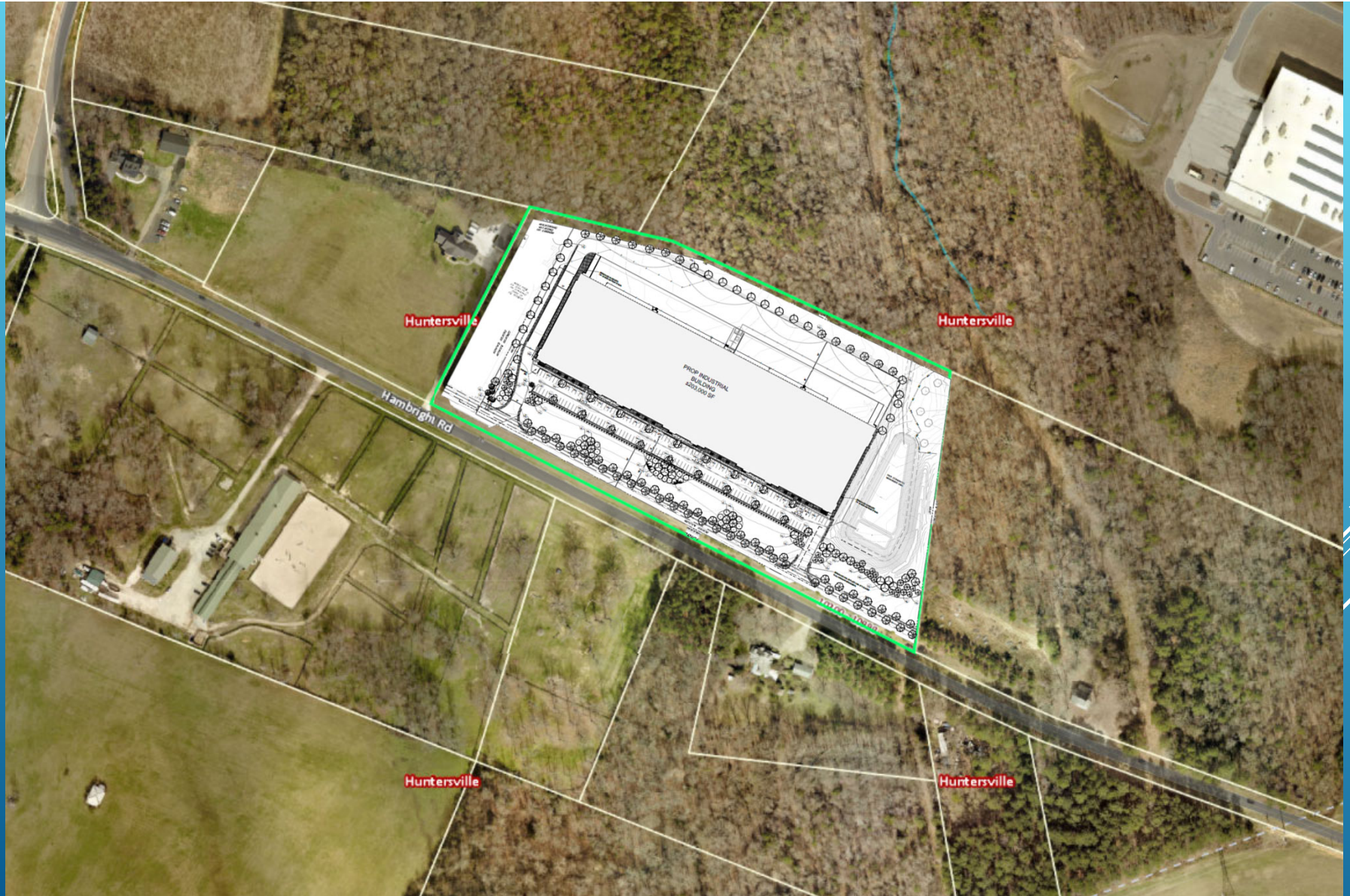


SHEET TITLE:

LANDSCAPE PLAN

RZ - 4

OSG DATE - 3/13/2018



Example Rendering



REZONING TIMELINE

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

POTENTIAL REZONING TIMELINE

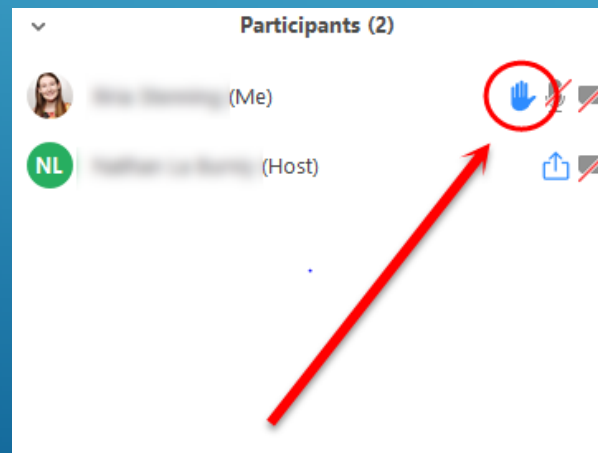
- Filed Application: June 1st
 - Community Meeting: TODAY
 - Earliest Possible Public Hearing: September 7th
 - Planning Board Meeting: September 28th
 - Earliest Possible Decision: October 18th
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner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

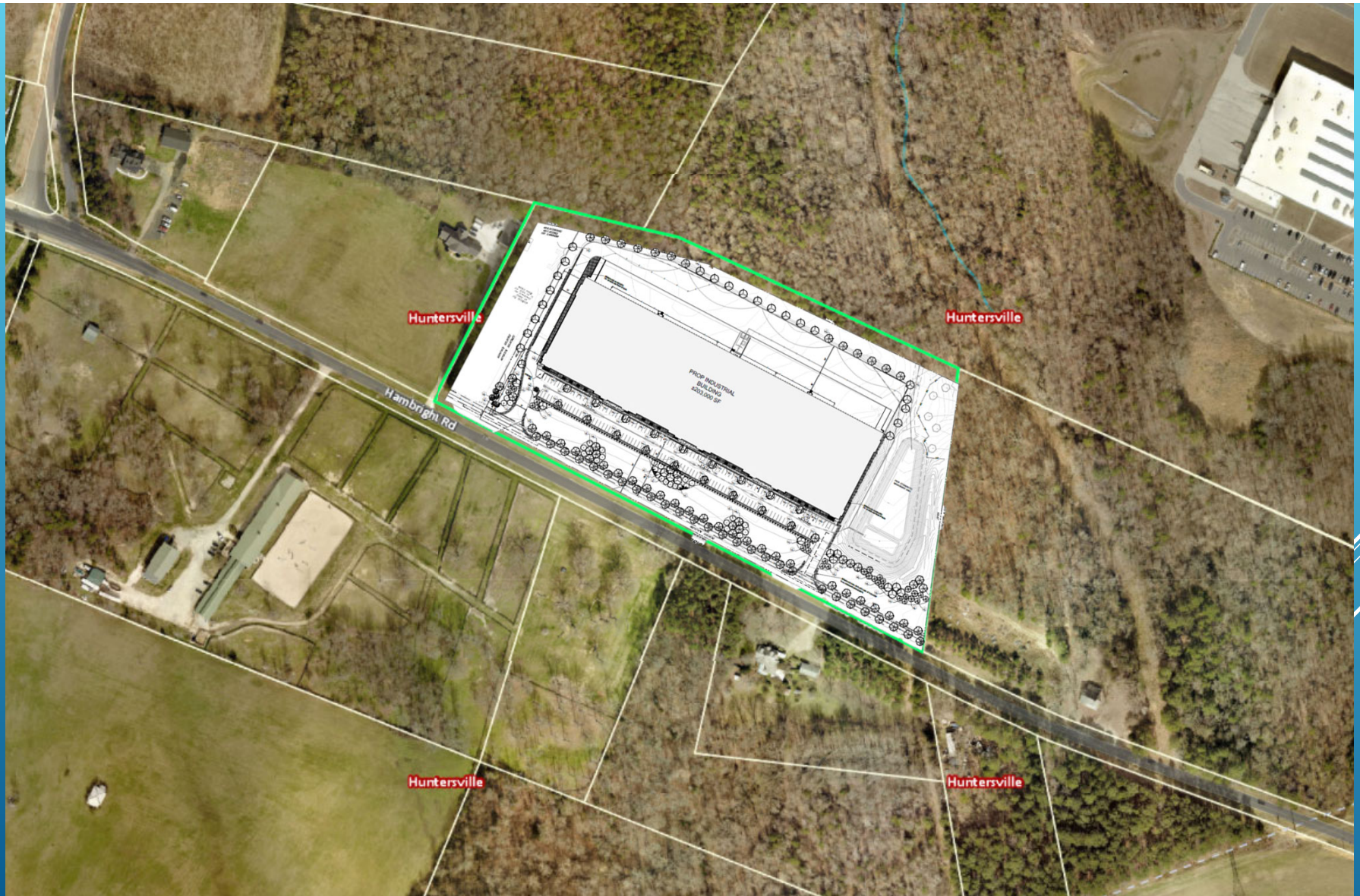
QUESTIONS & DISCUSSION

Type your
questions



Or ask out loud





THANK YOU!



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

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

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

Applicant: McDonald Development Company

Project Name: North Chase at The Park, Building 100

Project Address: Hambright Road

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

Applicant

Printed Name McDonald Development Company Phone 404-239-0885

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

Signature Jay A. White

Title Senior Vice President Email twhite@mcdco.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 4/8/2021

Daily Trips Anticipated 1357

Peak Hour Trips Anticipated AM 81 PM 81

TIA Required (Yes/No) Yes

Date of Determination: 4/8/2021

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



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 6/1/2021

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

Project Address Hambright Road

Parcel Identification Number(s) (PIN) 01740103

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

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

Current Land Use Vacant

Proposed Land Use(s) Industrial/warehouse/flex

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

(see attached sheet)

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

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

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

Signature _____ Printed Name: _____

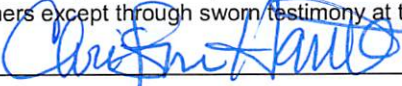
Title _____ Email _____

Address of Applicant _____

7. Property Owner (if different than applicant)

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

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

Signature  Printed Name Christina Hamilton

Title Manager Email thamilton@ade1031.com

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

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

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

8. Development/Design Firm Contact Information

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

Contact Information

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

Section #3.

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

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

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

OFFICIAL AD PROOF

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

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

See Proof on Next Page

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

FILER

Tracy Barron
tbarron@huntersville.org

FILING FOR

Charlotte Observer

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

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

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

NOTICE OF PUBLIC HEARING

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

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

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

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

W000000000000

Published Monday, August 23 and 30, 2021

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

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

ANGELO PONCE
10325 HAMBRIGHT RD
HUNTERSVILLE NC 28078

TAMMY BIRMINGHAM
1093 READSBORO DR
MOUNT ULLA NC 28125

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

ADE 859 LLC
3535 ROSWELL RD STE 63
MARIETTA GA 30062

BURKERT SYSTEMHAUS LLC
11425 MOUNT HOLLY HUNTERSVILLE RD
HUNTERSVILLE NC 28078

HIGH STANDARDS FARM LLC
10204 HAMBRIGHT RD
HUNTERSVILLE NC 28078

CATHERINE E TUCKER
10204 HAMBRIGHT RD
HUNTERSVILLE NC 28078

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

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

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

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Kayleigh Mielenz

Date: January 18, 2022

Subject: Petition #TA21-11

EXPLAIN REQUEST:

Consider decision 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 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.

ACTION RECOMMENDED:

Consider a decision for TA21-11 SUP Requirements & Watershed Variance Language.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA21-11 Town Board Staff Report
2. Draft3_Update 12.14.21
3. Application_SUP requirements, Watershed variances 9292021

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 recommended approval (8-0) of the proposed text amendment during the December 21, 2021 meeting.

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 application based on the amendment being consistent with policies EV1.4, LU-4, EOS-1, and EOS-5 of the Huntersville 2040 Community Plan.	APPROVAL: S. Hensley made a Motion to Approve TA21-11 to amend Article 11.4.10 amendment process of Special Use Permit hearing requirements for Special Use Permits Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.34, 9.36, 9.28, 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 – d 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 the definitions of major and minor variances from watershed regulations and findings of fact required for variances from watershed regulations to be consistent with North Carolina Administrative Code. The Planning Board recommends approval based on the amendment being consistent with policies EV-1.4, LU4, EOS 4 & EOS 5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend	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 based on the amendment being consistent with <u>(insert applicable plan reference)</u>

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.	the zoning ordinance because it improves efficiency of land development reviews, supports protectional water quality and drinking quality watersheds and establishes greater consistency with the North Carolina Administrative Code. C. Boyd seconded the motion. The motion passed unanimously (8-0).	It is reasonable and in the public interest to amend the Zoning Ordinance because... <i>(Explain)</i>
		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 <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>

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 infectious 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:

TA21-11: SUP Hearing Requirements & Watershed Minor and Major Variance Definition and Findings of Facts

~~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 nor 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 unit(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 means ~~a~~ **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 means 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

TA21-11: SUP Hearing Requirements & Watershed Minor and Major Variance Definition and Findings of
Facts



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

☒ 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

See Attached

Current Ordinance

See Attached

Proposed Text

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
Planning Department**
PO Box 664
Huntersville, NC 28070

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

Date Received By Planning Department: _____

Staff Initials: _____

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Kayleigh Mielenz

Date: January 18, 2022

Subject: Petition #TA21-16

EXPLAIN REQUEST:

Consider decision 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.

ACTION RECOMMENDED:

Consider decision on TA21-16 SB 300 & HB 218 Updates.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA21-16 Town Board Staff Report_2022Updates
2. 1. Updated Text Amendment Application 10.27.21
3. SB 300 & HB 218 Proposed Ordinance Language 12.09.21

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 Statutes, 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

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. To comply with Senate Bill 300, 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.

House Bill 218 was approved on October 8, 2021 and became effective November 1, 2021. House Bill 218 clarifies stormwater runoff requirements applicable to preexisting development in water supply watersheds. The bill allows an applicant to exceed the allowable built-upon area (density) under the Water Supply Watershed Rules if all statutory requirements are met. To comply with House Bill 218, the Town of Huntersville Planning Department also requests to amend Sections 3.3.2.2 Exceptions to Applicability, Subsection (e) of Section 3.3.2-A Built-Up-On Area Development Standards, Subsection (e) of Section 3.3.2-B Built-Up-On Area Development Standards, Section 3.3.3.2 Exceptions to Applicability, (e) of Section 3.3.3-A Built-Up-On Area Development Standards, and Subsection e of Section 8.17.3 Water Quality Exceptions to Applicability of the Zoning Ordinance.

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 recommended approval of the proposed text amendment (8-0) on 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: F. Gammon made a Motion to Approve TA 21-16 as the amendment is necessary to comply with state legislature Senate Bill 300 and House Bill 218 as stated in part 1 of the staff report. As such the amendment is consistent with all policies of the Huntersville 2040 Community Plan. 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 the NC General Statutes and Regulatory Policies. J. Davis seconded the motion. The motion passed unanimously (8-0).	APPROVAL: In considering the proposed amendment TA21-16, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA21-16, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



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 Statutes, 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.

ApplicantPrinted Name Town of Huntersville Planning Department☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____Signature Kayleigh Mielenz Date 10/22/21Title Planner I Email Kmielenz@huntersville.orgAddress 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
Planning Department**
PO Box 664
Huntersville, NC 28070

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

Date Received By Planning Department: 10/22/21Staff Initials: KIM

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. § 160DA, Article ~~19~~, ~~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) 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

Section 22. 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) 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

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
January 18, 2022**

To: Town Board

From: Stephen Trott

Date: January 18, 2022

Subject: Resolution to acquire right-of-way and easements for the Beatties Ford at Hambright project

EXPLAIN REQUEST:

Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Beatties Ford at Hambright project.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

Transportation Reserve

ATTACHMENTS:

1. R-2022-01 Resolution-ROW-1.7.2022



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS
TO ACQUIRE RIGHT-OF-WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF
THE ADOPTED AND FUNDED BEATTIES FORD AT HAMBRIGHT PROJECT (BFH)**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the BFH Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the BFH Project; and

WHEREAS, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than July 2022; and

WHEREAS, the Town’s proposed property acquisition process for the BFH Project will comply with applicable federal and state requirements; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the BFH Project.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS (the “Town Board”) AS FOLLOWS:

1. The Town Board approves and authorizes the acquisition of the necessary fee title, rights-of-way, and easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition. No further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest in Exhibit A cannot be acquired by negotiations at the price authorized above, the Town Manager, through counsel, may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County.

3. The Town Board hereby authorized the Town Manager, acting on advice of counsel, to take any actions necessary to carry out the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 18th day of January, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

EXHIBIT A - PARCEL INDEX
BEATTIES FORD AT HAMBRIGHT PROJECT

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	015-161-33	County of Mecklenburg
2	015-151-43	Aspire Carolinas Foundation Inc
3	023-031-05	James G Galloway, C/O James Galloway Jr
4	015-171-02	Michael Kucera
5	015-171-01	Michael Kucera
6	023-031-04	Kenneth S Et Al Powell, Beatties Ford Memorial Gardens
7	015-171-20	Arlington O'Neal Cornelius, Kathy S Cornelius

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Stephen Trott

Date: January 18, 2022

Subject: Resolution to acquire right-of-way and easements for the Gibson Park Drive Phase 2 project.

EXPLAIN REQUEST:

Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Gibson Park Drive Phase 2 project.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

2020 Bonds

ATTACHMENTS:

1. R-2022-02 Resolution-ROW-1.7.2022



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT-OF-WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED
AND FUNDED GIBSON PARK DRIVE PHASE 2 PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the Gibson Park Drive Phase 2 Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Gibson Park Drive Phase 2 Project; and

WHEREAS, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than July 2022; and

WHEREAS, the Town’s proposed property acquisition process for the Gibson Park Drive Phase 2 Project will comply with applicable federal and state requirements; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Gibson Park Drive Phase 2 Project.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF
COMMISSIONERS (the “Town Board”) AS FOLLOWS:**

1. The Town Board approves and authorizes the acquisition of the necessary fee title, rights-of-way, and easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition. No further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest in Exhibit A cannot be acquired by negotiations at the price authorized above, the Town Manager, through counsel, may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of

taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County.

3. The Town Board hereby authorized the Town Manager, acting on advice of counsel, to take any actions necessary to carry out the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 18th day of January, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Town Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

EXHIBIT A - PARCEL INDEX
Gibson Park Dr Phase 2

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	019-053-22	Donald K. Holbrook
2	019-061-40	Dale S. Radcliffe, Dena C. Radcliffe, Melinda Roseman, David Roseman
3	019-061-03	Francisco De La Garza, Concepcion Del
4	019-061-38	Pascofive Inc.
5	019-061-34	Verna G. McNeely, Lee Roy Graham
6	019-061-26	Waldemar Rodrigues Jr Pereira, Nimua Bogado Rodrigues Periera, Vivian Rodrigues Periera
7	019-054-27	Manuel Vazquez, Maria Vazquez
8	019-054-58	Bradley George Hanne

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Stephen Trott

Date: January 18, 2022

Subject: Resolution to acquire right-of-way and easements for the Seagle St/4th St project.

EXPLAIN REQUEST:

Consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Seagle St/4th St project.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

Transportation Reserve

ATTACHMENTS:

1. R-2022-03 Resolution-ROW-1.10.2022



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED
AND FUNDED SEAGLE STREET/4TH STREET PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the Seagle St/4th St Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Seagle St/4th St Project; and

WHEREAS, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than July 2022; and

WHEREAS, the Town’s proposed property acquisition process for the Seagle St/4th St Project will comply with applicable federal and state requirements; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Seagle St/4th St Project.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS (the “Town Board”) AS FOLLOWS:

1. The Town Board approves and authorizes the acquisition of the necessary fee title, rights-of-way, and easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition. No further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest in Exhibit A cannot be acquired by negotiations at the price authorized above, the Town Manager, through counsel, may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of

taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County.

3. The Town Board hereby authorized the Town Manager, acting on advice of counsel, to take any actions necessary to carry out the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 18th day of January, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

EXHIBIT A - PARCEL INDEX
Seagle/4th St

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	019-022-01	Vermillion Anchor Mill Village, LLC
2	019-013-09	North Mecklenburg Properties, LLC
3	019-013-19	JHG Properties, LLC
4	019-013-21	Sharnon Dale Auten
5	019-013-20	Bessie Auten Williams
6	019-013-12	Howard Donald Ray, Sarah Henson
7	019-013-13	Lizbeth Dela Garza, Carlos Flores
8	019-013-14	Southern Province Moravian Church in America, John Donald Campbell, Sara Henson Ray, Howard Donald Ray
9	019-013-15	Southern Province Moravian Church in America, C/O Treasurer
10	019-013-16	Southern Province Moravian Church in America, C/O Treasurer
11	019-014-07	PDAN Holdings, LLC
12	019-014-16	PDAN Holdings, LLC
13	019-014-08	PDAN Holdings, LLC
14	019-015-06	Marcelo Stalyn Cordero
15	019-015-27	Sweetwater Assets, LLC
16	019-015-29	Sweetwater Assets, LLC
17	019-015-08	Charles S. Guignard
18	019-015-09	Roberto De La Garza Guzman, Esperanza Rodriguez
19	019-015-17	Roberto De La Garza Guzman, Esperanza Rodriguez
20	019-015-10	EAE Realty LLC
21	019-015-18	Darla Wilson

22	019-015-11	J Roberto DelaGarza Rodriguez, Ivette Delagarza
23	019-015-19	Hitesh S. Bhanderi, Dipti H. Bhanderi
24	019-015-13	Jaime Roberto Delagarza, Ivette Delagarza
25	019-015-14	Jaime Roberto Delagarza, Ivette Delagarza
26	019-015-15	Phoenix Holdings LLC, C/O Regina Barron
27	019-022-04	Constantino Jesus Razo Torres
28	019-022-05	Jaime R Delagarza-Rodriguez
29	019-022-06	J Roberto Delagarza, Ivette Delagarza
30	019-022-07	Patsy C. Summerour
31	019-022-08	Kathleen Loudon, Michael Denver Loudon

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Michael Jaycocks

Date: January 18, 2022

Subject: Lake Norman Charter School Synthetic Turf Agreement at Huntersville Athletic Park

EXPLAIN REQUEST:

Currently, the Town is showing \$750,000 in the CIP for FY 23 for the Huntersville Athletic Baseball Synthetic Turf Infields. This project will replace the existing two synthetic turf infields on HAP baseball fields 1 & 2 that are now 13 years old, as well as adding synthetic turf to the infields of baseball fields 3 & 4. The Town of Huntersville currently has a joint use agreement with Lake Norman Charter School that allows the Town access to the three gyms at the three LNCS schools and Lake Norman Charter has access to Town's athletic fields. Currently, Lake Norman Charter uses HAP baseball fields 3 & 4 for their school baseball games and practices. The Town approached Lake Norman Charter School about a partnership where they would help pay for a portion of the cost to add turf to fields 3 & 4. Lake Norman Charter School agreed to give \$150,000 over 10 years to go towards the project. In exchange for those funds, the town will allow LNCS up to eight nights per year at Huntersville Athletic Park to host potential home playoff games. The Huntersville Parks and Recreation Commission unanimously approved this recommendation at their December 19th meeting.

ACTION RECOMMENDED:

Approve Huntersville Athletic Park Synthetic Turf Agreement with Lake Norman Charter School

FINANCIAL IMPLICATIONS:

The Town will receive \$150,000 over 10 years from Lake Norman Charter School.

ATTACHMENTS:

1. Lake Norman Charter School Field Usage Agreement- HAP Turf- Final

FIELD USE AND TURF FUNDING AGREEMENT FOR HUNTERSVILLE ATHLETIC PARK

This Field Use and Turf Funding Agreement for Huntersville Athletic Park (hereinafter "Agreement") is made this _____ day of _____, 2022, by and between the Town of Huntersville, a North Carolina municipal corporation (hereinafter, "Town") and Lake Norman Charter School, Inc., a North Carolina non-profit corporation, (hereinafter "LNCS").

WHEREAS, Town is the Lessee from Mecklenburg County of certain property located at 11720 Verhoeff Drive, Huntersville, NC 28078 known as Huntersville Athletic Park (hereafter, "Huntersville Athletic Park") by virtue of that Lease Agreement between Mecklenburg County and the Town dated April 22, 2015, as subsequently amended from time to time. Said Lease (hereinafter the "Huntersville Athletic Park Lease") is for the purpose of the Town constructing and operating, as a joint use park with Mecklenburg County, an outdoor recreation facility and athletic fields;

WHEREAS, Town has determined that it is in the public interest to install synthetic turf on baseball infields located at Huntersville Athletic Park;

WHEREAS, Town and LNCS have entered into that Joint Use Agreement dated March 21, 2017 whereby the parties may jointly use certain athletic fields, including the use of the baseball fields located at Huntersville Athletic Park;

WHEREAS, LNCS has agreed to contribute **\$150,000.00 (one hundred and fifty thousand dollars)** over a ten (10) year period, in accordance with Exhibit A, said Exhibit A being attached hereto and incorporated herein by reference, toward the construction of synthetic turf athletic fields at Huntersville Athletic Park and in exchange, LNCS will receive eight nights per year for use of Baseball Fields 3 and 4 at Huntersville Athletic Park as covered for a period of ten (10) years as outlined herein, subject to the rights of the Town, Mecklenburg County pursuant to the Huntersville Athletic Park Lease.

NOW, THEREFORE, for valuable consideration, the Town and LNCS agree as follows:

- 1) **Term.** The term of this Agreement will be for ten (10) years, commencing upon completion and opening of the fields for use ("Initial Term"). Completion and opening of the fields are anticipated for **20__**, or such other opening date designated by the Town ("Commencement Date"). Upon the substantial completion of the fields such that they are open and ready for use, the Commencement Date will be determined by agreement of the parties hereto, and a memorandum documenting the Commencement Date will be signed by all parties hereto.

The parties may negotiate and enter into an extension term of this Agreement on mutually agreeable terms if LNCS indicates in writing its desire to do so at least 180 days prior to the expiration of the Initial Term.

- 2) **Payment Provisions.** Upon approval and execution of this Agreement by both parties and upon the Commencement Date, LNCS will commence paying Town \$150,000.00 in monthly installments in accordance with Exhibit A. LNCS will make payment after invoices are approved on a net 30-day basis.
- 3) **Warranty.** LNCS warrants that the undersigned representative is authorized to execute this Agreement on behalf of LNCS. Town warrants that the undersigned representative is authorized to execute this Agreement on behalf of Town. The Town will secure the written approval by Mecklenburg County, if required by the terms of the Huntersville Athletic Park Lease.
- 4) **Turf Field Improvements.** Town will work cooperatively with LNCS on the design for the synthetic turf infields at Huntersville Athletic Park Baseball Fields 3 and 4 (the "Athletic Fields") but authority and responsibility for field design and construction remains with Town. Town agrees to design and construct the Athletic Fields such that the fields comply with the field dimensions needed for high school sports. The Town shall have final authority and responsibility for the design and construction.
- 5) **Field Use Rights.** Field usage rights as to the LNCS shall be governed by the following provisions:
 - a) **Right of First Refusal.** The Town will grant LNCS up to eight nights per year of first right of refusal to reserve field space on Baseball Fields 3 and 4 prior to reservation of those spaces by the general public or other facility user groups, subject, however to such rights of the County under the Huntersville Athletic Park Lease. This Right of First Refusal shall only include Baseball Fields 3 and 4, on a year-round basis for LNCS' provided allocation of nights. This right of first refusal is in addition to the current allocation of field time to LNCS that was grant by the Joint Use Agreement dated March 21, 2017.
 - b) **Scheduling Field Usage.** The Town will serve as scheduler for the Athletic Fields. LNCS must complete and submit to the Town Parks and Recreation Director its proposed schedule for the fields that the LNCS wishes to reserve pursuant to the Joint Use Agreement executed by the parties on March 21, 2017. LNCS shall enjoy the same usage of the Athletic Fields as it has experienced during the calendar year of 2016, as further described in the Joint Use Agreement, with the exception that LNCS shall receive up to eight additional nights per year on the Athletic Fields.
 - c) **Field Usage by Third Parties.** The request from third parties for reserved field space will only be entertained after provision has been made, on an annual basis, for Town activities, the Approved Reservation Schedule, any use reserved for Mecklenburg County pursuant to the Huntersville Athletic Park Lease. Nothing herein shall preclude the LNCS requesting to reserve fields that are not shown on the Approved Reservation Schedule, and the Town shall endeavor to grant such requests provided such fields have not been reserved by another person or entity at the time of the request or provided Mecklenburg

County or the Town have not scheduled an event for such fields at the time of the request and subject to subparagraph g) below.

- d) Use of Field Accessories. LNCS's use of the Athletic Fields will include the use of lights, available parking, seating, and restrooms.
- e) Other Uses. It is understood that, notwithstanding its right of first refusal, other cosponsors and general public users of the field space must be accommodated and LNCS shall not exercise its right of first refusal for the purpose of excluding or substantially excluding other co-sponsors or the general public. LNCS shall use all reasonable efforts to accommodate other users of the Athletic Fields, but in the event of any dispute between LNCS, and any other co-sponsor or potential user, the Town reserves the right to make a final decision as to the usage. In no event shall the Town's decision as to usage reduce the LNCS's total number of allocated hours stated in this agreement and the joint use agreement executed on March 21, 2017. LNCS must at all times be in compliance with this Agreement and with the Huntersville Athletic Park Lease in scheduling usage.
- f) Notwithstanding anything else in this Agreement to the contrary, the Town Parks and Recreation Director shall have the right to temporarily suspend or cancel Field use for Huntersville Athletic Park as he deems advisable in his sole and absolute discretion due to circumstances that may place the public safety in jeopardy, or due to circumstances that may result in damage to the fields or park property if field use is not suspended or cancelled. In the event the Town Parks and Recreation Director exercises this right, and the suspension or cancellation infringes upon a date which is reserved for LNCS' use pursuant to the Approved Reservation Schedule, the Town Parks and Recreation Director shall endeavor to provide additional time to the LNCS to make up such time lost due to the Director's decision to suspend or cancel field use.

6) **Duties of LNCS.**

- a) LNCS shall comply with the Town co-sponsorship policies.
- b) LNCS shall adhere to hours of operation as determined by the Approved Reservation Schedule granted by Town in its discretion.
- c) LNCS shall promptly notify Town of any cancellations of practices or games so that the Athletic Fields may be made available to other parties.
- d) LNCS shall provide all equipment necessary for its use of any baseball fields.
- e) LNCS agrees to abide by all rules and regulations established by Town for the general community use of its facilities while carrying out its obligations under this Agreement and when its representatives are in use of the Athletic Fields during playing time. Further, LNCS agrees to abide by any use restrictions the Town is subject to due to tax exempt bond financing of any or all of a portion of Huntersville Athletic Park.
- f) LNCS will comply with all Town, county, state and federal laws and regulations in its use of the Athletic Fields.

- g) LNCS will remove all trash from Athletic Fields and the surrounding areas in the applicable Town Park after each activity.
- h) LNCS will ensure that participant parking will be restricted so as not to obstruct fire lanes, other functions, and surrounding neighborhoods and roadways.
- i) LNCS shall be responsible for deciding to suspend or cancel its field use activities in the event of severe weather. In making such decision, LNCS will exercise good judgment.
- j) LNCS will prohibit participants' use of alcohol/intoxicants, tobacco products, or any illegal substances during use of reserved fields. At all times during its use of reserved fields, LNCS agrees to provide appropriate security to ensure an orderly environment free of controlled substances, vandalism, and anti-social disturbances during and after athletic competition.
- k) LNCS shall be responsible for handling any medical or injury incidents during all use periods. LNCS shall provide properly trained, skilled and professional personnel in performing services hereunder. LNCS shall provide to the Town an incident report in such form as the Town may reasonably request for all medical or injury incidents occurring at either Huntersville Athletic Park within twenty-four (24) hours of such medical or injury incident.
- l) LNCS will control noise and comply with the Town's noise ordinance.
- m) LNCS shall be responsible for securing and locking any areas to which it is given access for the use or control of the Athletic Fields.
- n) Damage to Fields. LNCS shall be responsible for repairing any damage to any of the Athletic Fields at Huntersville Athletic Park which occurs during LNCS's use of the Athletic Fields. Any repairs shall be completed within 30 days of the damage and shall be at the sole expense of LNCS.
- o) Insurance Requirements. LNCS shall provide and maintain at its own expense during the term of this Agreement, insurance in accordance with the requirements as contained in Exhibit B, attached hereto and incorporated herein by reference. All insurance procured, except Worker's Compensation and Professional Liability coverage, shall name the Town of Huntersville as an additional insured. LNCS shall provide a Certificate of Insurance demonstrating the required coverages and an endorsement naming the Town as additional insured prior to signing this Agreement, and annually thereafter on or before the anniversary of the effective date of this Agreement.
- p) Indemnification. LNCS shall indemnify and hold harmless the Town, its agents, officials, employees, successors and assigns from and against all claims, suits, losses, costs, fines, damages, liability, expenses, settlement costs, orders or judgments, professional fees, or any other expenses including attorneys' fees, which arises out of, or in any relates to 1) LNCS exercising its rights under the terms of this Agreement, including but not limited to use of the Fields within Huntersville Athletic Park, and the use of areas of said Parks appurtenant to the Athletic Fields (such as parking lots,

restrooms, seating, green space), 2) any act or omission of LNCS, its representatives, participants, volunteers, or anyone associated with its program; 3) LNCS nonperformance of the terms of this Agreement. LNCS obligation for indemnification under this Agreement shall not extend to losses, damages, suits, claims, or expenses caused by the gross negligence or the intentional misconduct of the Town, its officer, agents and employees. The LNCS' obligation of indemnification shall survive any termination of this Agreement.

7) **Other Town Responsibilities.**

- a) Except as required of LNCS during its periods of reserved use, Town shall keep Athletic Fields properly maintained in good and playable condition. Town shall coordinate comprehensive grounds maintenance for the synthetic turf surface, natural turf fields and surrounding field areas in order to provide a safe and playable surface. LNCS understands that the natural turf fields may be closed from time to time for turf renovations which is typical for such fields. Town will coordinate with LNCS for any field maintenance requiring any fields to be closed.
- b) Town will not be responsible in any way for LNCS's supplies, equipment, materials or personal belongings that may be damaged by fire, theft, accident, vandalism or otherwise.
- c) Provide LNCS the same usage of the Athletic Fields as it has experienced during the calendar year of 2016, as further described in the Joint Use Agreement, with the exception that LNCS shall receive up to eight additional nights per year on the Athletic Fields.
- d) The Town will allow LNCS to post school banners at their home fields in town parks during their sports seasons.

8) **Improvements.** Except as expressly contemplated by the terms of this Agreement, LNCS shall not make any improvements to the Athletic Fields, or to any other portion of Huntersville Athletic Park without the written consent of the Town Parks and Recreation Director.

9) **Termination.**

- a) For Cause Termination. Town reserves the right to terminate the Agreement for cause. For purposes of this Paragraph 10(a), cause shall include (1) breach of this Agreement by LNCS, after written notice thereof from Town is given and such breach is not cured within thirty (30) days; (2) any act of dishonesty, fraud or misappropriation; (3) any noncompliance with a lawful rule, regulation or directive of Town, after written notice thereof from Town is given and such non-compliance is not cured within thirty (30) days; (4) negligent or willful neglect of duties; or (5) any act of LNCS that causes harm or risk to public safety.
- b) No Waiver by Town. Failure by the Town to insist upon the strict performance of this

Agreement by the LNCS shall not be deemed a waiver by the Town of any breach of this Agreement by the LNCS. The Town may, at any time, strictly enforce the terms of this Agreement.

- c) Should the Town terminate this Agreement for Cause, then Town shall have all remedies available at law or in equity, including but not limited to compensatory, consequential and incidental damages.

- 10) **Contingencies to Agreement.** The parties acknowledge and agree that this Agreement is contingent on certain actions and approvals of the Huntersville Town Board concerning funding, construction and financing and on Town obtaining financing for the field improvements on terms acceptable to the governmental discretion of the Town. Should any of these enumerated contingencies not occur on or before the Commencement Date then this Agreement shall become null and void without further liability of either party to the other. The parties further acknowledge that the Town is leasing the Huntersville Athletic Park property from Mecklenburg County and that this Agreement is contingent and subject to the continuation of that lease.

- 11) **Notice.**

Notice under this Agreement shall go to:

FOR: TOWN OF HUNTERSVILLE
Anthony Roberts, Town Manager
PO Box 664
101 Huntersville-Concord Road
Huntersville, NC 28070
Email: aroberts@huntersville.org
Telephone: 704-875-6541

FOR: LNCS
Lake Norman Charter School
Attn: Superintendent
12435 Old Statesville Road
Huntersville, NC 28078
Email:
Telephone:

- 12) **North Carolina Law.** The terms of this Agreement shall be governed by North Carolina law, as amended during the Term hereof.
- 13) **Dispute Resolution.** All disputes hereunder which cannot be resolved informally shall first be mediated in accordance with the rules implemented by the North Carolina Supreme Court pursuant to NCGS 71-38.1 for superior court mediations. Either party hereto may, at any time, request that a dispute be referred for mediation and the other party shall comply. In the event a dispute cannot be resolved by mediation, and the dispute involves a breach of this Agreement, then such non-breaching party may file suit

in a court of competent jurisdiction in Mecklenburg County. If the dispute involves an interpretation of this Agreement, and the mediation is unsuccessful, then either party may institute a suit for Declaratory Judgment in a court of competent jurisdiction in Mecklenburg County. The obligation to mediate shall not toll any statute of limitations to exercise any remedy at law or in equity. The prevailing party in any litigation between the parties regarding this Agreement shall be entitled to collect reasonable attorneys' fees and costs from the other party. Whether a party is a prevailing party shall be determined by the court.

- 14) **No Assignment.** This Agreement shall be binding upon the parties, their heirs, legal representatives, successors, and assigns. However, this Agreement may not be assigned or amended without a written consent signed by both parties.
- 15) **Third Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries to this Agreement.
- 16) **Joint Use Agreement.** Except as specifically revised by this Agreement for the Athletic Fields, the Joint Use agreement dated March 21, 2017 between the Town and LNCS shall still be in full effect.
- 17) **Severability.** In the event any part of this Agreement shall be deemed void, illegal or unenforceable by a court of competent jurisdiction, then the remaining provisions shall remain in full force and effect.
- 18) **Separate Counterparts.** This Agreement may be executed in separate counterparts, which shall collectively and separately be considered one and the same agreement.

Made and entered into to be effective the day and year first above written.

TOWN OF HUNTERSVILLE

BY: _____ Date: _____
Anthony Roberts, Town Manager

LAKE NORMAN CHARTER SCHOOL, INC.

BY: _____ Date: _____

Exhibit A
Payment Schedule

Year	Annual Payment
Year 1	\$15,000
Year 2	\$15,000
Year 3	\$15,000
Year 4	\$15,000
Year 5	\$15,000
Year 6	\$15,000
Year 7	\$15,000
Year 8	\$15,000
Year 9	\$15,000
Year 10	\$15,000
TOTAL	\$150,000.00

EXHIBIT "B"
**MINIMUM INSURANCE
REQUIREMENTS**

The Town shall be named as additional insured on all policies, except Worker's Compensation and Professional Liability policies. Certificates evidencing the required coverages shall be provided to the Town as required by this Agreement. Such Certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. **Worker's Compensation and Employer's Liability**

LNCS shall provide and maintain without interruption workmen's compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000.

b. **Public Liability and Property Damage**

LNCS shall provide and maintain without interruption comprehensive general liability insurance coverage, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall insure against claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this Agreement, whether such operations be by LNCS or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury:	\$1,000,000 per occurrence/\$2,000,000 aggregate
Professional Liability:	\$1,000,000 per occurrence/\$2,000,000 aggregate
Property Damage:	\$1,000,000 per occurrence/\$2,000,000 aggregate

Or,

Bodily Injury and Property Damage, combined single limit (CSL): \$1,000,000 per occurrence/\$2,000,000 aggregate

c. **Deductible**

Any deductible, if applicable to loss covered by insurance provided, is to be borne by LNCS.

d. **Other Insurance**

LNCS shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Emily Sloop

Date: January 18, 2022

Subject: Social Media Policy for Town Employees and Town Social Media Sites

EXPLAIN REQUEST:

During the premeeting for the Town Board meeting on January 3, 2022, Town PIO, Kim Strickland, presented and thoroughly discussed a draft policy regarding the use of social media platforms by town employees and Rules of Use for town-maintained social media sites, which are moderated sites constituting limited, governmental forums.

ACTION RECOMMENDED:

Adopt policy.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Town Employee- Site Usage Social Media Policy FINAL DRAFT 1-6-21

TOWN OF HUNTERSVILLE SOCIAL MEDIA POLICY

Social Media is used by the Town of Huntersville to encourage awareness about Town programs, services, projects, events, activities, and other matters of public interest. Social media enables the Town to reach different demographics to achieve business and communication goals, including the following:

- Transparency in conducting local government business.
- Civic engagement regarding Town projects, programs, and initiatives.
- Disseminating information, especially time-sensitive material during public safety emergencies.
- Promotion of the Town and its services and programs.
- Social media tools supplementing the Town's official website.

This policy applies to all Town employees and includes any type of social media or social media platform, regardless of the modality utilized.

Employees authorized to communicate in their official capacity on a social media platform on behalf of the Town will be specifically assigned this as part of his/her duties by a supervisor. The supervisor shall ensure that the employee has obtained all necessary approvals from the Public Information Officer and shall clearly explain the assignment, the tools/platforms to be used, and the purpose of the same.

The Public Information Officer will process and establish the appropriate procedure for archiving social media content.

All sites shall be published using approved Town social networking platforms and tools.

OFFICIAL USE OF SOCIAL MEDIA BY TOWN EMPLOYEES

Employees representing the Town on social media sites shall always conduct themselves as a professional representative of the Town and in accordance with all Town policies. Any employee authorized to post items on any of the Town's social media sites shall ensure that postings shall only reflect the views of the Town and shall not express the personal views or concerns of the employee. Postings to Town social media sites shall not contain any of the following:

- Comments in support of, or opposition to, political campaigns, candidates, or ballot measures.
- Profane language or content.
- Content that promotes, fosters, or perpetrates discrimination in any form.
- Sexual content or links to sexual content.
- Solicitations of commerce.
- Conduct or encouragement of illegal activity.
- Content that violates any copyright, patent, or trademark.

PROHIBITED USES OF SOCIAL MEDIA

The following are always strictly prohibited, regardless of whether an employee is using social media for the Town's official use or for non-official/personal use:

- Disclosure of confidential information to which an employee has obtained because of the employee's role or duties for the Town. Confidential information includes information that an employee knows is confidential or has reason to believe is confidential. Examples of such information are a vendor's proprietary information of which the employee has knowledge due to his/her assignment on a Town project; personal, confidential, or health information about someone; information from an employee's or applicant's personnel file; billing information of customers compiled and maintained by the Town; or any data collected from a person applying for financial or other types of assistance or service including, but not limited to, their income, bank accounts, savings account, or other financial accounts.
- Disclosure of non-public information or legally protected information to which an employee has access or has obtained from the Town such as a person's address, date of birth, driver's license number, social security number, or other personal information.
- Disclosure of non-public records/information related to criminal investigations.

This is a representative list and does not include all prohibitions that might violate Town policies and procedures. Violations of these restrictions may be cause for disciplinary action by the Town, up to and including termination.

PERSONAL USE OF SOCIAL MEDIA BY TOWN EMPLOYEES

When an employee engages in a non-official/personal use of social media, the employee speaks solely for him or herself as an individual and not on behalf of the Town, even if said use is for the purpose of professional networking or the like. As a public employee, the use of social media is considered an extension of the workplace as it relates to employee conduct.

Employee non-official/personal use of social media is subject to these guidelines:

- Where the use is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of the Town.
- Employees must comply with Town policies, including but not limited to the Town's Personnel Policy.
- Employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social media sites.
- Personal use of social media should not constitute a criminal offense or subject the Town to civil liability.

Inappropriate personal use of social media may be grounds for disciplinary action, up to and including termination.

PUBLIC COMMENTS ON TOWN SITES

Town social media sites that permit public comments or postings shall be subject to the following guidelines:

- Views and opinions expressed are those of the authors and do not reflect those of Town of Huntersville officials and employees.
- People who comment shall have no expectation of privacy. Their comments are public records retained and subject to disclosure in accordance with applicable laws and Town policies.
- Town social media policies are subject to amendment or modification at any time.
- Public users should not use the site for emergency communications or when another form of notification or request is required.

The following Rules of Use shall apply to and be posted on all Town social media sites:

This site is a moderated discussion site and is subject to North Carolina public record and e-discovery laws. The Town of Huntersville ("Town") reserves the right to delete or hide submissions that violate these Rules of Use. All comments on this site must pertain to items within the jurisdictional control or authority of the Town. The following are examples of unacceptable comments and content. This list is not intended to be all-inclusive:

- Any comments or content that does not relate to the jurisdiction or authority of the Town.
- Profane or obscene language as determined by this social media platform's profanity filters (such posts will be blocked through the platform's profanity filter).
- Content that promotes, fosters, or perpetrates discrimination based on race, color, sex (including pregnancy, gender identity, and sexual orientation), national origin, religion, disability, age, genetic information, military or veteran status, or any other classification protected by applicable Federal, State, and local laws.
- Solicitations of commerce and/or content containing gratuitous links (links to other relevant governmental webpages or official government sites are acceptable).
- Promotions or content related to political organizations of any type.
- Advocation of illegal activity, services, or products or those that compromise the safety or security of the public.
- Infringement on intellectual property.
- Confidential or non-public information, including but not limited to, personally identifiable information, and content that violates the legal rights of the owner of said content.
- Information that may: compromise the security of public systems, including uploading files that contain viruses or corrupted files; compromise any criminal/civil investigations; or violate this social media platform's Terms of Use.

All comments that are blocked, hidden, or removed shall be retained as required by North Carolina law.

OVERSIGHT OF SOCIAL MEDIA SITES, POLICIES, AND USE

The Public Information Officer is responsible for reviewing requests for new social media sites to ensure the tools are implemented effectively and consistently across all Town departments. This includes approval for individual employees to engage in social media as Town employees and as an official part of their duties. As part of this oversight responsibility, the Public Information Officer is also responsible for ensuring that any employee approved to engage in social media activity in an official Town capacity has received additional training or education regarding the Town's social media policies and procedures.

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Brian Richards

Date: January 18, 2022

Subject: Resolution - Dedication of Public Right-of-way

EXPLAIN REQUEST:

On March 3, 2014, M/I Homes submitted an application for a subdivision named "The Oaks at Huntersville" to the Planning Department. As part of the subdivision approval process, a sketch plan and preliminary plan were submitted and approved. The approved subdivision plans included a street stub for the connection of Tannin Street (Block 12).

On July 18, 2016, an incorrect plat was filed depicting a vegetative buffer where a portion of Block 12 should have extended according to the approved subdivision plans. The approved subdivision plans were approved on the condition that the Town of Huntersville's Zoning Ordinance and Subdivision Ordinance requirements be satisfied with regards to street connectivity. The Town now desires to formally accept the offer of dedication of right-of-way for the Tannin Street connection as depicted on the approved subdivision plans as Block 12.

ACTION RECOMMENDED:

Adopt Resolution

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. A Approved Sketch Cobblestone
2. B Approved Preliminary Cobblestone
3. R-2022-04 Resolution to Accept ROW for Cobblestone Manor

THE OAKS AT HUNTERSVILLE

GENERAL NOTES

1. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY AND NCDOT, AS APPLICABLE.
2. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
3. ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
4. ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
5. LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENTS. SMALL MATURING TREES ARE TO BE PLANTED WHERE OVERHEAD POWER LINES EXIST.
6. BOUNDARY INFORMATION IS BASED UPON FIELD SURVEY CONDUCTED BY: PBS&J, TAKEN FROM A MAP ENTITLED BOUNDARY SURVEY OF PARCELS 1-5 (RANSON ROAD) PREPARED FOR RANSON ROAD WEST, LLC AT A SCALE OF 1"=100', DATED: MAY 12, 2006, REVISED 6-8-06.
7. INFORMATION REGARDING THE LOCATION OF EXISTING UTILITIES BASED UPON AVAILABLE INFORMATION AND MAY BE INCOMPLETE, AND WHERE SHOWN SHOWN IS CONSIDERED APPROXIMATE. THE LOCATION OF EXISTING UTILITIES SHOULD BE CONFIRMED PRIOR TO BEGINNING CONSTRUCTION. CALL "CALL BEFORE YOU DIG", 1-800-922-4455. ALL UTILITY LOCATIONS THAT DO NOT MATCH THE VERTICAL OR HORIZONTAL CONTROL SHOWN ON THE PLANS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION.
8. MILONE & MACDORMIR INC. MAKES NO WARRANTY AS TO THE ACCURACY OF MAPS AND DATA WHICH HAVE BEEN SUPPLIED BY OTHERS.
9. JURISDICTIONAL WETLAND BOUNDARIES WERE FLAGGED BY: ENVIRONMENTAL PERMITTING CONSULTANTS INC. ON DECEMBER 28, 2005, AND JANUARY 5, 2007 AND SURVEYED BY PBS&J.
10. ALL UTILITY SERVICES ARE TO BE UNDERGROUND. THE EXACT LOCATION AND SIZE OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS ARE TO BE DETERMINED BY THE RESPECTIVE UTILITY COMPANIES.
11. TOPOGRAPHIC CONTOUR INFORMATION WITHIN THE PROPERTY BOUNDARY WAS PROVIDED BY PBS&J. TOPOGRAPHIC CONTOUR INFORMATION WITHIN THE PROPERTY BOUNDARY IS BASED ON COUNTY GIS DATA. ALL DIMENSIONS AND ELEVATIONS SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF MILONE & MACDORMIR INC.
12. FLOODPLAIN, FLOODWAY AND S.W.I.M. BUFFER INFORMATION TAKEN FROM THE MECKLENBURG COUNTY STORMWATER FTP SITE (<http://ftp100.mecklenburg.nc.us/jsws/swm/water/>). THIS PROPERTY IS SUBJECT TO SWIM BUFFER REGULATIONS. THE SWIM BUFFER IMPLEMENTATION GUIDELINES SHOULD BE REVIEWED FOR RESTRICTIONS AND DESIGNATION PRIOR TO CONSTRUCTION. HUNTERSVILLE STANDARDS DIFFER FROM MECKLENBURG COUNTY.
13. IF ADJACENT TO A THOROUGHFARE, DRAIN ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
14. ALL PROPOSED CONTOURS AND SPOT ELEVATIONS INDICATE FINISHED GRADE.
15. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND / OR RIGHT-OF-WAY.
16. SEE PROJECT DATA TABLE ON SHEET 5 FOR SETBACK CLASSIFICATIONS.
17. RESIDENTIAL GARAGES SHALL AT A MINIMUM MEET SECTION 8.16 OF THE HUNTERSVILLE ZONING ORDINANCE STANDARDS FOR RESIDENTIAL GARAGES.
18. ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED BY FLOODWAY FINGER DISTRICT BOUNDARY LINE AND FLOODWAY DISTRICT ENCROACHMENT LINE IS SUBJECT TO THE FLOODWAY DISTRICT FLOODWAY FINGER DISTRICT REGULATIONS.
19. THE PROPOSED BUILDINGS ARE TO BE CONNECTED TO PUBLIC WATER AND SANITARY SEWER. SYSTEMS ARE TO BE INSTALLED BY THE DEVELOPER AND UPON ACCEPTANCE, OWNED AND MAINTAINED BY CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.
20. COMPLIANCE WITH THE PERMIT CONDITIONS IS THE RESPONSIBILITY OF BOTH THE SITE CONTRACTOR, BUILDING CONTRACTOR AND THE PERMITTEE. EACH ENTITY SHALL BE RESPONSIBLE FOR COMPLYING WITH PORTIONS OF THE WORK THAT IS APPLICABLE TO THEM. ALL APPLICABLE FEDERAL, STATE AND LOCAL ENVIRONMENTAL PERMITS AND APPROVALS WILL BE OBTAINED BY THE DEVELOPER.
21. GARBAGE CONTAINERS SHALL BE LOCATED IN THE GARAGE OR THE REAR YARD OUT OF VIEW FROM THE STREET. MAIL WILL BE DELIVERED IN CLUSTER BOX UNITS (CBU'S) LOCATED OFF THE ENTRANCE DRIVE.
22. ONE-PERCENT OR 150 SF., WHICHEVER IS GREATER, OF EACH RESIDENTIAL LOT SHALL BE RESERVED FOR FUTURE EXPANSION OF IMPERVIOUS AREAS BY THE OWNER OR OCCUPANT.
23. BUILD-TO-LEAD: A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPROACHMENTS, MUST BE ERECTED; INTENDED TO CREATE AN EVEN BUILDING FAÇADE LINE ON A STREET. THE BUILD-TO-LEAD LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT), (ARTICLE 12 OF THE TOW 20).
24. LOT TREES - IN ORDER TO MAINTAIN AND REPLENISH THE URBAN TREE CANOPY, EACH RESIDENTIAL LOT SHALL HAVE THE FOLLOWING CANOPY TREES PROVIDED. SUPPLEMENTAL PLANTING MAY BE REQUIRED IN ADDITION TO NATIVE MATERIAL.

LOT SIZE S.F.	REQUIRED CANOPY TREES
0-10,000	1 FRONT YARD & 1 REAR YARD
10,000-15,000	1 FRONT YARD & 2 REAR YARD
15,001-20,000	2 FRONT YARD & 2 REAR YARD
20,000+	2 FRONT YARD & 3 REAR YARD

WHENEVER PRACTICAL, EXISTING CANOPY TREES GREATER THAN 6-INCH CALIPER IN HEALTHY CONDITION MAY BE USED TO SATISFY THE REQUIRED TREE CANOPY VERSUS NEW PLANTING. REQUIRED STREET TREES MAY NOT BE COUNTED TOWARD THE LOT TREE REQUIREMENTS

CONSTRUCTION SEQUENCE

1. INSTALL TREE/VEGETATION PROTECTION MEASURES ALONG BUFFER AREA(S) AND ANY TREE SAVE AREAS DELINEATED ON THE PLAN.
2. THE BUFFER LINE (MEASURED FROM THE CREEK BANK OR PROPERTY LINE, OR WHATEVER IS APPLICABLE) SHALL BE STAKED.
3. PROTECTION MEASURES SHALL BE INSTALLED AS DICTATED BY THE DRIP-LINE OF VEGETATION THAT IS WITHIN THE BUFFER.
4. TREE/VEGETATION PROTECTION MEASURES MUST BE USED WHERE ANY CLEARING OR GRADING ACTIVITIES WILL OCCUR WITHIN 100' OF THE BUFFER.
5. PROTECTION MEASURES SHALL BE ORANGE TREE FENCE OR CONTINUOUS FLAGGING OF VEGETATION ON STAKES. FLAGS SHOULD BE A MAXIMUM OF 20' OR WHICH MAY BE USED ONLY WHERE THICK UNDERBUSH EXISTS.
6. REQUEST TREE INSPECTION BY TOWN OF HUNTERSVILLE, PLANNING STAFF (875-7000)
7. SCHEDULE PRE-CONSTRUCTION CONFERENCE WITH MECKLENBURG COUNTY LAND DEVELOPMENT AND TOWN OF HUNTERSVILLE PLANNING STAFF (875-7000)

THE TOWN OF HUNTERVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, INSPECTED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.

FIRE HYDRANTS SHALL BE LOCATED TO WHERE NO HYDRANT IS MORE THAN 750
FROM ANY STRUCTURE.

Planning Board Recommendation for approval

Board of Commissioners Approval:

Planning Department Approval:

Whitney Hodges, Senior Planner
DATE

RANSON ROAD
HUNTERSVILLE
NORTH CAROLINA

SKETCH/CONCEPT PLAN SUBMISSION
MARCH 3 2014
APRIL 21, 2014 1ST CYCLE COMMENTS
MAY 19, 2014 2ND CYCLE COMMENTS

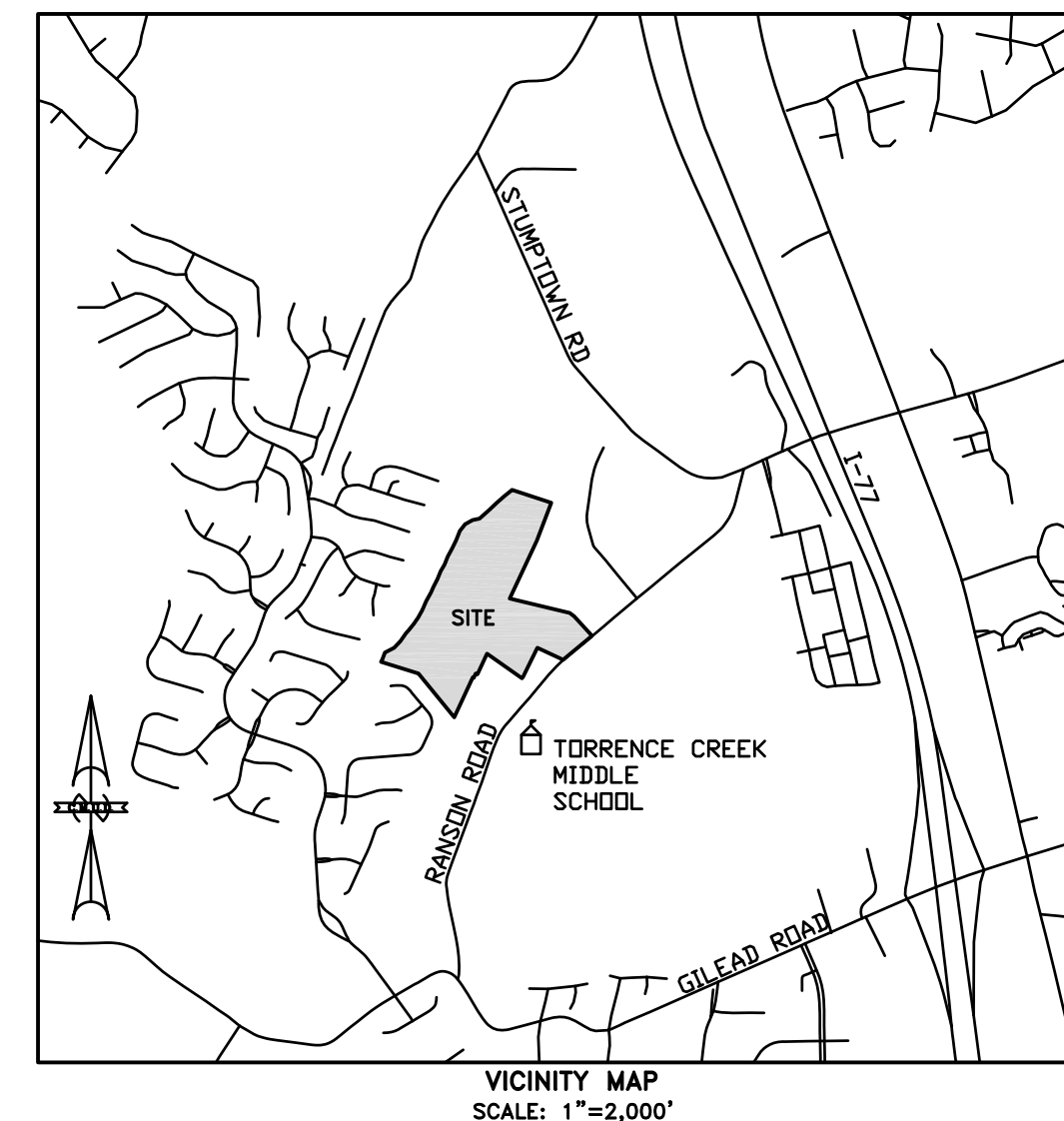
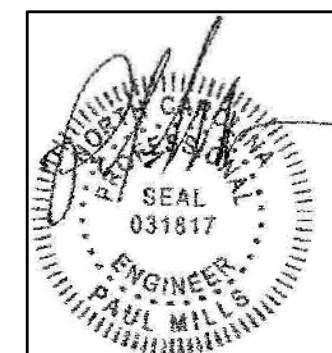


PROJECT SITE MAP:

SCALE: 1"=200'



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NORTH CAROLINA LICENSE: C-1870



SKETCH PLAN APPLICATION DRAWING
PACKAGE - TOWN OF HUNTERSVILLE

LIST OF DRAWINGS:

- | | |
|---|-------------------------|
| 1 | TITLE |
| 2 | EXISTING FEATURES PLAN |
| 3 | SLOPE ANALYSIS |
| 4 | TREE SURVEY |
| 5 | SKETCH PLAN |
| 6 | TREE SAVE PLAN |
| 7 | WATERSHED PLAN |
| 8 | TYPICAL LOT DETAILS |
| 9 | TYPICAL ROADWAY DETAILS |

OWNER

Parcel # 009-321-12
Joseph E Hager and Marissa McAuley Hager
6419 Gilead Rd
Huntersville NC 28078
Betty M. Pruitt & Floyd Earl Pruitt
840 Mount Tabor Church Rd.
Cleveland, NC 27013

Parcel # 009-321-11
Joe Richard McAuley & Rickie Thompson
McAuley
6411 Gilead Rd
Huntersville, NC 28708

Parcel # 009-321-02 & # 009-321-05
Joe B. Ranson
14309 Ranson Rd.
Huntersville, NC 28078

APPLICANT

M/I Homes Inc. Charlotte Division
5350 Seventy-Seven Center Drive
Suite 100
Charlotte, NC 28217



BLOCK 1	761 LF
BLOCK 2	865 LF
BLOCK 3	296 LF
BLOCK 4	390 LF
BLOCK 5	727 LF
BLOCK 6	292 LF
BLOCK 7	163 LF
BLOCK 8	695 LF
BLOCK 9	113 LF
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BLOCK 15	234 LF

Whitney Hodges, Senior Planner DATE

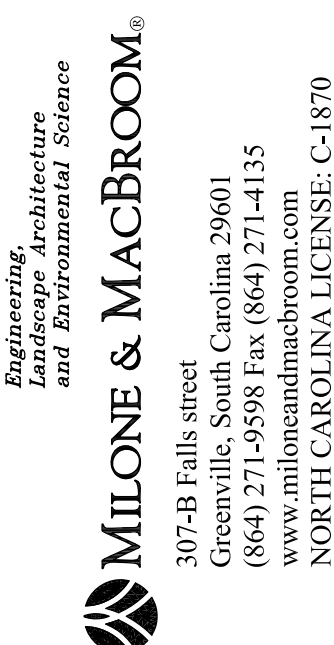
EXISTING ZONE:	NEIGHBORHOOD RESIDENTIAL (NR) (OVERLAY PROTECTED AREA 1 (PA1))
PROJECT AREA:	2,228,817.90 SF (51.17 ACRES)
WATERSHED:	MIL-O PA-1
PRINCIPAL USES:	RESIDENTIAL SINGLE FAMILY
BUILDING TYPE:	RESIDENTIAL SINGLE FAMILY

DIMENSIONAL CRITERIA	REQ'D/PERMITTED	PROPOSED/PROVIDED
TOTAL # LOTS		91 LOTS
LOT SIZE RANGE		7,985 SF-24,689 SF (0.18 - 0.57 ACRE/LOT)
TYPICAL LOT WIDTH		90' (45'-230' RANGE)
TYPICAL LOT DEPTH		120' (96'-163' RANGE)
AVERAGE LOT AREA		12,356 SQ.FT (± 0.28 AC.)
TOTAL LOT AREA		1,136,728.60 SF (±26.1 AC.)
DENSITY		1.78 UNITS/AC.
TOTAL LOT IMPERVIOUS AREA		424,263 SF-19.1% (INCLUDES EXPANSION)
BUILD TO LINE	10' MIN.	10' MIN. - 20' MAX.
SIDE YARD	5' MIN.	±5' OR GREATER
REAR YARD	25' MIN.	±25' OR GREATER
CORNER SIDE YARD	10' MIN. - 20' MAX.	10' MIN. - 20' MAX.
BUILDING ELEVATION	30' MAX.	±30'
EXISTING TREE CANOPY		±45.1 AC (88.1% TOTAL SITE)
TREE SAVE AREA	10% TOTAL SITE AREA	±12.2 AC (23.8% TOTAL SITE)
OPEN SPACE ACREAGE		±15.3 AC (30.0% TOTAL SITE)
IMPERVIOUS SURFACES (SEE NOTE 6.)	70% HIGH DENSITY	±29.07% (INCLUDING HOMEOWNERS' EXPANSION)
IMPERVIOUS SURFACE PER LOT		7081 SF/LOT
JURISDICTIONAL WETLAND AREA		±2.49 AC.

1. WETLAND BOUNDARIES SHOWN ARE FIELD DELINEATED AND SURVEYED.
2. LOCATION OF EXISTING TREELINE IS APPROXIMATE
3. ALL EXISTING STRUCTURES ON THE SITE WILL BE REMOVED.
4. SPECIMEN AND/OR HERITAGE TREES ON THE SITE WILL BE PRESERVED PER THE TREE SAVE PLAN. ALL REMOVALS WILL REQUIRE APPROVAL BY HUNTERS & TRAILERS.
5. SEE COVER SHEET OF THE APPROVED SKETCH PLAN FOR GENERAL NOTES.
6. HOMEOWNERS IMPROFUEOUS EXPANSION OF LOTS INCLUDES A MINIMUM OF 150SF OR 1% OF THE LOT, WHICHEVER IS GREATER.

EXISTING	PROPOSED
----------	----------

	STREET LINE	
	PROPERTY LINE	
	LOT LINES	
	BUILDING SETBACK LINE	
	MAJOR CONTOUR	
	MINOR CONTOUR	
	COMMON OPEN SPACE	C.O.S.
	URBAN OPEN SPACE	U.O.S.
	WETLANDS	
	TREE LINE	
	BUFFER	
	HYDRANT	
	WATER METER	
	WATER VALVE	
	GAS VALVE	
	CATCH BASIN	
	MANHOLE/YARD DRAIN/AREA DRN.	
	SANITARY SEWER W/MANHOLE	
	STORM DRAIN W/CATCH BASIN	
	ELECTRIC LINE	
	ELECTRIC, TELEPHONE, CABLE	
	UTILITY POLE	
	TRAFFIC SIGN	
	IRON PIPE	
	MONUMENT	
	EDGE OF PAVEMENT W/CURB	
	SIDEWALK	



REVISIONS	
5-5-06	LOT CHANGE
5-18-06	ROAD CHANGES
9-12-06	FINAL SKETCH PLAN
5-7-07	TOWN COMMENTS
3-3-14	REV FOR MI HOMES
4-21-14	1ST CYCLE COMMENTS
5-21-14	2ND CYCLE COMMENTS

SKETCH/CONCEPT PLAN

THE OAKS AT HUNTERSVILLE

RANSON ROAD
HUNTERSVILLE, NC

JM SIGNED	JM DRAWN	KWK CHECKED
--------------	-------------	----------------

SCALE 1" = 100'

DATE AUGUST 14, 2006

PROJECT NO. 2041-24

layout.dwg

5

SHEET NO.

THE OAKS AT HUNTERSVILLE

RANSON ROAD
HUNTERSVILLE
NORTH CAROLINA

PRELIMINARY PLAN SUBMISSION—CYCLE ONE
JUNE 4, 2014

CYCLE TWO COMMENT SUBMISSION
AUGUST 15, 2014

CYCLE THREE COMMENT SUBMISSION
OCTOBER 3, 2014

CYCLE FOUR COMMENT SUBMISSION
OCTOBER 28, 2014

STORM DRAINAGE REVISION
APRIL 24, 2017

OWNER

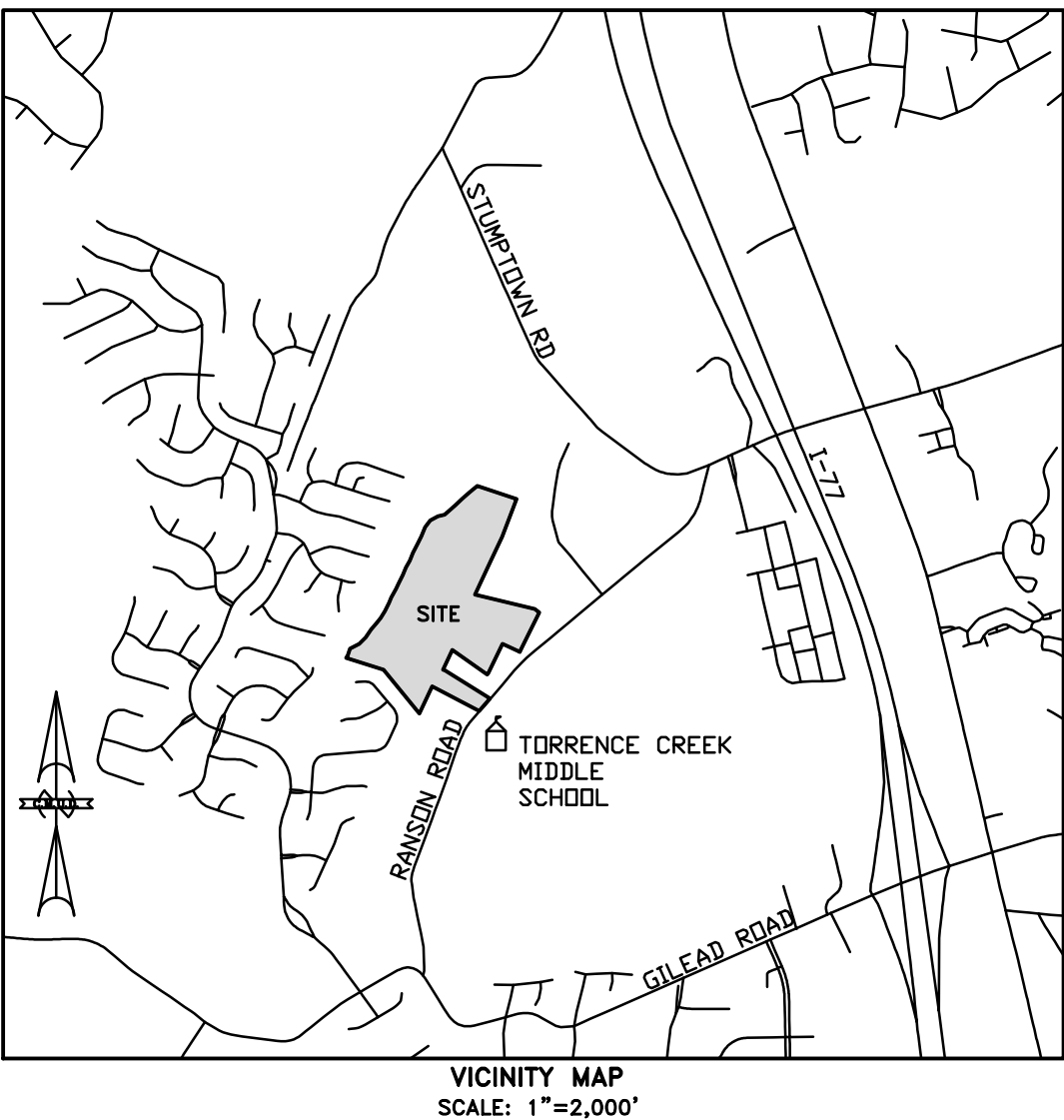
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Huntersville, NC 28708

Parcel # 009-321-02
Joe B. Ranson
14309 Ranson Rd.
Huntersville, NC 28078

APPLICANT

TAYLOR MORRISON OF CAROLINA, INC
1410 WEST MOREHEAD STREET, SUITE 100
CHARLOTTE, NORTH CAROLINA 28208



PRELIMINARY PLAN DRAWING PACKAGE LIST OF DRAWINGS:

- 1 TITLE
- 2 PROJECT INFORMATION PLAN
- 3 EXISTING CONDITIONS PLAN
- 4 SLOPE ANALYSIS
- 5 APPROVED SKETCH PLAN
- 6 TREE PRESERVATION PLAN
- 7 REMOVALS PLAN
- 8-10 PRELIMINARY SITE PLAN
- 11-13 EROSION CONTROL STAGE 1 PLAN
- 13A OVERALL EROSION CONTROL STAGE 1 PLAN
- 14-16 EROSION CONTROL STAGE 2 PLAN
- 16A OVERALL EROSION CONTROL STAGE 2 PLAN
- 17-19 GRADING PLAN
- 17A ENTRANCE BLOW-UP
- 20 OVERALL GRADING PLAN
- 20A-E SAND FILTER PLANS
- 21 SAND FILTER DETAILS
- 22-30 ROAD AND STORM DRAINAGE PLAN/PROFILES
- 31-33 LANDSCAPE—STREET TREE PLAN
- 34-36 LANDSCAPE—LOT TREE PLAN
- 37-41 LANDSCAPE—BUFFER PLANTINGS
- 42-43 NOT INCLUDED
- 44-46 PAVEMENT MARKINGS PLAN
- 47-49 SITE DETAILS
- 50-51A EROSION CONTROL DETAILS
- 52 CUT/FILL ANALYSIS

ORIGINAL EPM #346023

NEW EPM #376220



PROJECT SITE MAP:

SCALE: 1"=200'

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AFTER CONSTRUCTION PLAN APPROVAL TO-DO LIST:

BMP ACCESS & MAINTENANCE EASEMENT PLAT SUBMITTAL

- 1. PLAT REVIEW FEE
- 2. BMP ACCESS & MAINTENANCE EASEMENT PLAT

AS-BUILT SUBMITTAL

- 1. AS-BUILT SURVEY SIGNED & SEALED
- 2. COPY OF APPROVED PLAN WITH PROPOSED INFORMATION CROSSED OUT WITH AS-BUILT INFORMATION ADDED
- 3. COPY OF APPROVED CALCULATIONS WITH PROPOSED INFORMATION CROSSED OUT WITH AS-BUILT INFORMATION ADDED
 - A. RE-RUN CALCULATIONS WITH AS-BUILT INFORMATION AND PROVIDE RESULTS
- 4. COPY OF THE RECORDED PC019 FROM
- 5. COPY OF THE RECORDED BMP ACCESS & MAINTENANCE EASEMENT PLAT
- 6. MECKLENBURG COUNTY BMP MAINTENANCE AND INSPECTION CHECK LISTS (APPENDIX 7-3)
 - A. FORM #PC021A THROUGH #PC021L
- 7. POST-CONSTRUCTION STORM WATER ORDINANCE COMPLIANCE CERTIFICATION (APPENDIX 12-1)
- 8. BOND ESTIMATE FORM OR A COPY OF THE EXISTING CONSTRUCTION BOND
- 9. COPY OF THE ESCROW/SAVINGS ACCOUNT STATEMENT FOR CONTINUED MAINTENANCE AND REPLACEMENT

BOND (CONSTRUCTION/MAINTENANCE) SUBMITTAL

- 1. SUBMIT TO CASENA MICHAEL (CASENA.MICHAEL@MECKLENBURGCOUNTYNC.GOV)
 - A. BOND INSPECTION REQUEST FORM
 - B. BOND ESTIMATE FORM
 - C. BOND ADMINISTRATION FEE - \$370.00
 - D. REFERENCE APPROVED CONSTRUCTION PLAN EPM#
 - E. REFERENCE APPROVED PLAT EPM#
- 1. ALL BONDS SHALL BE ASSOCIATED WITH A RECORDED PLAT
- 2. TYP OF BONDING REQUESTING
 - A. CONSTRUCTION
 - I. INFRASTRUTURE/BMP (1 YEAR)
 - II. BMP FOR C.O. (6 MONTHS)
 - 1. RECORDED BMP ACCESS & EASEMENT PLAT
 - 2. BOND APPLICATION FORMS GUARANTEEING THE INSTALLATION OF BMPS (APPENDIX 9-1)
 - A. (FORM #PC023A THROUGH #PC023D)
 - B. MAINTENANCE
 - I. ROADWAY (1 YEAR)
 - II. BMP (1 YEAR) OR IF POST-CONSTRUCTION THAN (2 YEARS)
 - 1. RECORDED BMP ACCESS & EASEMENT PLAT
 - 2. BOND APPLICATION FORMS FOR GUARANTEEING BMP MAINTENANCE (APPENDIX 9-2)
 - A. (FORM #PC024A THROUGH #PC024C)
- 3. TYPE OF BOND FINANCING
 - A. LETTER OF CREDIT
 - B. CASH
 - C. SURETY



05/4/2017



BLOCK LENGTH TABLE

BLOCK 1	761 LF
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BLOCK 15	234 LF

Planning Board Recommendation for approval

Board of Commissioners Approval:

Planning Department Approval:

Whitney Hodges, Senior Planner DATE

PROJECT DATA

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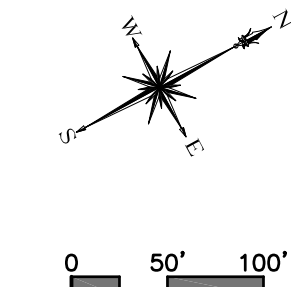
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NOTES

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- HOMEOWNERS IMPERVIOUS EXPANSION OF LOTS INCLUDES A MINIMUM OF 150SF OR 1% OF THE LOT, WHICHEVER IS GREATER.

LEGEND

EXISTING	PROPOSED
STREET LINE	STREET LINE
PROPERTY LINE	PROPERTY LINE
LOT LINES	LOT LINES
BUILDING SETBACK LINE	BUILDING SETBACK LINE
MAJOR CONTOUR	MAJOR CONTOUR
MINOR CONTOUR	MINOR CONTOUR
COMMON OPEN SPACE	COMMON OPEN SPACE
URBAN OPEN SPACE	URBAN OPEN SPACE
WETLANDS	WETLANDS
TREE LINE	TREE LINE
BUFFER	BUFFER
HYDRANT	HYDRANT
WATER METER	WATER METER
WATER VALVE	WATER VALVE
GAS VALVE	GAS VALVE
CATCH BASIN	CATCH BASIN
MANHOLE/YARD DRAIN/AREA DRN.	MANHOLE/YARD DRAIN/AREA DRN.
SANITARY SEWER W/MANHOLE	SANITARY SEWER W/MANHOLE
STORM DRAIN W/CATCH BASIN	STORM DRAIN W/CATCH BASIN
ELECTRIC LINE	ELECTRIC LINE
ELECTRIC, TELEPHONE, CABLE	ELECTRIC, TELEPHONE, CABLE
UTILITY POLE	UTILITY POLE
TRAFFIC SIGN	TRAFFIC SIGN
IRON PIPE	IRON PIPE
MONUMENT	MONUMENT
EDGE OF PAVEMENT W/CURB	EDGE OF PAVEMENT W/CURB
SIDEWALK	SIDEWALK



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REVISIONS	LOT CHANGE	ROAD CHANGES	FINAL SKETCH PLAN	TOWN COMMENTS	REV FOR MI HOMES	1ST CYCLE COMMENTS	2ND CYCLE COMMENTS
5-5-06							
5-18-06							
9-12-06							
9-7-07							
9-3-14							
4-21-14							
5-21-14							

SKETCH/CONCEPT PLAN
THE OAKS AT HUNTERSVILLE
RANSON ROAD
HUNTERSVILLE, NC

JM	JM	KWK
DESIGNED	DRAWN	CHECKED

SCALE 1" = 100'

DATE AUGUST 14, 2006

PROJECT NO. 2041-24

layout.dwg

5
SHEET NO.



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS
ACCEPTING DEDICATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, on March 3, 2014, M/I Homes submitted an application for a subdivision named "The Oaks at Huntersville"¹ to the Town of Huntersville Planning Department; and

WHEREAS, as part of the subdivision approval process, a sketch plan and preliminary plan were submitted and approved (the "Approved Subdivision Plans" attached hereto and incorporated herein by reference as Exhibit A); and

WHEREAS, the Approved Subdivision Plans included a street stub for the connection of Tannin Street as more particularly depicted on Exhibit A as "Block 12"; and

WHEREAS, on July 18, 2016, an incorrect plat was filed depicting a vegetative buffer where a portion of Block 12 should have extended according to the Approved Subdivision Plans; and

WHEREAS, the Approved Subdivision Plans were approved on the condition that the Town of Huntersville's Zoning Ordinance and Subdivision Ordinance requirements be satisfied with regards to street connectivity; and

WHEREAS, the Town of Huntersville Board of Commissioners (the "Town Board") now desires to formally accept the offer of dedication of right-of-way for the Tannin Street connection as depicted on the Approved Subdivision Plans as Block 12.

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

1. The Board hereby accepts the full dedication of the right-of-way for the Tannin Street connection as shown in the Approved Subdivision Plans attached hereto as Exhibit A.
2. This Resolution shall be effective as of the date of its adoption.

Adopted this 18th day of January 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

¹ The subdivision was subsequently sold to Taylor Morgan of Carolinas, Inc. and renamed "Cobblestone Manor."

Exhibit A

Exhibit B

**Town of Huntersville
Town Board
January 18, 2022**

To: Town Board

From: Janet Pierson

Date: January 18, 2022

Subject: Approval of Minutes

EXPLAIN REQUEST:

Consider approving the minutes of the January 3, 2022 Regular Town Board Meeting Minutes.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 3, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on January 3, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips. Commissioner Rob Kidwell was not present.

Social Media Policy Discussion. Kim Strickland, Public Information Officer, reviewed proposed Town of Huntersville Social Media Policy and proposed Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees, and Commissions. *Refer to PowerPoint and draft policies attached hereto as Exhibit No. 1.*

During the discussion, the Board expressed the following concerns:

- Age discrimination reference in the proposed Town of Huntersville Social Media Policy. Suggested changing “age (40 or older)” to just “age” in the third bullet on Page 4.
- Advisory Board members may be afraid their personal social media accounts may be pulled into the public record.
- Social Media Policy for Elected and Appointed Officials – Bullet Point that states “Officials should avoid social media posts that could be perceived as an endorsement by the Town, its employees, constituents, other public officials, suppliers, vendors, or contractors.”
- Social Media Policy for Elected and Appointed Officials – Bullet Point that states “Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g. based upon race, religion, national origin, sex (including sexual orientation, pregnancy, and gender identity), disability, age, political affiliation, etc.) reflect poorly on the public official, as well as the Town and its residents. Further, discriminatory and/or defamatory comments may expose the Town to liability and legal costs.”

Mayor Bales encouraged commissioners to contact Ms. Sloop or Ms. Strickland with any questions/feedback on the proposed policies. Final policies will come back to the Board for action at a future date.

American Rescue Plan Act Funding. Bobby Williams, Assistant Town Manager, provided update to the Board on the American Rescue Plan Act Funding. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Mayor Bales noted that the presentation was just a quick overview and will be discussed in more detail in the future.

There being no further business, the Pre-meeting was adjourned.

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on January 3, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales, Commissioners Dan Boone, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips. Commissioner Rob Kidwell was not present.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONERS REPORTS – STAFF QUESTIONS

Mayor Bales

- COVID numbers are increasing. Encouraged citizens to be aware of surroundings and mask when appropriate.
- The Town is welcoming some new shops and restaurants to Huntersville.
- Next Metropolitan Transit Commission meeting is January 26.
- Town Board Meeting preview videos have started airing on the Town's social media to make sure everyone is aware of what's happening on Board Meeting nights.

Commissioner Boone

- No Report.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Munger

- Charlotte-Mecklenburg Schools is presently awaiting confirmation of Municipal Education Advisory Committee appointees then will set a date for the 2022 kick-off meeting.
- Next meeting of the Huntersville Ordinances Advisory Board is January 6.
- Consider supporting local non-profits.

Commissioner Partee

- Attended the Greenway, Trails and Bikeway Commission meeting on December 21. Next meeting is January 18.

- Visited the Huntersville Police Department on December 28 and look forward to assisting the Administrative Staff with their law enforcement needs that would better serve the Huntersville Community, starting with gun safety. HPD has free child safety locks for your weapons.
- Consider contributing to Cool Kids Clubhouse.

Commissioner Phillips

- Report from Commissioner Kidwell – the target date to resume Veterans services office hours in Huntersville is the week of January 31.
- Provided update from Rural Hill.
- Provided update from Ada Jenkins.

Mayor Bales noted the Charlotte Regional Transportation Planning Organization is hosting an orientation for new and returning CRTPO members on January 6.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Beejay Caldwell, 14521 New Haven Drive, said I welcome you as newly elected board of commissioner members and commend you for your willingness to take on the challenge of committing to being a public servant. I am hopeful that you will confront and embrace the tenants of diversity, equality and inclusion. This board has the potential to build a transformative legacy of leadership second to none in the county or state. Demonstrating these traits will help as you move forward in the new year with the many pandemic changes. Being new, team work will be essential as you labor together over core values of the town and the communities you serve. Struggling communities like Pottstown and those in East Huntersville need direction, guidance and input from the board and the town to help with economic development projects that will allow those residents to benefit from over 100 years of land ownership and increase their ability to sustain management of their property they or their parents worked hard to obtain in a segregated society.

The year 2021 is gone along with all the good and bad. In 2022 this board can feel good about what lies ahead.....if elected officials, government and people strive to survive in a fledgling democracy where the people are rendered powerless when it comes to fighting with city hall. There is much to be done to help implement programs and services to insure that the underserved communities don't die or continue to gentrify, thus making them a better place to live as we face so many economic challenges.

At this time and place, the Board is poised to advance Huntersville's underserved communities and position them into the 21st century utilizing new and innovative actions, thinking and transparency. These opportunities are here and now ready to spearhead cutting edge initiatives that will have a lasting effect on future growth. There is a vision.....you can cast.....if you are willing to come outside the box, making your legacy one that goes down as legendary.

There are no guarantees that the intended goals or initiatives will be met. But plan we must. As opportunities present themselves with the impact of your leadership along with bold new ideas from team members who can make commitments, success is bound to come.

Written comments attached hereto as Exhibit No. 3.

AGENDA CHANGES

Commissioner Munger made a motion to move Items 9.F (Call a public hearing on Petition #R21-14) and 9.G (Call a public hearing on Petition #R21-16) under Other Business to Items 10.C and 10.D under the Consent Agenda.

Commissioner Partee seconded motion.

Motion carried 4 to 1, with Commissioner Kovacs opposed.

Commissioner Boone made a motion to adopt the agenda, as amended.

Commissioner Munger seconded motion.

Motion carried 4 to 1, with Commissioner Kovacs opposed.

PUBLIC HEARINGS

Petition #R21-15. Mayor Bales called to order public hearing on Petition #R21-15, a request by TLO Properties LKN to rezone 14520 Beatties Ford Road (Tax Parcel #01540105) to the Rural District.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

This is an application by Kathy Day on behalf TLO Properties LKN. The rezoning area is 8 acres of the total 20-acre parcel. This is a map showing the current zoning districts on the property – the red being the Rural, the purple being the Transitional and the green being Rural Conditional District. The underlying map is also showing the 2005 R05-13 60-lot residential subdivision. When that rezoning was proposed the subdivision consisted of two separate properties and then later on the subdivision fell through and the upper lot was then sold.

The applicant is proposing a general rezoning to remove the existing Rural Conditional district and Transitional district that was associated with the original rezoning. Because this is a general rezoning, the application does not have a site plan or any conditions associated with the request.

Commissioner Phillips said with the current zoning, what could go there.

Mr. Farber said you could have a by-right minor subdivision, you could have single homes going in, you could have a farmhouse cluster, or a conservation subdivision.

Kathy Day, TLO Properties LKN, said when I purchased this property in September 2019 I spoke to Lauren, and the previous seller had begun the process of the farmhouse cluster and so out of the 20 acres they were fine with 12 homes out of the 20 acres and that's what I am pursuing. I'm not as far along in the process. I have the tree survey going and the site plan drawn up with preliminary lots drawn out and just pursuing a farmhouse cluster.

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

Petition #TA21-14. Mayor Bales called to order public hearing on Petition #TA21-14, an application to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section

6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plan Not Required.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

We would describe these text amendments as kind of clean-up work. The first part is we are going to amend the definition of major subdivisions and we are going to remove the right-of-way acquisition and dedication along existing streets, as well as Charlotte-Mecklenburg Utility Water and sewer extensions, from the definition of major subdivisions.

There are common type of processes where a developer might want to donate land for additional right-of-way and so rather than go through a 3-1/2 month major subdivision process, this would allow it to go through the minor process that staff approves. Certainly, if anybody proposes a major subdivision with new streets and new utilities on a piece of property, that will go through the regular process.

We are also proposing to amend minor subdivisions. In your agenda packet you will see we kind of struck through the language trying to describe what the minor subdivision is and simply we are going to say if it's not a major, then it's a minor subdivision. The last thing is we are just clarifying the submittal requirements and review requirements for farmhouse clusters. The Ordinances Advisory Board did hear this and did recommend approval.

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

OTHER BUSINESS

Resolution Amendment – 2022 Downtown Plan Steering Committee. The Huntersville Chamber of Commerce has requested that its representative on the 2022 Downtown Plan Steering Committee be changed. The appointment is a non-voting, ex officio position.

Commissioner Kovacs made a motion to amend Resolution No. R-2021-63 creating the 2022 Downtown Plan Steering Committee to change the Huntersville Chamber of Commerce representative from Jill Swain to John McClelland.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Amended Resolution attached hereto as Exhibit No. 6.

Parks & Recreation Commission Appointments. The Parks & Recreation Commission has four openings – three 3-year terms and one 1-year term.

Commissioner Munger nominated Marc Burns, Kent Curran, Tige Chiesa.
Commissioner Partee nominated Tige Chiesa, Lindsay Martell, Kent Curran.
Commissioner Phillips nominated Kent Curran, Taylor Hutto, Selene Magic.
Commissioner Kovacs nominated Kent Curran, Taylor Hutto, Marc Burns.
Commissioner Boone nominated Tige Chiesa, Taylor Hutto, Gale Wactor.

Commissioner Partee made a motion to appoint Kent Curran, Tige Chiesa and Taylor Hutto to 3-year terms on the Parks & Recreation Commission.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Mayor Bales called for nominations for the 1-year term.

Commissioner Munger nominated Marc Burns.

Commissioner Partee nominated Marc Burns.

Commissioner Phillips nominated Marc Burns.

Commissioner Kovacs nominated Marc Burns.

Commissioner Boone nominated Traci Kastner.

Commissioner Partee made a motion to appoint Marc Burns to a 1-year term on the Parks & Recreation Commission.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Appointments to Greenway, Trails and Bikeway Commission. The Greenway, Trails and Bikeway Commission has five openings – three 3-year terms ending in 2024, one unexpired term ending in 2023 and one unexpired term ending in 2022.

Mayor Bales called for nominations for the three 3-year terms ending in 2024.

Commissioner Boone nominated Michael Griffin, Theodore Turner, Cory Wilkinson.

Commissioner Kovacs nominated Katie Spikes, Ken Stuart, Michael Griffin.

Commissioner Phillips nominated Michael Griffin, Katie Spikes, Ken Stuart.

Commissioner Partee nominated Ken Stuart, Cory Wilkinson, Theodore Turner.

Commissioner Munger nominated Christianna Beirne, Sharon Correll, Theodore Turner.

Commissioner Boone made a motion to appoint Michael Griffin, Ken Stuart and Theodore Turner to 3-year terms on the Greenway, Trails and Bikeway Commission.

Commissioner Partee seconded motion.

Motion carried 5 to 0.

Mayor Bales called for nominations for the 1-year term ending in 2023.

Commissioner Boone nominated Cory Wilkinson.

Commissioner Kovacs nominated Katie Spikes.

Commissioner Phillips nominated Katie Spikes.

Commissioner Partee nominated Katie Spikes.

Commissioner Munger nominated Christianna Beirne.

Commissioner Boone made a motion to appoint Katie Spikes to the 1-year term ending in 2023 for the Greenway, Trails and Bikeway Commission.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Mayor Bales called for nominations for the 1-year term ending in 2022.

Commissioner Boone nominated Cory Wilkinson.

Commissioner Kovacs nominated Christianna Beirne.

Commissioner Phillips nominated Sharon Correll.

Commissioner Partee nominated Christianna Beirne.

Commissioner Munger nominated Christianna Beirne.

Commissioner Boone made a motion to appoint Christianna Beirne to the 1-year term ending in 2022 for the Greenway, Trails and Bikeway Commission.

Commissioner Munger seconded motion.

Motion carried 5 to 0.

Appointments to the Public Art Commission. The Public Art Commission has three openings – three 3-year terms.

Mayor Bales called for nominations for the three 3-year terms.

Commissioner Kovacs nominated Lynn Cavanaugh, Ed Esinhart, Crys Roeder.

Commissioner Phillips nominated Lynn Cavanaugh, Ed Esinhart, Crys Roeder.

Commissioner Partee nominated Lynn Cavanaugh, Miko Palmer, Crys Roeder.

Commissioner Boone nominated Ed Esinhart, Miko Palmer, Crys Roeder.

Commissioner Munger nominated Lynn Cavanaugh, Ed Esinhart, Crys Roeder.

Commissioner Munger made a motion to appoint Lynn Cavanaugh, Ed Esinhart and Crys Roeder to 3-year terms on the Public Art Commission.

Commissioner Partee seconded motion.

Motion carried 5 to 0.

Budget Amendment – Facilitation Services. Mayor Bales said Item 9.E is to appropriate fund balance in the amount of \$7,000 for facilitation services of Town Board goals to the Governing Body contract services account.

Anthony Roberts, Town Manager, said a couple of weeks back, I was on a call and had a meeting with Mayor Bales, Commissioner Phillips and Commissioner Kidwell.....Mr. Kidwell is on the Communication Committee and Commissioner Phillips is the Mayor Pro Tem, talking about with the new Board there was quite a bit of turnover. We were first looking at team building exercises and doing TILT analysis so the Board could get started off on the right foot and ultimately lead to some goals, values, mission

statements, etc. Those individuals talked to various Board members. I didn't talk to any Board members, but the various Board members went back and talked to other Board members to get their feedback. From that Feedback the group decided to jump that step of teambuilding exercise and jump straight to what I'm just going to say four categories – mission, vision, values and goals for this new Board to get behind. What you see here before you and I think there's a proposal, the proposal basically has an outside consultant come in. They are through the League of Municipalities, an outside consultant that actually works through the League and they would come in and work with the Board to help set your mission, vision, values and goals, thus I would assume we would take that and give that to the staff and the staff would work through helping you achieve those. That's what this is all about. The \$7,000 is the estimate. I would assume if we are doing a 9 a.m. to 4 p.m. type session, a Coke and nabs may not hold you over, so we would probably bring in a boxed lunch or something and then that individual who is coming in to help with these four items would also spend the night, so included in that I think the actual proposal was \$6,300, but if you figure in some food and room, it's estimated at \$7,000.

Mayor Bales said this \$7,000 is no more than. I think our goal would be that we would spend less than that for this workshop, but one of the things I know I spoke on quite a bit has been vision and helping this Board collectively set our goals, our values and how we are going to work together for the next two years and then beyond. I believe that bringing this third party in to help us facilitate that and be that third party will be a good thing for this Board as we set some goals. I had gone back and looked when the last time this Board brought anyone in and the last time was in 2021 when I was very first elected. I remembered someone from School of Government coming in and we talked about working together and what our values were and how we were going to work together etc. Then I looked for the time before that, because this isn't something that we do often. The last time we did anything before 2012 was in 2001. In 2001 we did a SWOT analysis apparently, and as I was looking through some of the notes, it struck me that some of the things that we are still struggling with today we were struggling with then in 2001 and how important it's going to be if we want to move those areas of weakness or threat or opportunity over into strengths and to capitalize on those that it's going to take us working together to make that happen and to ensure that this community is moving forward, not just checking boxes as we go along, but actually working together and having a core set of values that we work together on and then also understanding what our collective vision, each and every one of us what we agree on and how we are going to move our community forward. I am very passionate about this because I believe this sets us up on the right foot. I hope that the Board also agrees and that we can work together to set some goals and objectives and set our vision and really hopefully lay the foundation as to who we are as a community and what we value. I will open this up for conversation and discussion.

Commissioner Phillips said I have a really unique experience in this role because my dad was on the board before me, so the past 12 years of my life has been nothing but Huntersville talk. I learned something in this process, that 10 years ago my father suggested that we have a PIO. That did not happen for a decade, and I think that's a bit ridiculous that these goals have been made, things were talked about, but they were never ever materialized. I am not a team player. That is who I am. Some of you love me for it. It's okay if you don't. However, I love Huntersville more than I love my ego. I grew up here and I feel a little bit more protective sometimes I think just because this is home and I want it to always be home. The fact that we don't have clear visions in line for this town and ways to achieve goals and to work together.....it doesn't matter what we want, it matters what you guys want. And if this is a way that we can sit down, put in black and white attainable goals and visions that don't just mean what we want but what y'all want, I think that's critical and it gives you guys something to come back to us black and white and say you guys aren't meeting your marks. You are not doing what you promised. And I love that that sets a new standard for us to be more accountable to the public and I know personally I have wasted staff's time with the Doc Craven house, that was a big one for me. Had the

Board actually had a vision planned, we could have had something like we want to save historic properties, then that wouldn't have even been something we spoke about. We wouldn't have wasted Bobby's time, the news wouldn't have been involved, we wouldn't have looked like a bunch of clowns. Another thing that I will go on about until the day it dies or I die is the TIA. I asked staff for some kind of parameters around the time, because I feel like TIA is the only thing this Board has talked about even when my dad was on. In 3.5 years it is roughly and very conservatively estimated the TIA has been talked about over 200 hours, not just by us, but by staff and committees, and here we go with another committee. I feel as if we are going to do this, it is holding us accountable and not wasting you guys' time for 2 years and when I say you guys, I mean the public's time and I love the fact that we have deliverables to meet for you guys. What a cool thing that we can do and \$7,000 sounds like a lot of money, but when you count in the fact that we have done appraisals on land that would have equaled what this would.....I mean we are wasting your money when we can't come up with clear visions and ideas. I'm sorry to ramble on about it, but it's just something I don't like waking up early in the morning especially on weekends, but if that's what I've got to do for the town that has raised me, God Bless it, I'll do it.

Commissioner Partee said I think this is a very important process that we need to go through, especially as elected officials. I worked in civil service all my life and I worked on teams and I've been to team building programs, but when you run for office everybody has an agenda and that agenda can't be the same. Right now we are all sitting here with hidden agendas, but we need to be focused and this will focus our ability to serve the residents of Huntersville. Also, to work with our Town employees who work very hard and they are not the enemy but running for office, they were the targets. I feel like \$7,000 is a drop in the bucket. You figure \$1,000 per person that's up here is well worth it and I'm looking forward to it.

Commissioner Boone said I did talk to Commissioner Kidwell on the 20th of December. He called me. He sent me a letter from the League of Municipalities about the scope of it. It said the Facilitator and Mayor will agree to what questions will be used. Now if you can control the questions, you can control the results. I don't think that's what we want. I think we want everyone to be included on this. And then it says that the Facilitator will get all the interviews and share those with the Mayor prior to any session. So is that open and transparency. I don't think so. My two questions – why didn't we put this out for bid. Why do we have to go through the League. And then the second question is, like we talked about the TIA, we also talked about buying local, supporting local, why aren't we supporting a local business. I'm sure there are people in the Town of Huntersville that can do this exact same thing at probably 1/3 of the cost. I'm not going to support this.

Mayor Bales said my first question is did you receive the updated scope, because I thought that got sent out. Did everyone receive the new scope of service.

Mr. Roberts said it was sent out. Now did everyone receive it or review it, I'm not sure.

Commissioner Boone said can I ask you it came from.....this is a perfect meeting where we've gotten piece mill and piece mill and piece mill.....

Mr. Roberts said I would hope it came from me.

Mayor Bales said it should have been sent from Mr. Roberts.

Commissioner Boone said was it dated the 20th of December.

Mayor Bales said no, it was after. It was sent out to the Board last week.

Commissioner Boone said the scope said during the whole process you would be the one that controlled the questions. That's wrong.

Mayor Bales said when we had this original conversation and we were discussing this, we reached out to the League of Municipalities who we are members with. And this is something that they do. We could have easily reached out to a business, but they do not necessarily understand the innerworkings of municipalities. Through conversations between Commissioner Phillips, Commissioner Kidwell and Mr. Roberts about who would be the right facilitator for this, it made sense to reach out to the League and to ask them to provide us an individual who does this specially for municipalities. I would tell you that the scope of work is not your sheet from December. After your conversation with Commissioner Kidwell we went back and had that conversation and revamped it, as Mr. Roberts stated earlier, where we are focusing on our mission, vision, values and goals development. There will be worksheets on Phase 1 that will be sent to the commissioners and department heads for completion. That will help set the basis for mission, vision, values and goals development and then those worksheets will be returned and then he will collate the responses and present those and then we will meet with commissioners to share the responses and work through the document. We changed that specifically due to your concerns, Commissioner Boone. I saw the value in what you were bringing back and thus I believe there was consensus that yes, let's skip that step, let's go straight to creating our vision, mission, values and goals. Mr. Roberts, did you want to add anything else.

Mr. Roberts said you are correct. Hopefully the Board received it. It either came from me or Janet. I was trying to look back through my emails because I sent out a million of them I think, so I don't know the exact date, but I can get that for you. And then also I think one of the questions was is it required to be bid out. No, it's not per the statutes.

Commissioner Phillips said I was kind of skeptical, the whole going with the private sector. Charlotte spent \$46,000 in the private sector doing something very similar, so we have been cost conscience about it. The League pricing was the best, but also I know people had talked about having staff do it. I find it highly inappropriate that we have people that work for us working as a moderator and I feel like that could cause issues in the future and may cause concerns of employment in the future that they were put in the middle of board decisions because they work for us and I just don't feel like that's an appropriate matter to do even if I know they have the greatest of intentions.

Mayor Bales said is there any other discussion around the topic.

Commissioner Munger said obviously the Mayor knows my pessimism on this particular topic is quite high. But I really go back and forth. One of the things and I will say this, Commissioner Phillips, I appreciate your statement, I truly do, because I'm a little bit of the same. I think you and I know that. I want us, even if we are not going to have the same vision at the end of the day, because there's no way we are all going to agree, it's just a simple fact. There's going to be things I want, there's going to be things Commissioner Phillips, Commissioner Boone, Commissioner Kovacs, we are all going to want different things. We are going to try and figure out how we coalesce that into a somewhat singular vision. One of the things I always say is if no one is happy at the end of the day, you probably compromised. You probably hit a point where fine, I got a little bit of what I want, gave you a little bit of what you want and so on and so forth down the line. I'm still somewhat pessimistic, but as long as we are 100 percent transparent, I mean I do have some other reservations, I want the questions to come

from this gentleman who has run it and if it's shared with one, it's shared with all. If it's shared with none, it stays that way. I want definite controls around it, but I will end up supporting this. It is my hope that each commissioner is able to attend and takes that moment, that day, to put aside differences and try and do what's right for the town.

Commissioner Boone said I talked to one commissioner on the 20th of December and have not heard one word from any of the other commissioners, Town Manager, Assistant Town Manager, Mayor or Mayor Pro Tem and I hope that you understand in 2012 this is exactly why this thing started with where we are now with the three on three where you and Commissioner Phillips are meeting with the Town Manager because you want [inaudible] ahead of time. With that said I'm going to go along with go ahead and raise my hand and go along with this but if I see somebody is trying to manipulate the outcome, the show's over so it better be open and transparent.

Mayor Bales said thank you Commissioner Boone. I will tell you that it's very important for me that it is open and transparent and that we work together. That is the goal.

Commissioner Boone said it's not feeling that way down here.

Mayor Bales said that bothers me. I know that we kind of divvied our conversation up. Commissioner Phillips spoke with Commissioner Kovacs. I spoke with Commissioner Munger and Commissioner Partee. And Commissioner Kidwell reached out to you. And I think when I look back, I probably should have had a conversation with every single one of you, so for that I apologize.

Commissioner Boone said I accept your apology, but the second time you revamped the scope, there was no communication.

Mayor Bales said there should have been. Well, I'm not going to point fingers. Whatever happened, happened.

Commissioner Kovacs said my only question is, is this going to be streamed or available to the public.

Mayor Bales said I think it's definitely open to the public. I think we can have some conversations around streaming, but it will be a public meeting, so it will be advertised. Without any other comment or concern, do I have a motion.

Commissioner Phillips made a motion to consider approving budget amendment appropriating fund balance in the amount of \$7,000 for a facilitation services of the Town Board goals to the governing body contract service account.

Commissioner Partee seconded motion.

Motion carried 5 to 0.

CONSENT AGENDA

Approval of Minutes – December 6. Commissioner Boone made a motion to approve the minutes of the December 6, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried 5 to 0.

Approval of Minutes – December 20. Commissioner Boone made a motion to approve the minutes of the December 20, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried 5 to 0.

Call for Public Hearing – Petition #R21-14. Commissioner Boone made a motion to call a public hearing for Monday, February 7, 2022, at 6:00 p.m. at Huntersville Town Hall on Petition #R21-14, a request by Mecklenburg County to amend the conditional district rezoning plan for their facility at 12300 Statesville Road (tax ID 01720403) to expand the boundaries of the active area of the facility. Commissioner Munger seconded motion. Motion carried 5 to 0.

Call for Public Hearing – Petition #R21-16. Commissioner Boone made a motion to call a public hearing for Monday, February 7, 2022, at 6:00 p.m. at Huntersville Town Hall on Petition #R21-16, a request by Mosaic Development Group to rezone +/- 9.8 acres at 9102 Beatties Ford Road from Rural District to Neighborhood Residential Conditional District for age restricted multi-family housing.

CLOSING COMMENTS

Mayor Bales said I have high expectations for 2022, not only for our Board but for our community as a whole.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.