



AGENDA

Regular Town Board Meeting (Virtual)

February 7, 2022 - 6:00 PM

HOSTED FROM TOWN HALL (101 Huntersville-Concord Road)

Virtual Meeting Information: The February 7, 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 February 7, 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 February 7, 2022. The Town Clerk may be reached by email to jpierson@huntersville.org or by phone at (704) 766-2202.

1. Pre-meeting - 5:15 p.m.

1.A. Social Districts Presentation. (*North American Properties*)

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. BeeJay Caldwell - Black History Month. ()

7. Agenda Changes

8. Public Hearings

8.A. Conduct public hearing 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 (Parcel # 01526437). *(Brian Richards)*

- 8.B. Conduct public hearing on Petition #R21-14, a request by Mecklenburg County to amend the conditional district rezoning plan for their recycling facility at 12230 Statesville Road (Parcel # 01720403) to expand the boundaries of the active area of the facility. *(Brad Priest)*

9. Other Business

- 9.A. 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 40' CB buffer. *(Commissioner Boone and Commissioner Phillips)*.
- 9.B. Consider adopting Interlocal Tax Collection Agreement with Cabarrus County to collect Town tax revenues for portions of Huntersville located in Cabarrus County. *(Bobby Williams)*
- 9.C. Consider adopting Resolution not to bill or collect minimal taxes with Cabarrus County for which the cost of collection exceeds the amount collected. *(Bobby Williams)*
- 9.D. Consider adopting Resolution declaring transformer at Delivery #3 Substation surplus and authorizing sealed bid sale. *(Don Mitchell)*
- 9.E. Consider calling a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #R21-17, a request by HFH Partners, LLC to rezone (+/- 3.8 acres) 202, 204, 206, 208 Gilead Rd from Neighborhood Residential District to Traditional Neighborhood Development Urban Conditional District for a mixed-use development (Parcel #s 01712112, 01712111, 01712110, 01712109). *(Brian Richards)*
- 9.F. Consider calling a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA21-15, a request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 8.7, 12.2.1, 4, 7.10, and 7.11 to allow and place standards for Rooftop Amenity Spaces to exceed the maximum building height. *(Kayleigh Mielenz)*
- 9.G. Consider calling a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA22-01 Down-Zoning, a request by the Town of Huntersville Planning Department to amend Articles 11.4.3(a), 11.4.9, and 12.2.1 of the Zoning Ordinance to clarify the Down-Zoning definition and initiation of the process. *(Kayleigh Mielenz)*
- 9.H. Consider calling a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA22-02, a request by the Town of

Huntersville Town Board to amend Zoning Ordinance Articles 3.2.4(d)(4) , 3.2.5(d)(4), 3.2.6(d)(4) and 3.2.7(d)(4) to remove a provision allowing over 30% attached housing at designated transit stations in the Neighborhood Residential, Neighborhood Commercial, Town Center, and Highway Commercial zoning districts. (*Jack Simoneau*)

10. Consent Agenda

10.A. Approve the minutes of the January 18, 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.



BIRKDALE

VILLAGE

SOCIAL DISTRICT



Birkdale Village is requesting the Town of Huntersville to create a Social District pursuant to this new Session Law. Sections included in this presentation are highlighted in the complete Session Law document provided with this presentation.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-150
HOUSE BILL 890**

**AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE CONTROL
COMMISSION LAWS.**

PART XX. AUTHORIZATION OF SOCIAL DISTRICTS

SECTION 20.2. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.4. Authorization of social district.

A city may adopt an ordinance designating a social district for use in accordance with G.S. 18B-904.1."

"§ 18B-904.1. Authorization and regulation of social districts.

(2) Social district. – A defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. 18B-904(h).

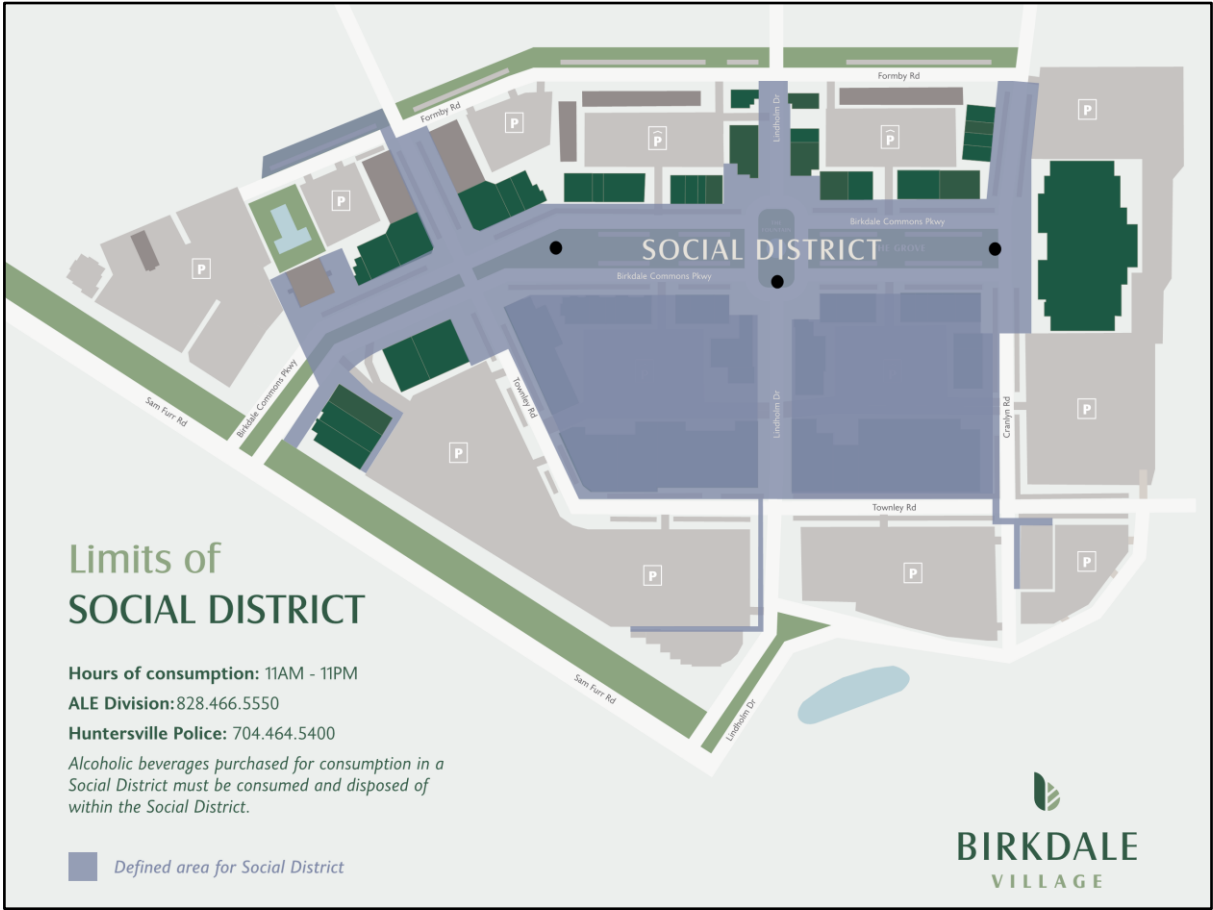
(b) Authorization. – Pursuant to G.S. 160A-205.4, a city may adopt an ordinance designating a social district.

SECTION 12.1. G.S. 18B-1004(a) reads as rewritten:

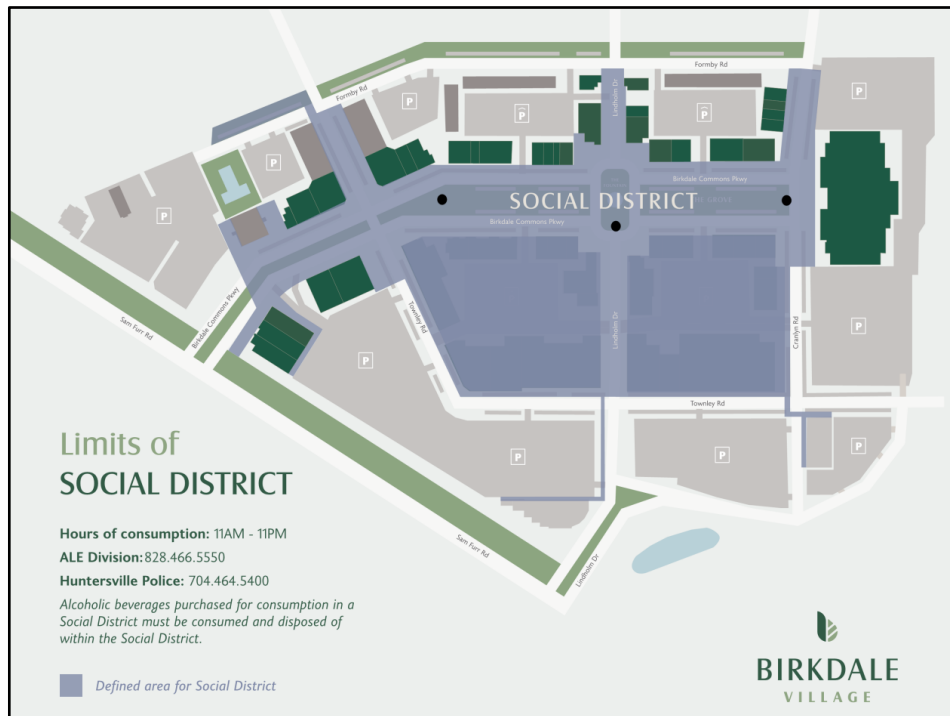
"(a) Hours. – Except as otherwise provided in this section, it shall be unlawful to sell malt beverages, unfortified wine, fortified wine, or mixed beverages between the hours of 2:00 A.M. and 7:00 A.M., or to consume any of those alcoholic beverages between the hours of 2:30 A.M. and 7:00 A.M., in any place that has been issued a permit under ~~G.S. 18B-1001~~G.S. 18B-1001 or G.S. 18B-1105."

- (1) The social district shall be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. The hours set by a city or county during which alcoholic beverages may be consumed in a social district shall be in accordance with G.S. 18B-1004.

Birkdale Village has created the following sign to be posted on property in conspicuous locations pursuant to the following requirements. Black dots represent sign locations.



- (2) The city or county shall establish management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the social district, on the website for the city or county. The social district shall be maintained in a manner that protects the health and safety of the general public.



Limits of SOCIAL DISTRICT

Hours of consumption: 11AM - 11PM

ALE Division: 828.466.5550

Huntersville Police: 704.464.5400

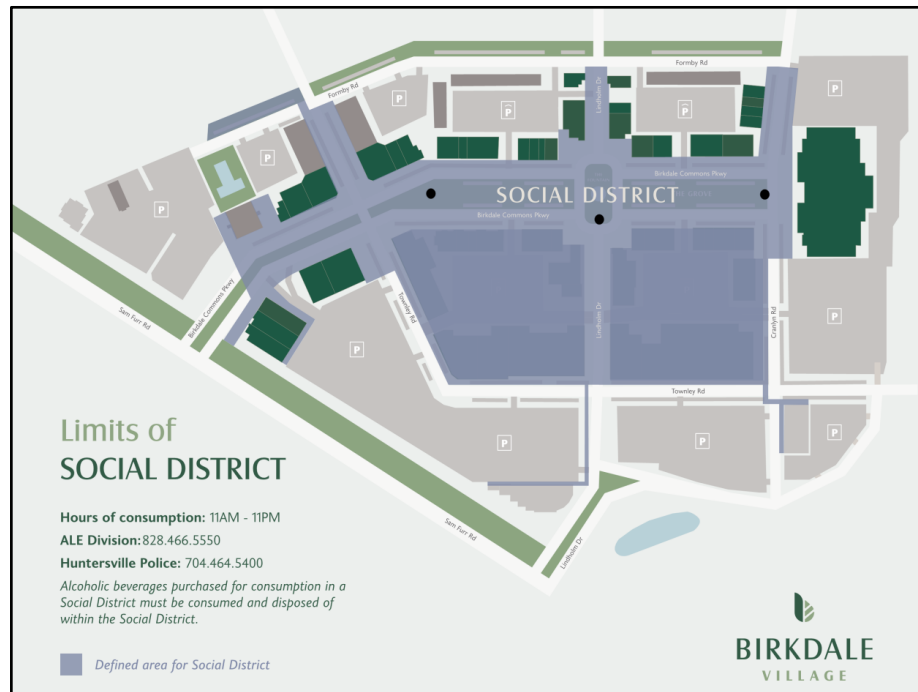
Alcoholic beverages purchased for consumption in a Social District must be consumed and disposed of within the Social District.



Defined area for Social District

The Town of Huntersville can use this sign to satisfy the requirement to provide the Commission with a rendering of the boundaries and hours of consumption.

- (3) Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the Commission a detailed map of the social district with the boundaries of the social district clearly marked and the days and hours during which alcoholic beverages may be consumed in the social district.



The Town of Huntersville can use this sign to satisfy the requirement to provide the Commission with a detail Map.

(d) Requirements for Sale of Alcoholic Beverages. – A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within the social district it is located in or contiguous to in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

Birkdale Village will endeavor to enforce these requirements upon it's Lessee's

- (2) The permittee shall only sell alcoholic beverages for consumption in the social district in a container that meets all of the following requirements:
- a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
 - e. The container shall not hold more than 16 fluid ounces.

Birkdale Village has created the following cup design pursuant to this requirement



- (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

(e) Requirements for Possession and Consumption of Alcoholic Beverages. – The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (d) of this section.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set by the city or county in accordance with subsection (b) of this section.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010.
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

Birkdale Village will endeavor to enforce these requirements upon it's Lessee's

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Brian Richards

Date: February 7, 2022

Subject: Petition #R21-16 - Mosaic Development Group

EXPLAIN REQUEST:

Conduct public hearing on Petition #R21-16, a request by Mosaic Development Group to rezone (+/- 9.8 acres) 9102 Beatties Ford Rd from Rural District (R) to Neighborhood Residential Conditional District (NR-CD) for age restricted multifamily housing (Parcel # 01526437).

ACTION RECOMMENDED:

Conduct Public Hearing

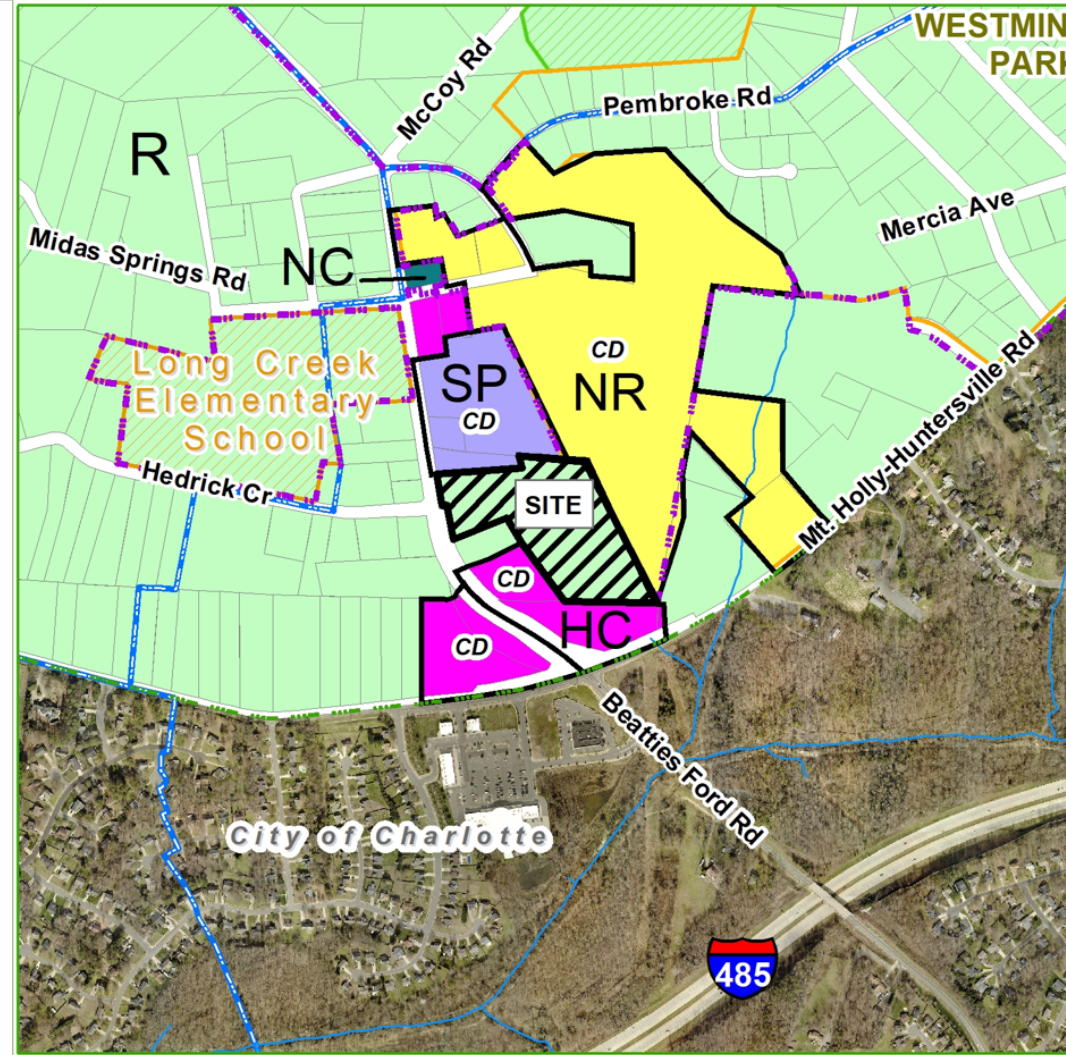
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R21-16 PH Staff Report 2-7-22
2. A - Rezoning Application
3. B - R21-16 Rezoning Plan3rdSubmittal
4. C - Neighborhood Meeting (12.16.2021)
5. D - CMS Student Response Email
6. E - Charlotte Water Willingness R21-16
7. F - Mosaic Parking Data 1-27-22

Petition R21-16 Mosaic Senior Living

PART 1: PROJECT SUMMARY



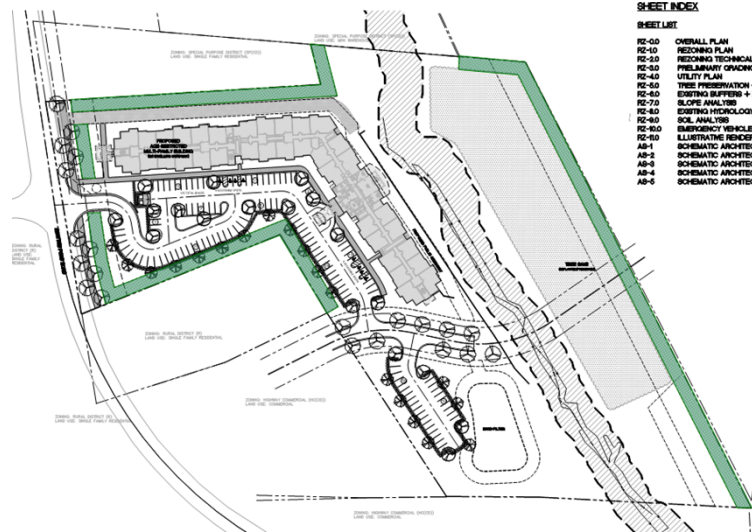
Applicant: Mosaic Development Group
Property Owner: Marvin Cathey
Property Address: 9102 Beatties Ford Rd
Project Size: (+/-) 9.8 acres
Parcel Numbers: 01526437
Current Zoning: Rural (R)
Current Land Use: Single Family.
Proposed Zoning: Neighborhood Residential Conditional District (NR-CD)
Proposed Land Use: Multi-Family (Age Restricted).

1. Purpose: Rezone 9.8 acres East of Beatties Ford Rd. from Rural to Neighborhood Residential Conditional District (NR-CD) for up to 130 Units Multi-Family Development (age restricted). The Rezoning plan currently shows 123 units (12.5 DUA).
2. Adjoining Zoning and Land Uses.
 - North: Special Purpose – West Mecklenburg Self Storage.
 - South: Highway Commercial - Approved Rezoning R08-01 Long Creek Retail– Currently Vacant & Single Family.
 - East: Neighborhood Residential – Single Family (Oak Grove Hill Subdivision Under Construction).
 - West: Rural – Long Creek Elementary & Single Family.
3. A neighborhood meeting was held on December 16, 2021, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
4. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Beatties Ford Rd.

PART 2: REZONING/SITE PLAN

The proposed Conditional District Rezoning Plan is generally compliant with the Zoning and Subdivision Regulations. Significant elements include:

- One age restricted multifamily building is being proposed.
- A 20' Vegetated Buffer is being offered in various locations.



- Approximately 343' LF of side path will be installed along Beatties Ford Rd.
- Approximately 500' of Public Right of Way will be reserved between the approved Long Creek Retail Development (undeveloped) and the Oak Grove Hill Subdivision (under construction) for a future public street.
- Minimum Tree Preservation (canopy tree save) for the Neighborhood Residential District is 10%. The applicant is proposing to save 32% (3.15 Ac) of existing canopy.
- Minimum Tree Preservation (specimen tree save) for the Neighborhood Residential District is 10%. The Rezoning Plan contains 25 specimen trees and proposes to save 13 trees (52%).
- There are no identified Heritage Trees on site.
- Building elevations for the proposed structure have been submitted. Architectural renderings have been provided (Attachment B).
- The applicant has offered to voluntarily annex the site.
- Planning, Transportation, and Storm Water Engineering staff have site plan comments outstanding that need to be addressed prior to final plan approval.

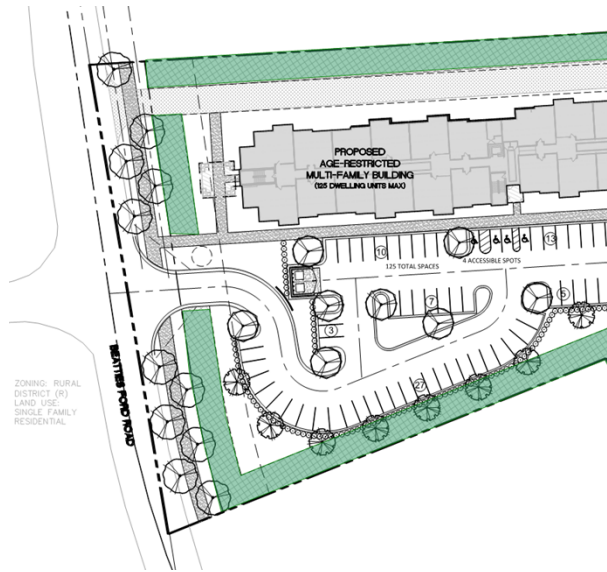
- Two (2) Ordinance Modifications are proposed:

1. Article 6: Off- Street Parking – Requires a minimum Residential parking of 1 space per 1 bedroom dwelling unit and 1.5 spaces for dwelling units with more than one bedroom. The applicant is requesting to reduce the required number of parking spaces from 139 to 125 (-14 spaces = 1.02 space per unit).

STAFF COMMENT – The request to allow for a reduction in required parking is not consistent with the intent of Zoning Ordinance. Staff will continue discussions with the applicant to explore the feasibility of a lower parking standard. Currently Staff does not have a position on the modification

2. Article 4 Apartment Building Type – Building Placement/Parking/Vehicle Access “4. Parking shall be located to the rear of the building.” The Applicant is requesting to allow for parking to be in the side yard along Beatties Ford Rd. A 20' vegetated buffer and evergreen plantings are being offered to screen the parking spaces (Image below).

STAFF COMMENT – The buffer offerings and separation in grade will provide adequate screening and separation to mitigate the visual impact of the side yard parking. This is in keeping with the Spirit of the Ordinance, staff DOES SUPPORT this modification request.



PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

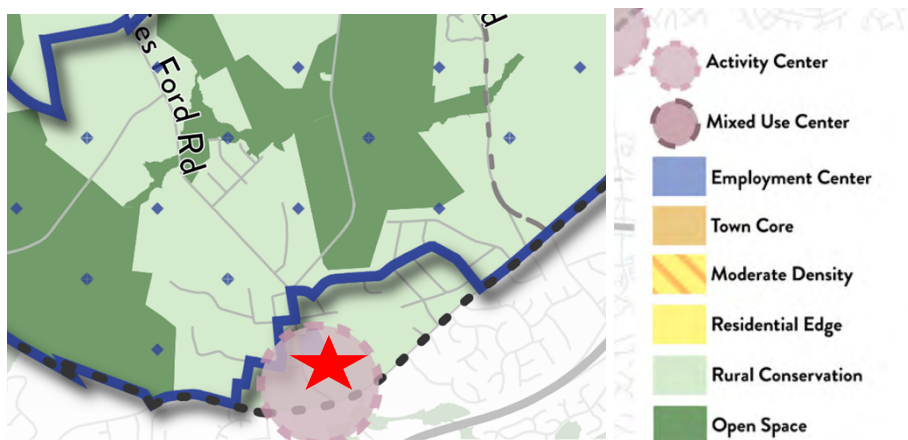
A Town TIA for the Mosaic Senior Living was not required.

NCDOT requirements are to be determined at the time of this report.

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”.

2040 Huntersville Community Plan



Future Land Use Character Area	Residential Subdivision Design				Residential Type			
	Town-scale Subdivision	Traditional Neighborhood Design (TND)	Conservation (Cluster) Subdivision	Farm-house Cluster	Live-work Unit	Apart-ments & Condos	Attached (Townhomes, Duplex, Tri-plex)	De-tached
Walkable, Mixed-Use Center (WMU)	-	☑	-	-	☑	☑	☑	☑
Activity Center (AC)	-	☑	☑	*	☑	*	☑	☑
Employment Center (EC)	*	*	-	-	*	*	*	-

Legend:								
☑ = Allowed / Encouraged								
* = If Contextually Appropriate, Potential Limitations, Design Criteria or Utility Availability								
- = Discouraged								

STAFF COMMENT – The 2040 Huntersville Community Plan DOES SUPPORT this project through the following sections:

- **Policy LU 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
- **Policy LU 5.1:** Allow for more intense development only where transportation infrastructure and utilities already exist.
- **Policy LU 6.1:** A mix of land uses is encouraged in Mixed-Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
- **Policy LU 7.1:** Require all new development to adhere to the following design principles: In Mixed Use Centers, Activity Centers, Town Core, and Moderate Density Areas, Streets and sidewalk are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - All buildings shall front a public street or open space.
 - Streets should be connected, have short blocks and sidewalks on both sides of streets.
 - Improve connectivity, particularly for pedestrians and vehicles.
 - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
 - In lower intensity areas (including MD, RE, RC, CW) preservation of rural character and natural resources are prioritized.
 - In these areas, structures can be set back further from the road and should blend into the landscape and the scenic nature of roadways should be preserved.
- **Policy LU 8.1:** Continue to emphasize form and flexibility in development regulations for these areas.
 - The current zoning ordinance has basic form based standards with flexibility built-in. Key elements include allowing multiple types of land uses, a mix of uses, minimal setbacks, and parking requirements.
- **Policy LU 10.1:** Align housing options with resident needs and promote attainable housing options.
 - Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.
- **Policy T 3.1:** Continue to enhance street connectivity by requiring connections among different uses.

- Continue to require street connectivity among residential, commercial, employment, recreational and institutional uses.
- Street connectivity should be emphasized during the review of all development proposals for consistency with the proposed street map and the Zoning Ordinance.
- Context-sensitive street design should be applied.

Beatties Ford Rd & Mt. Holly-Huntersville Rd Small Area Plan (2005)

POTENTIAL DEVELOPMENT TOTALS

Although the market study indicates attached housing units could be accommodated in the area by the year 2015, the historical development of Long Creek has been at low intensity. Therefore, at this time the Plan does not recommend attached housing units in the area. However, given changes in the market and future development of surrounding areas, it may be appropriate to incorporate some attached housing units in the area provided there is a high level of design quality and the intensity of adjoining development is respected. Elderly housing may provide an excellent opportunity for attached housing in the community. With respect to non-residential development, it is recommended that the area can accommodate between 25,000 to 50,000 sq. ft of office and between 25,000 to 50,000 sq. ft. of commercial (not including an anchor).

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

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

STAFF COMMENT:

The proposed rezoning for the Mosaic Senior Living Development is consistent with envisioned uses and development pattern set forth in the 2040 Community Plan and Beatties Ford Rd. & Mt. Holly-Huntersville Rd Small Area Plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.
- CMS has provided an impact statement (Attachment D)
- Charlotte water has provided a “Willingness-to-serve” letter (Attachment E). Storm water drainage, water supplies and wastewater and refuse disposal are all available to serve this project and there is capacity to do so. A PCO-1 storm water approval from Town Engineering is required, as well.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, or cultural resources. Staff and applicant are awaiting a final determination from the Historic Landmarks Commission. Currently the site is not encumbered by any historic easements or deed restrictions.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R21-16, Mosaic Senior Living Staff could recommend approval if outstanding Staff comments, potential NCDOT comments, and addressing concerns with Modification #1 (Parking Space Minimum). The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 5.1, LU 6.1, LU 7.1, LU 8.1, LU 10.1 and T3.1.

It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan and Beatties Ford Rd. & Mt. Holly-Huntersville Rd. Small Area Plan. Modification #2 (Side Yard Parking) are in keeping with the Spirit of the Ordinance and therefore supported.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for February 7, 2022.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board is scheduled for February 22, 2022.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for March 21, 2022.

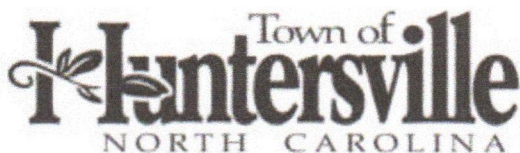
PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – R21-16 Rezoning Plan
- C – Neighborhood Meeting Report (December 16, 2021)
- D – CMS Student Response Email
- E – Charlotte Water WTS Letter
- F – Mosaic Parking Data

PART 10: CONSISTENCY STATEMENT – R21-09 Caldwell Crossing Mixed Use

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R21-16, Mosaic Senior Living Staff could recommend approval if outstanding Staff comments, potential NCDOT comments, and addressing concerns with Modification #1 (Parking Space Minimum). The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 5.1, LU 6.1, LU 7.1, LU 8.1, LU 10.1 and T3.1. <u>It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan and Beatties Ford Rd. & Mt. Holly-Huntersville Rd. Small Area Plan. Modification #2 (Side Yard Parking) are in keeping with the Spirit of the Ordinance and therefore supported supported.</u>	APPROVAL: In considering the proposed rezoning application R21-16, Mosaic Senior Living, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: In considering the proposed rezoning application R21-16, Mosaic Senior Living, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
	DENIAL: In considering the proposed rezoning application R21-16, Mosaic Senior Living, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed rezoning application R21-16, Mosaic Senior Living, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



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 November 1, 2021

Name of Project 9102 Beatties Ford Senior Housing Phase # (if subdivision) _____

Project Address 9102 Beatties Ford Road

Parcel Identification Number(s) (PIN) 01526437

Current Zoning District R Proposed District (for rezoning only) NR-CD

Property Size (acres) 9.8 Street Frontage (feet) 343 LF

Current Land Use vacant / SF residential

Proposed Land Use(s) senior housing

Is the project within Huntersville's corporate limits?
Yes _____ No x If no, does the applicant intend to voluntarily annex? yes

3. Description of Request

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

This is a request to rezone the parcel to NR in order to develop tax credit funded senior housing.

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 Mosaic Development Group Phone 704-342-3316
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: non-profit

☒ 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 James Royster Printed Name: James Royster
Title Project Manager Email jroyster@mosaicdevelopmentgroup.com
Address of Applicant 4600 Park Road, Charlotte, NC

7. Property Owner (if different than applicant)

Printed Name Marvin Cathey Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership Other: ☐ individual _____

☐ 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 see attached Printed Name _____
Title _____ Email _____

Address of Property Owner P.O. Box 2367, Huntersville, NC 28070

* 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

Cole, Jenest, Stone	Jacob Bachman	864-354-6964	jbachman@colejeneststone.com
Development Firm	Name of Contact	Phone	Email
Tise Kiester	Phil Kiester	919-967-0158	pkiester@tisekiester.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

JOINDER OF AND CONSENT TO APPLICATION

29th This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of Oct, 2021, by Marvin Hipp Cathey ("Owner") in connection with that one certain General Application for a Conditional Rezoning and Sketch Plan (the "Application"), and for Mosaic Senior 9102 Beatties Ford Senior Housing filed by Mosaic Development Group ("Applicant") in connection with the property identified as Parcel Number 01526437 as in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desires to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Quasi-Judicial Proceeding.** Owner does hereby acknowledge that the Sketch Plan Application will be considered in a quasi-judicial proceeding and that neither I or anyone on my behalf may contact the Board of Commissioners except through sworn testimony.
5. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
6. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

Marvin Hipp Cathey

Signature: Marvin Hipp Cathey (CK)

Printed Name: Marvin Hipp Cathey

9102 BEATTIES FORD SENIOR HOUSING

MOSAIC DEVELOPMENT GROUP

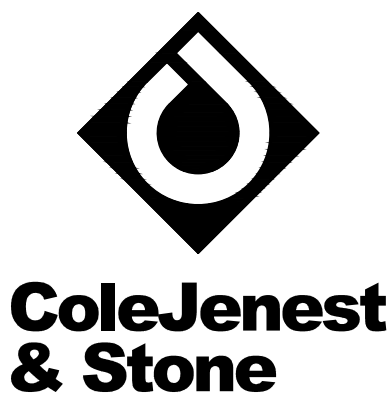
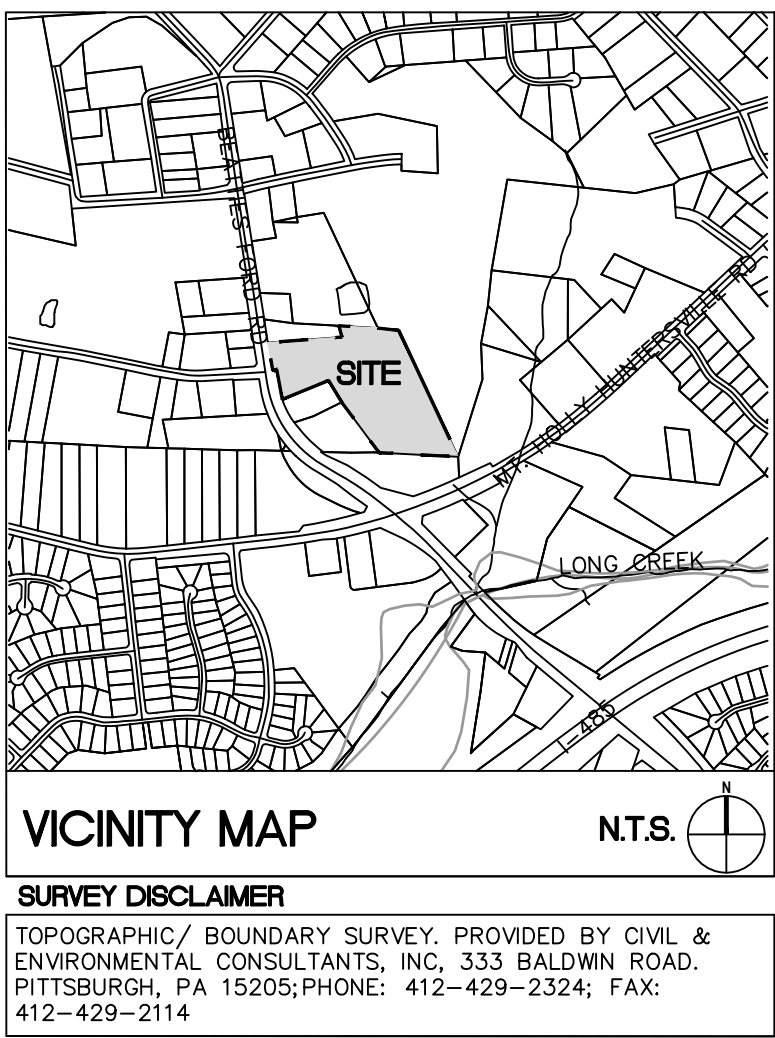
CONDITIONAL DISTRICT REZONING - R21-16

EPM# 429817

SHEET INDEX

SHEET LIST

RZ-0.0	OVERALL PLAN
RZ-1.0	REZONING PLAN
RZ-2.0	REZONING TECHNICAL DATA SHEET
RZ-3.0	PRELIMINARY GRADING + STORMWATER CONCEPT PLAN
RZ-4.0	UTILITY PLAN
RZ-5.0	TREE PRESERVATION + EXISTING CONDITIONS PLAN
RZ-6.0	EXISTING BUFFERS + ZONES
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RZ-9.0	SOIL ANALYSIS
RZ-10.0	EMERGENCY VEHICLE ACCESS EXHIBIT
RZ-11.0	ILLUSTRATIVE RENDERING
AS-1	SCHEMATIC ARCHITECTURAL ELEVATIONS
AS-2	SCHEMATIC ARCHITECTURAL ELEVATIONS
AS-3	SCHEMATIC ARCHITECTURAL ELEVATIONS
AS-4	SCHEMATIC ARCHITECTURAL ELEVATIONS
AS-5	SCHEMATIC ARCHITECTURAL ELEVATIONS



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url+ www.colejeneststone.com

MOSAIC DEVELOPMENT GROUP

4600 PARK ROAD, SUITE 390
CHARLOTTE, NC 28209
704-763-1727

9102 BEATTIES FORD SENIOR HOUSING

9102 BEATTIES FORD RD
HUNTERVILLE NC 28078

OVERALL PLAN

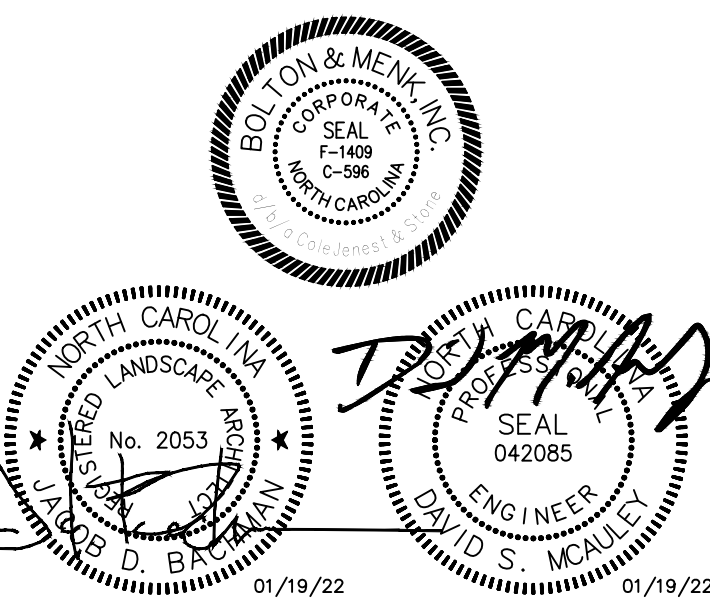
Project No.
32674.21

Issued
10/29/21

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CONSTRUCTION

Revised

12/10/21 - REZONING AMENDMENT

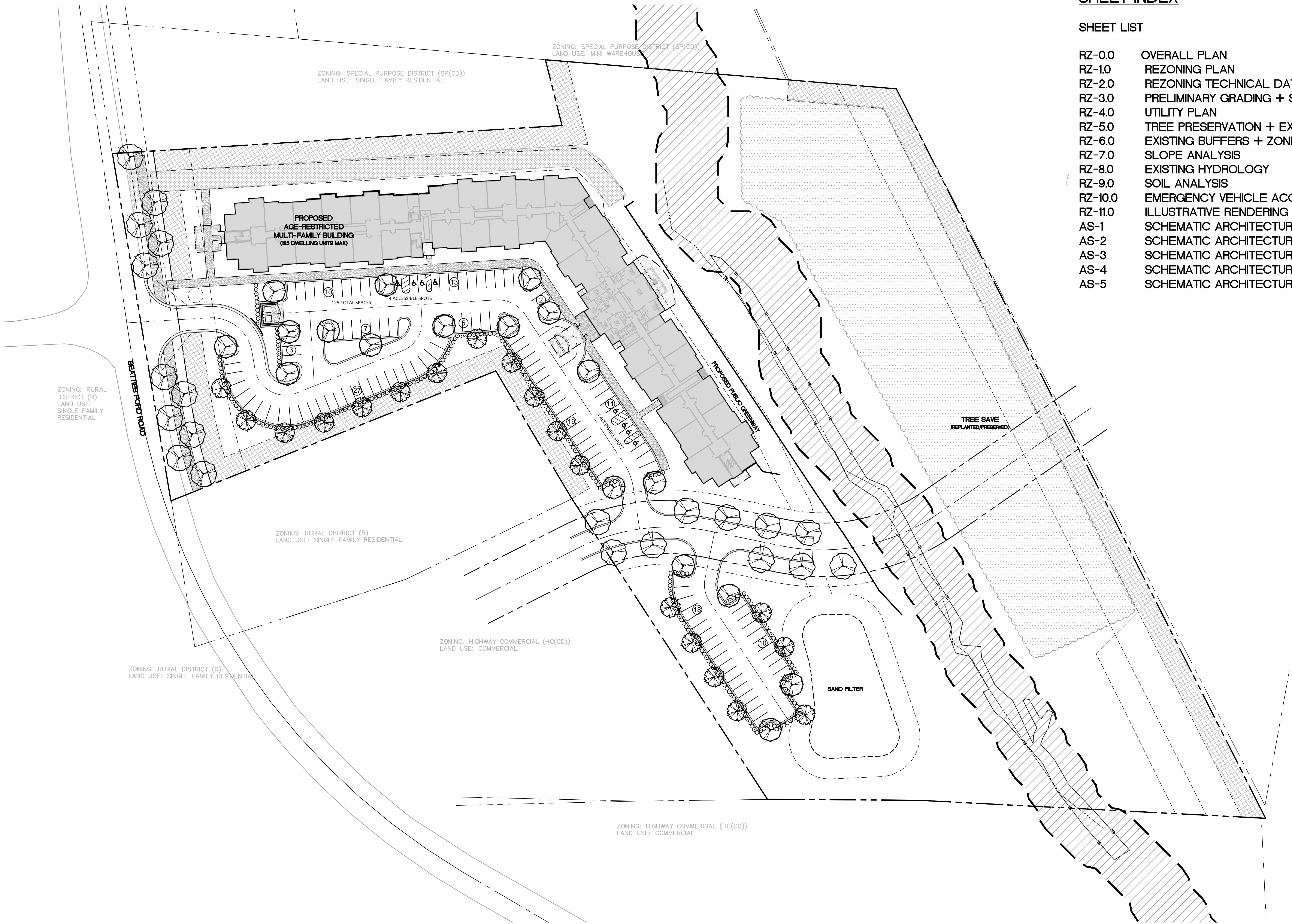


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RZ-0.0

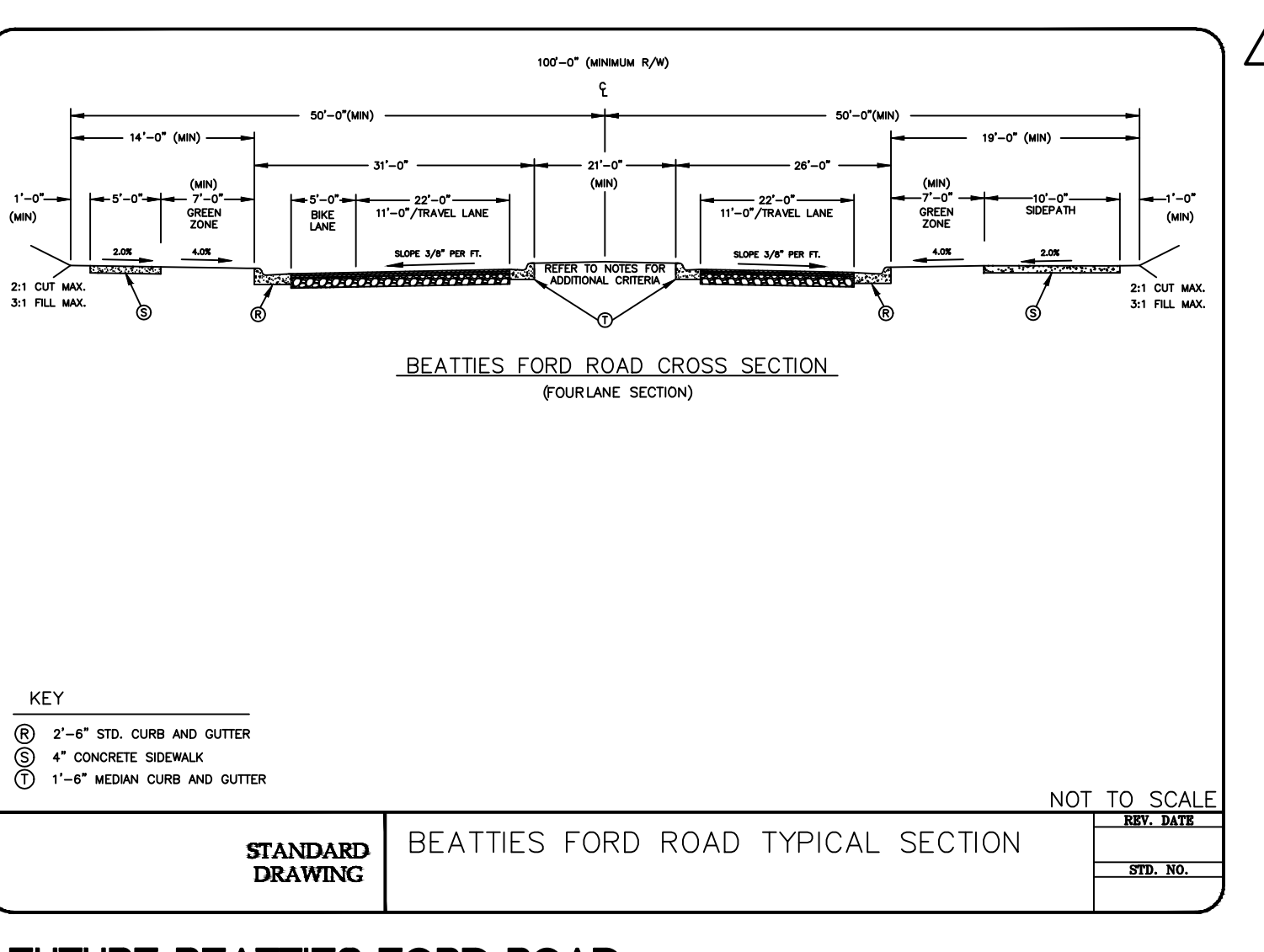
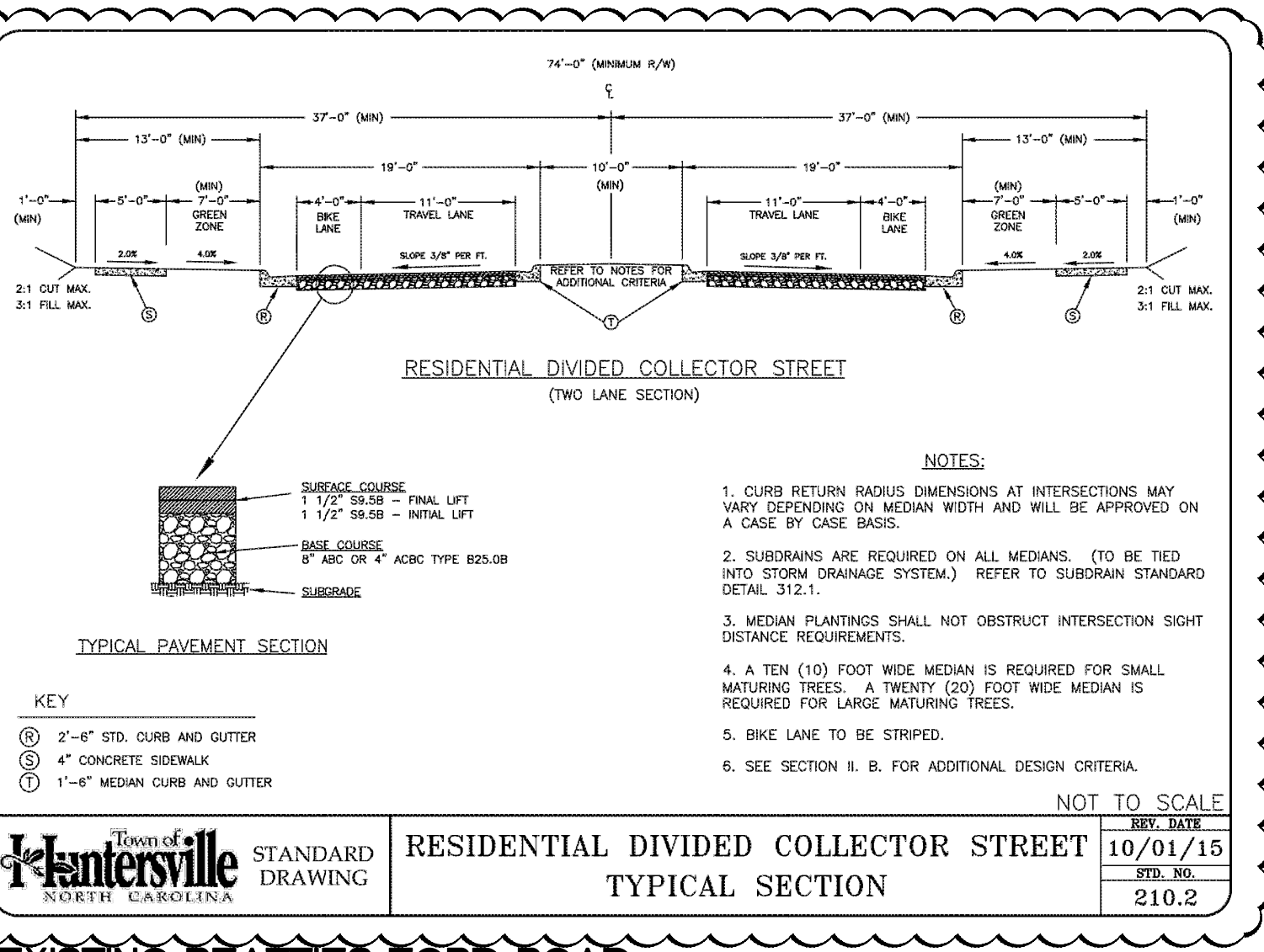
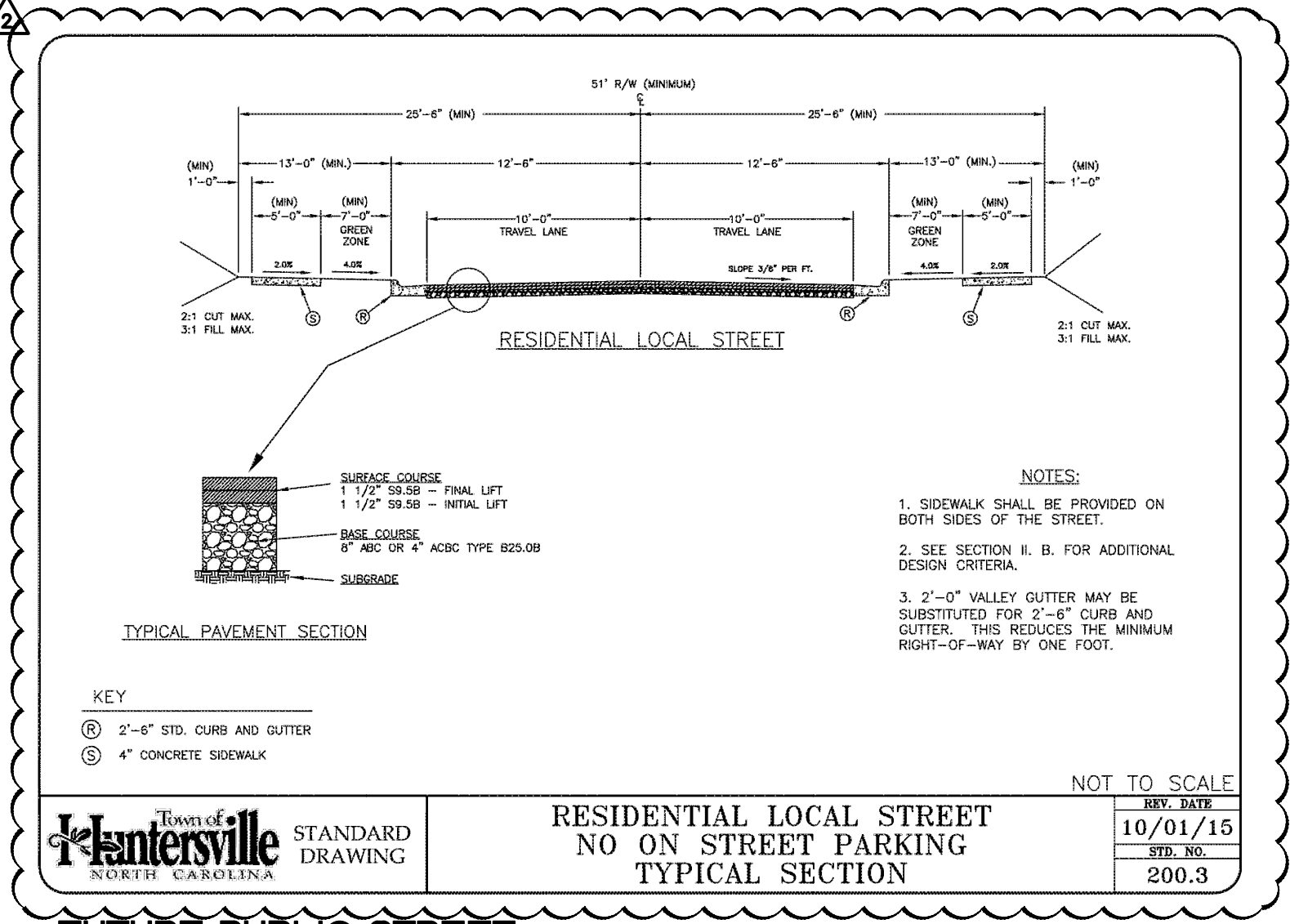
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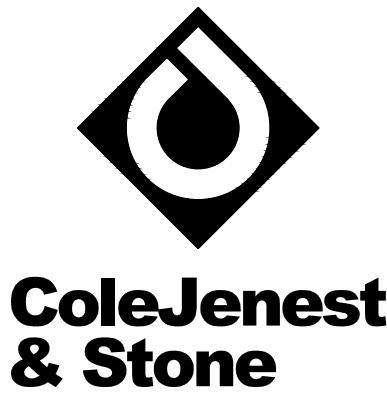


GENERAL REZONING NOTES

1. SEE SHEET RZ-200 FOR DEVELOPMENT STANDARDS
2. SEE SHEET RZ-200 FOR ZONING EXHIBIT



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9102 BEATTIES
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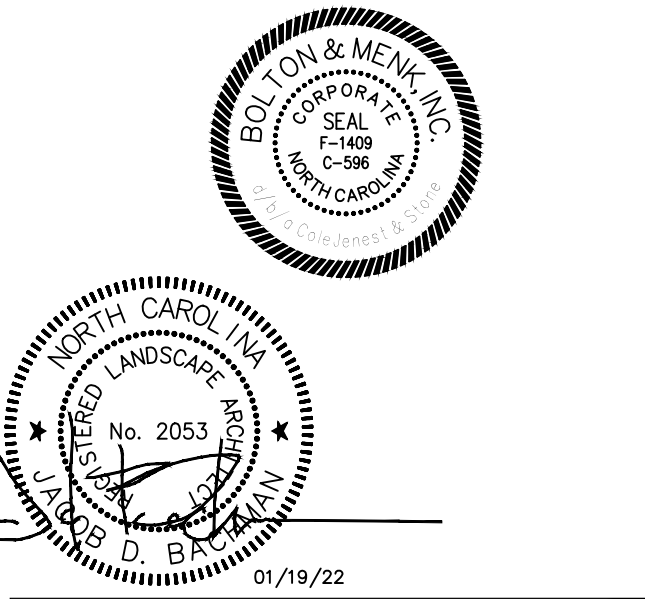
REZONING PLAN

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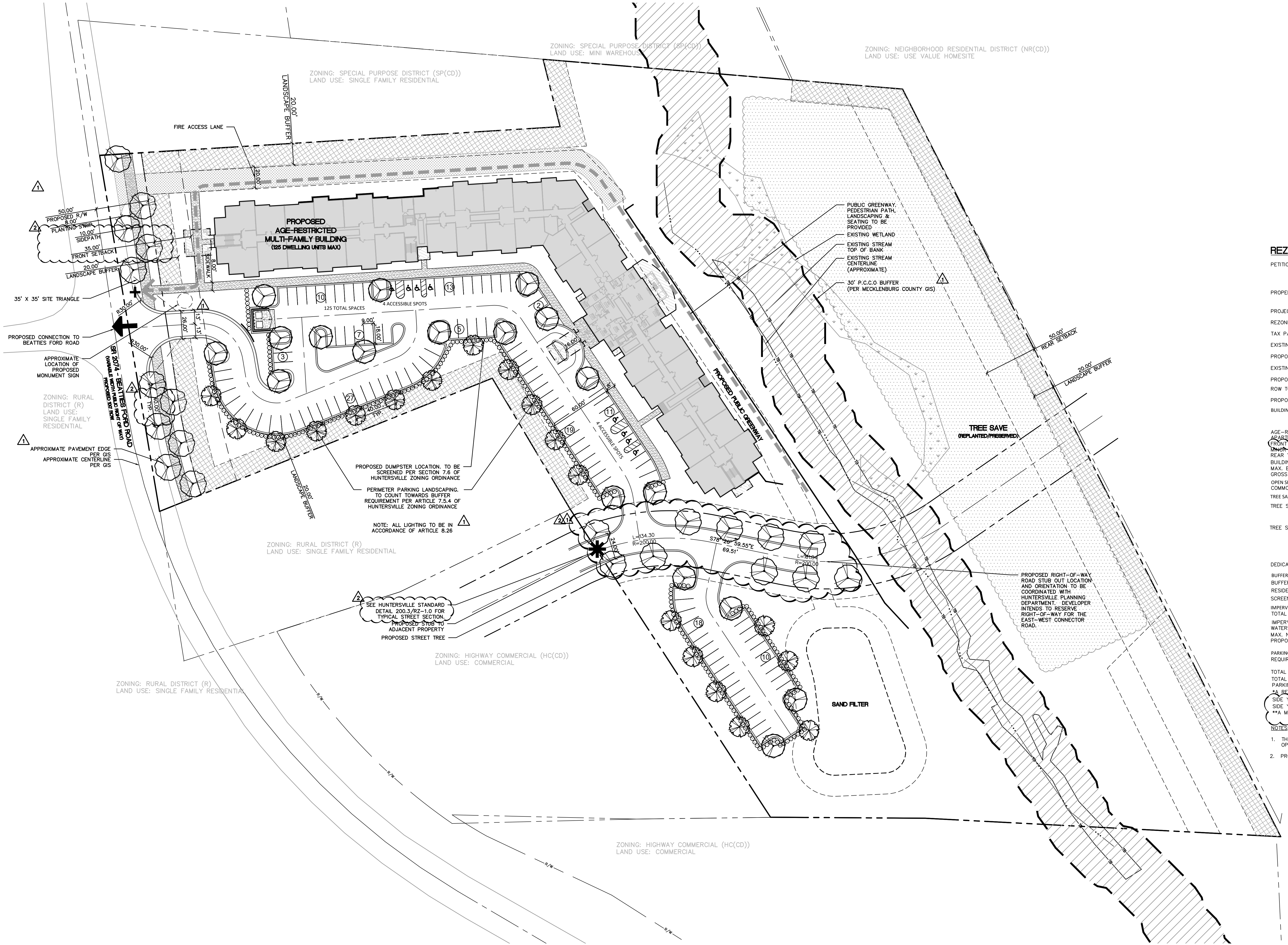


SCALE: 1"=40'
0 20' 40' 80'

RZ-1.0

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REZONING SUMMARY:

PETITIONER: MOSAIC DEVELOPMENT GROUP
4600 PARK ROAD
SUITE 390
CHARLOTTE NC, 28209

PROPERTY OWNER: MARVIN AND MAKEEBY CATHY
PO BOX 2367
HUNTERSVILLE NC, 28070
9102 BEATTIES FORD SENIOR HOUSING

PROJECT NAME: 9102 BEATTIES FORD SENIOR HOUSING

REZONING SITE AREA: 10.136± ACRES

TAX PARCEL #: 015-26-437

EXISTING ZONING: R

PROPOSED ZONING: NR (CD)

EXISTING USE: SINGLE FAMILY RESIDENTIAL

PROPOSED USE: MULTI-FAMILY HOMES (AGE RESTRICTED - ELDERLY)

ROW TO BE DEDICATED: ±0.308 AC

PROPOSED SITE AREA: 9.828± ACRES

BUILDING AND LOT TYPE SUMMARY: APARTMENT BUILDING TYPE
PER ARTICLE 4 OF HUNTERSVILLE ZONING ORDINANCE FOR SIDE AND REAR SETBACK REQUIREMENTS, SEE BUILDING TYPE DIAGRAMS (SEE SHEET SP 2.0).

AGE-RESTRICTED APARTMENT BUILDING
FRONT BUILD TO LINE
MINIMUM REAR YARD SETBACK: 35'
REAR YARD SETBACK: 50' MINIMUM (PARKING IS PERMITTED IN REAR SETBACK)
BUILDING LOT DIAGRAMS: SEE RZ-2.0 FOR DETAILS
MAX. BUILDING HEIGHT: 36' MAX.
GROSS FLOOR AREA: 135,425 SF

OPEN SPACE SUMMARY: COMMON OPEN SPACE PROVIDED: ± 2,500 SF

TREE SAVE SUMMARY: PER ARTICLE 7.4 OF HUNTERSVILLE ZONING ORDINANCE

TREE SAVE PROVIDED: HERITAGE TREES 100 % N/A
SPECIMEN TREES 30 % 7
0 EXISTING SAVED MITIGATED
HERITAGE TREES 100 % 23
SPECIMEN TREES 30 % 13 0
*TO BE MITIGATED ON PRELIMINARY PLAN IN ACCORDANCE WITH HUNTERSVILLE ZONING ORDINANCE 7.4

REQUIRED: 1.014 AC (10%)
PROVIDED: 1.014 AC MIN.

PER ARTICLE 7.5 OF HUNTERSVILLE ZONING ORDINANCE

PER SECTION 7.6 OF HUNTERSVILLE ZONING ORDINANCE

IMPERVIOUS CALCULATIONS: TO BE DETERMINED DURING LAND DEVELOPMENT PERMITTING

TOTAL SITE PROPOSED IMPERVIOUS: TO BE DETERMINED DURING LAND DEVELOPMENT PERMITTING

IMPERVIOUS PERCENTAGE ALLOWED: LONG WATERSHED

WATERSHED: 130

MAX. NO. DWELLING UNITS: 12.82 DUA

PROPOSED DENSITY: 12.82 DUA

PARKING SUMMARY: REQUIRED: AGE-RESTRICTED: ±92 1 BR UNITS (1.0 SP/UNIT)=92 SP
AGE-RESTRICTED: ±31 2 BR UNITS (1.5 SP/UNIT)=47 SP
TOTAL REQUIRED: 139 SPACES*

TOTAL PROVIDED: 125 SPACES*

PARKING RATIO: ELDERLY: 1.02/UNIT

*A REDUCTION OF TOTAL REQUIRED PARKING IS BEING REQUESTED

SIDE YARD PARKING ALLOWED: 40%*

SIDE YARD PARKING REQUESTED: 40%*

**A MODIFICATION FOR ALLOWED SIDE YARD PARKING IS BEING REQUESTED

NOTES:

1. THE PROPOSED APARTMENT BUILDING WILL BE DEVELOPED AS HOUSING INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS AGED 55 AND OLDER.
2. PROPOSED DENSITY = PROPOSED NO. DWELLING UNITS
EXISTING SITE AREA

REZONING NOTES

9102 BEATTIES FORD SENIOR HOUSING
AGE RESTRICTED-ELDERLY

1. REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS (DEVELOPMENT STANDARDS) ASSOCIATED WITH THE REZONING PETITION (THE REZONING PETITION) FILED BY MOSAIC DEVELOPMENT GROUP ("PETITIONER") ON NOVEMBER 1, 2021 (THE FILING DATE) AS REZONING PETITION R-21-16 & SKETCH PLAN (THE REZONING PLAN) FOR THAT APPROXIMATELY 3.8 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS 9102 BEATTIES FORD SENIOR HOUSING (THE PROJECT) IN CONNECTION TAX PARCEL NUMBER 01526437 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM THE RURAL ZONING DISTRICT TO NEIGHBORHOOD RESIDENTIAL CONDITIONAL DISTRICT NR(CD) IN ACCORDANCE WITH THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").

2. DEVELOPMENT STANDARDS. DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF THE FILING OF THE REZONING PLAN, UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF THE FILING OF THE REZONING PLAN GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.

3. SCHEMATIC NATURE OF REZONING PLAN. THE CONFIGURATION, PLACEMENT, AND SIZE OF THE BUILDINGS AND PROPOSED IMPROVEMENTS, INCLUDING PARKING AREAS, DRIVEWAYS, COMMON AREAS AND STORM PONDS, SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS BUILDINGS AND IMPROVEMENTS MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS SUCH MODIFICATION IS COMPATIBLE WITH THE APPROXIMATE LAYOUT AND LOCATION OF LOTS AND IMPROVEMENTS SHOWN ON THE REZONING PLAN. THE EXACT ALIGNMENTS OF THE INTERNAL DRIVES AND INTERNAL PUBLIC STREETS HAVE NOT BEEN DETERMINED AND ARE SUBJECT TO FINAL DESIGN AND ENGINEERING PLANS, AND MINOR MODIFICATIONS OR ALTERATIONS OF THESE ALIGNMENTS MAY TAKE PLACE DURING DESIGN DEVELOPMENT AND CONSTRUCTION PHASES. MAJOR AMENDMENTS ARE DETERMINED BY STAFF FOR ALL CD REZONING AND SKETCH PLANS.

4. PHASING. THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED, AS DETERMINED DURING THE COURSE OF CONSTRUCTION, ANY PROPOSED PHASING MUST ALIGN WITH REQUIRED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS PROVIDED; HOWEVER, EACH PHASE OR SEQUENCE OF IMPROVEMENTS IN THE PROJECT WILL MEET ALL ORDINANCE REQUIREMENTS, UTILITIES, INFRASTRUCTURE, AND GRADING SHALL BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED.

5. VESTED RIGHTS. THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN PURSUANT TO THE PROVISIONS OF THE ORDINANCE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE TOWN BOARD, PETITIONER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES FROM TIME TO TIME, AND WITHOUT PURSUING A REZONING. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS, DUE TO THE SIZE OF THE PROJECT, PHASING, AND LEVEL OF INVESTMENT. APPROVAL OF THIS CONDITIONAL REZONING SHALL CONSTITUTE ESTABLISHMENT OF VESTED RIGHTS IN THE LANDOWNER (AND ITS SUCCESSORS OR ASSIGNS) FOR A PERIOD OF FIVE YEARS AS PERMITTED BY N.C. GEN. STAT. § 160D-108.

6. PERMITTED USES. THE PROPERTY MAY BE DEVELOPED FOR ANY USES (INCLUDING ACCESSORY USES) SHOWN ON THE REZONING PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES.

7. ACCESS. THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE, TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS. FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.

8. STREET IMPROVEMENTS. PETITIONER SHALL BE REQUIRED TO INSTALL SIDEWALKS-STREET TREES, PLANTING STRIPS, BI-CYCLE LANES OR OTHER STREET IMPROVEMENTS AS A CONDITION OF THE APPROVAL OF THIS REZONING PLAN AS SPECIFICALLY SHOWN ON THE REZONING PLAN AND AS REQUIRED BY THE ZONING ORDINANCE, SUBDIVISION ORDINANCE, APPLICABLE HUNTERSVILLE/CDOT TIA, OR DRIVEWAY PERMIT REQUIREMENTS.

9. LANDSCAPING/BUFFERS. DEVELOPMENT OF THE PROPERTY SHALL COMPLY WITH THE LANDSCAPING AND BUFFER REQUIREMENTS OF THE ORDINANCE.

10. AMENDMENT. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OF OWNERS OF THE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE; PROVIDED, HOWEVER, IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT CONSTITUTES A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE PROPERTY OWNED BY SUCH OWNER, PROVIDED PETITIONER PROVIDES FOR SUCH AMENDMENT RIGHT IN THE RECORDED PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN WHEN RECORDED.

11. BMP DESIGN. THE DESIGNS FOR THE BMPs SHOWN ON THE REZONING PLAN SHALL BE FINALIZED DURING THE CONSTRUCTION PHASE AND SHALL BE COMPLETED AS A PART OF THE INFRASTRUCTURE IMPROVEMENTS.

12. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS. IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS, THROUGHOUT THESE DEVELOPMENT STANDARDS. THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIR, DEVISEE, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

REQUESTED MODIFICATIONS TO STANDARDS

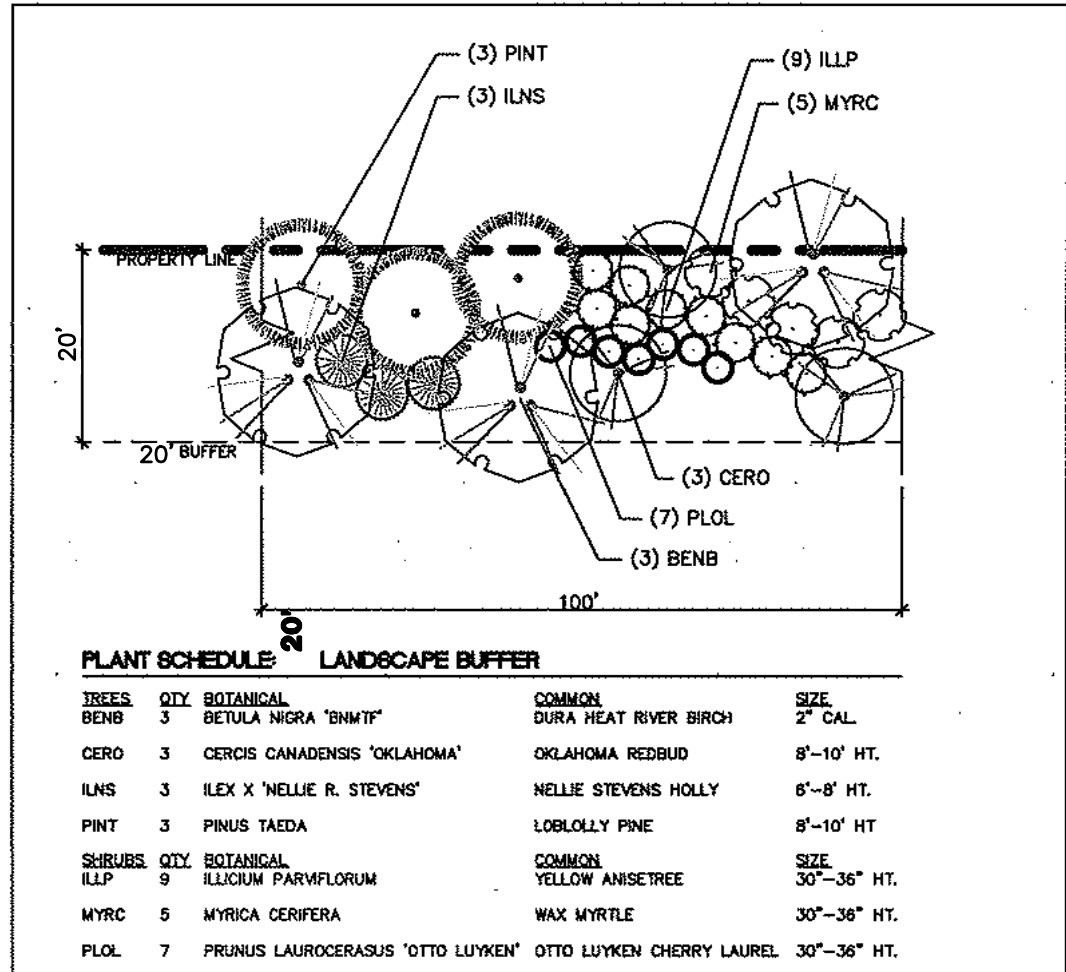
PURSUANT TO SECTION 11.4.7(K) OF THE ORDINANCE, THE STANDARDS OF THE ORDINANCE ARE MODIFIED TO PERMIT THE FOLLOWING:

MODIFICATION FROM ARTICLE 6, OFF STREET PARK PARKING: 1 SPACE PER UNIT FOR UNITS WITH 2 BEDROOMS. THE ORDINANCE REQUIREMENT IS 1 SPACE PER BEDROOM. DWELLING UNITS WITH MORE THAN ONE BEDROOM ARE REQUIRED TO HAVE 1.5 SPACES. THIS MODIFICATION WILL BE EXCLUSIVELY FOR THE PARKING FOR SENIOR (55+) APARTMENTS.

MODIFICATION FROM ARTICLE 4 APARTMENT BUILDING TYPE WHICH REQUIRES PARKING TO BE LOCATED TO THE REAR OF THE BUILDING. THE PARKING WILL BE SCREENED SO AS TO MINIMIZE THE VIEW OF PARKING FROM THE ADJACENT STREET.

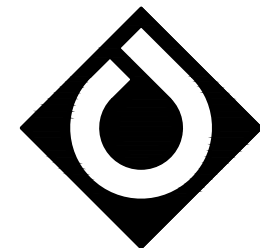
PARCEL LEGEND

PARCEL #	PARCEL ID.	PARCEL OWNER	MAILING ADDRESS	ZONING
①	02306306	CATHERINE W BULLA	9101 BEATTIES FORD RD HUNTERSVILLE NC 28078	R
②	02306220	JEFFREY S BARNETTE	1900 OLD BRIER LN CHARLOTTE NC 28216	R
③	01526436	JEFFREY S BARNETTE	1900 OLD BRIER LN CHARLOTTE NC 28216	R
④	02306219	MARGIE P BARNETTE	9003 BEATTIES FORD RD HUNTERSVILLE NC 28078	R
⑤	01526435	ROBERT P HOUSTON	9000 BEATTIES FORD RD HUNTERSVILLE NC 28078	(HC)(CD)
⑥	02306255	RUSHER OIL CO	PO BOX 1483 SALISBURY NC 28145	(HC)(CD)
⑦	01526434	TA & S ENTERPRISES OF NC INC	7801 BRIDLE CT CHARLOTTE NC 28216	(HC)(CD)
⑧	01526433	CONRAD DEWEY JR PUCKETT	8411 MT HOLLY HUNTERSVILLE RD HUNTERSVILLE NC 28078	R
⑨	01526443	CARVER BOWMAN LLC	13815 CINNABAR PL HUNTERSVILLE NC 28078	(NR)(CD)
⑩	01526440	LONG CREEK ENTERPRISES, INC	PO BOX 2873 HUNTERSVILLE NC 28070	(SP)(CD)
⑪	01526438	SAMUEL M WILSON	PO BOX 2873 HUNTERSVILLE NC 28070	(SP)(CD)
⑫	02306307	NANCY P THOMPSON	8104 CHRISTMAS CT CHARLOTTE NC 28216	R
⑬	01526437	MARVIN AND MAKEEBY CATHEY	PO BOX 2367 HUNTERSVILLE NC 28070	R





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& Stone**

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PRELIMINARY GRADING AND STORMWATER PLAN

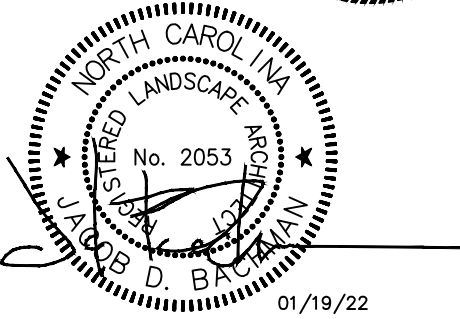
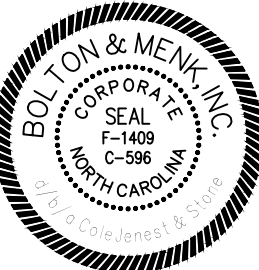
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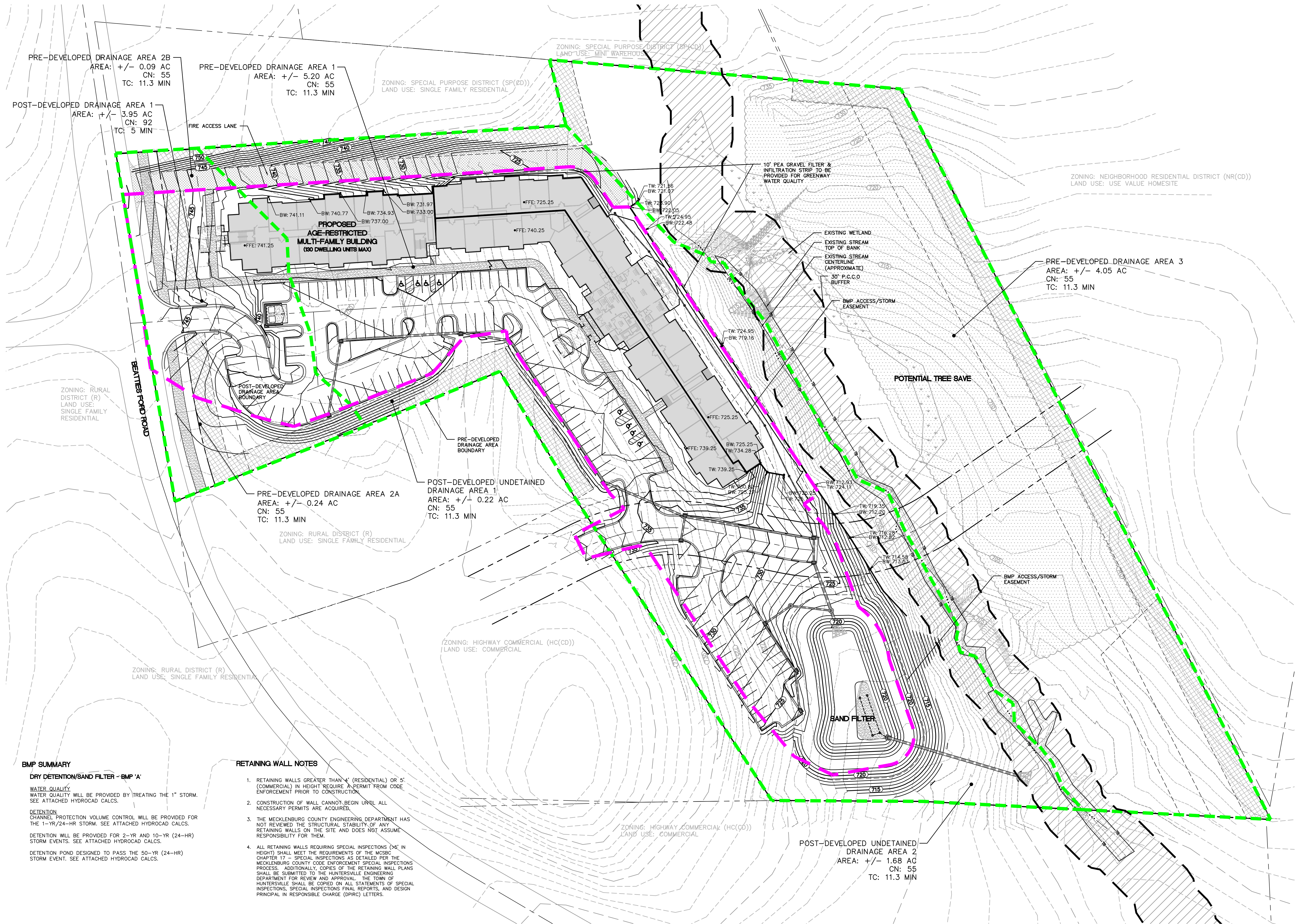
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0 20' 40' 80'

RZ-3.0



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, OR LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT.
- SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 CFR, PART 1926, SUBPART P, OR AS AMENDED.

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BMP SUMMARY

DRY DETENTION/SAND FILTER - BMP 'A'

WATER QUALITY:
WATER QUALITY WILL BE PROVIDED BY TREATING THE 1" STORM.
SEE ATTACHED HYDROCAD CALCULATIONS.

DETENTION:
CHANNEL PROTECTION VOLUME CONTROL WILL BE PROVIDED FOR
THE 1-YR/24-HR STORM. SEE ATTACHED HYDROCAD CALCULATIONS.

DETENTION WILL BE PROVIDED FOR 2-YR AND 10-YR (24-HR)
STORM EVENTS. SEE ATTACHED HYDROCAD CALCULATIONS.

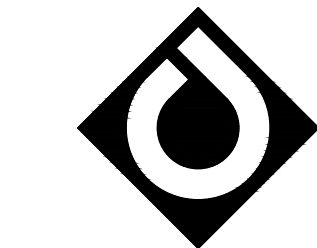
DETENTION POND DESIGNED TO PASS THE 50-YR (24-HR)
STORM EVENT. SEE ATTACHED HYDROCAD CALCULATIONS.

RETAINING WALL NOTES

- RETAINING WALLS GREATER THAN 4' (RESIDENTIAL) OR 5' (COMMERCIAL) IN HEIGHT REQUIRE A PERMIT FROM CODE ENFORCEMENT PRIOR TO CONSTRUCTION.
- CONSTRUCTION OF WALL CANNOT BEGIN UNTIL ALL NECESSARY PERMITS ARE ACQUIRED.
- THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
- ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (6' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCDRC CHAPTER 17 - SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED TO THE HUNTERVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (DPRC) LETTERS.



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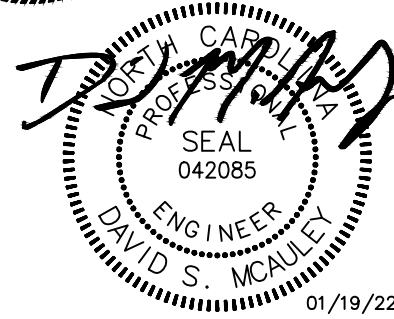
UTILITY PLAN

Project No.
32674.21

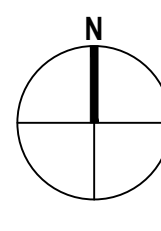
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SCALE: 1"=40'
0 20' 40' 80'



RZ-4.0



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TREE PRESERVATION:

NR DISTRICT TREE PRESERVATION:
REQUIRED TREE CANOPY: 10% OF TOTAL SITE AREA (EXISTING AND PLANTED)
REQUIRED HERITAGE TREES: 100%
REQUIRED SPECIMEN TREES: 10%

PROVIDED TREE CANOPY: 10% OF TOTAL SITE AREA
PROVIDED HERITAGE TREES: NONE ON SITE
PROVIDED SPECIMEN TREES: 52%

EXISTING TREE CANOPY: ±6.37 AC (64% OF SITE)
PROPOSED TREE CANOPY: ±3.15 AC (32% OF SITE)

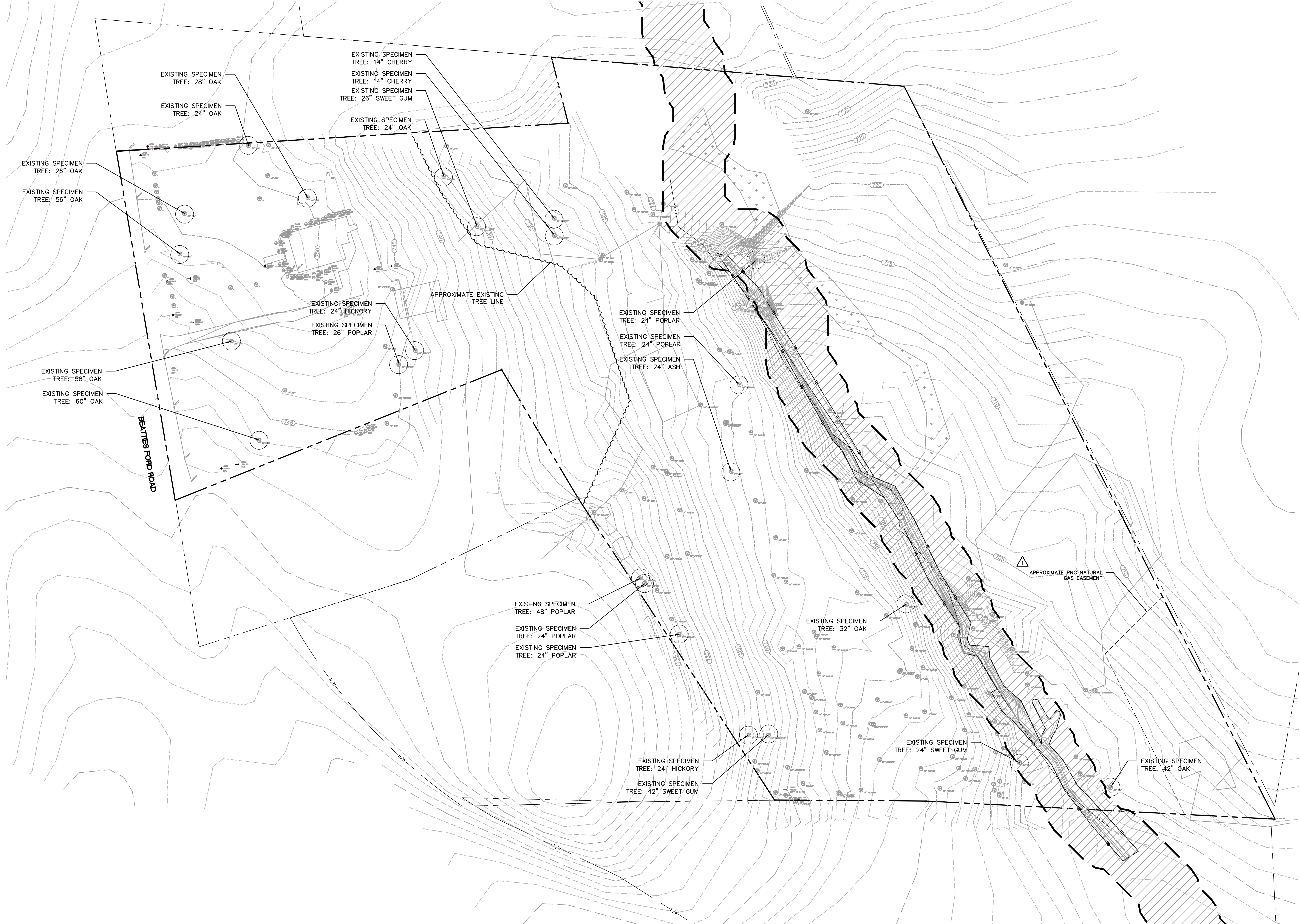
TREE PROTECTION:

APPLICABILITY:
A TREE AND ROOT PRESERVATION PLAN DELINEATING AREAS OF TREE SAVE SHALL BE INCORPORATED AS PART OF THE LANDSCAPING, GRADING, AND EROSION CONTROL PLANS. THE FOLLOWING MEASURES SHALL BE FOLLOWED TO PROTECT EXISTING TREES ON A DEVELOPING SITE PRIOR TO DEMOLITION, CLEARING, CONSTRUCTION, GRADING, AND INSTALLATION OF EROSION CONTROL MEASURES; TREE PROTECTIVE BARRIERS MUST BE INSTALLED AROUND ALL TREE SAVE AREAS BY THE DEVELOPER AND APPROVED BY THE TOWN.
- THE TREE PROTECTION FENCE SHALL BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA (DRIP LINE PLUS 5 FEET). TREE PROTECTION FENCING FOR A FOREST CANOPY STANDS AREA IS TO BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA AROUND THE FOREST EDGE. TREE PROTECTION FENCING SHALL CONSIST OF ORANGE SAFETY FENCING OR A COMBINATION OF ORANGE SAFETY FENCING WITH SILT FENCING AT A MINIMUM OF 4 FEET IN HEIGHT ON METAL OR WOOD POSTS.
- ALL TREE PROTECTION AREAS MUST BE DESIGNATED AS SUCH WITH "TREE SAVE AREA SIGNS" POSTED IN ADDITION TO THE REQUIRED PROTECTIVE FENCING. SIGNS REQUESTING SUBCONTRACTOR COOPERATION AND COMPLIANCE WITH TREE PROTECTION STANDARDS ARE RECOMMENDED FOR SITE ENTRANCES.
- NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION MATERIAL, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT AND MATERIALS ARE ALLOWED WITHIN THE TREE SAVE AREA.
- NO POLES, SIGNS, WIRES, UNPROTECTED ELECTRICAL INSTALLATION OR OTHER DEVICE OR MATERIAL, SHALL BE SECURED OR FASTENED AROUND OR THROUGH A TREE OR SHRUB.
- ALL PROTECTIVE MEASURES SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBING AND CONSTRUCTION PROCESS, AND SHALL NOT BE REMOVED UNTIL FINAL LANDSCAPING IS INSTALLED.

SPECIMEN TREE PRESERVATION

SPECIES	SIZE	SAVED
ASH	24"	N
CHERRY	14"	N
CHERRY	14"	N
HICKORY	24"	N
HICKORY	24"	Y
OAK	60"	Y
OAK	58"	N
OAK	26"	Y
OAK	28"	N
OAK	24"	Y
OAK	24"	N
OAK	32"	Y
OAK	42"	Y
POPLAR	24"	N
POPLAR	24"	Y
POPLAR	24"	Y
POPLAR	24"	Y
POPLAR	26"	N
POPLAR	48"	Y
SWEET GUM	24"	Y
SWEET GUM	42"	Y
SWEET GUM	26"	N

TOTAL EXISTING SPECIMEN TREES: 25 TREES
TOTAL PROVIDED SPECIMEN TREES: 13 TREES (52%)



VICINITY MAP

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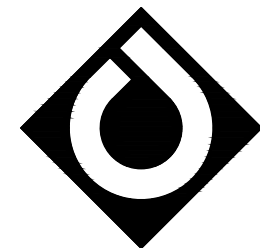
LEGEND

SYMBOL

- EXISTING TREES
- EXISTING SPECIMEN TREES*
- EXISTING TREELINE
- EXISTING OVERHEAD UTILITY POLE
- EXISTING LIGHT POLE

NOTE:

1. *SPECIMEN TREES ARE DEFINED PER THE TOWN OF HUNTERSVILLE ORDINANCE: LARGE MATURING HARD/SOFTWOODS WITH A DIAMETER BREST HEIGHT OF 24" OR GREATER. SMALL MATURING HARD/SOFTWOODS WITH A DIAMETER BREST HEIGHT OF 12" OR GREATER.



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TREE
PRESERVATION
AND EXISTING
CONDITIONS PLAN

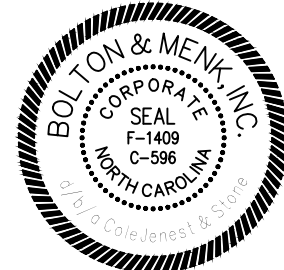
Project No.
32674.21

Issued
10/29/21

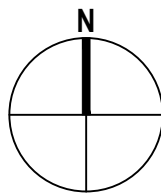
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12/10/21 - REZONING AMENDMENT
01/19/22 - REZONING AMENDMENT



SCALE: 1"=40'
0 20' 40' 80'



RZ-5.0



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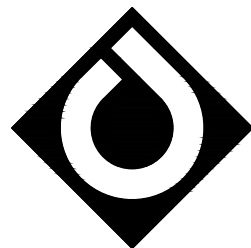
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EXISTING BUFFERS AND ZONES PLAN

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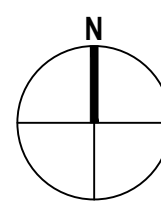
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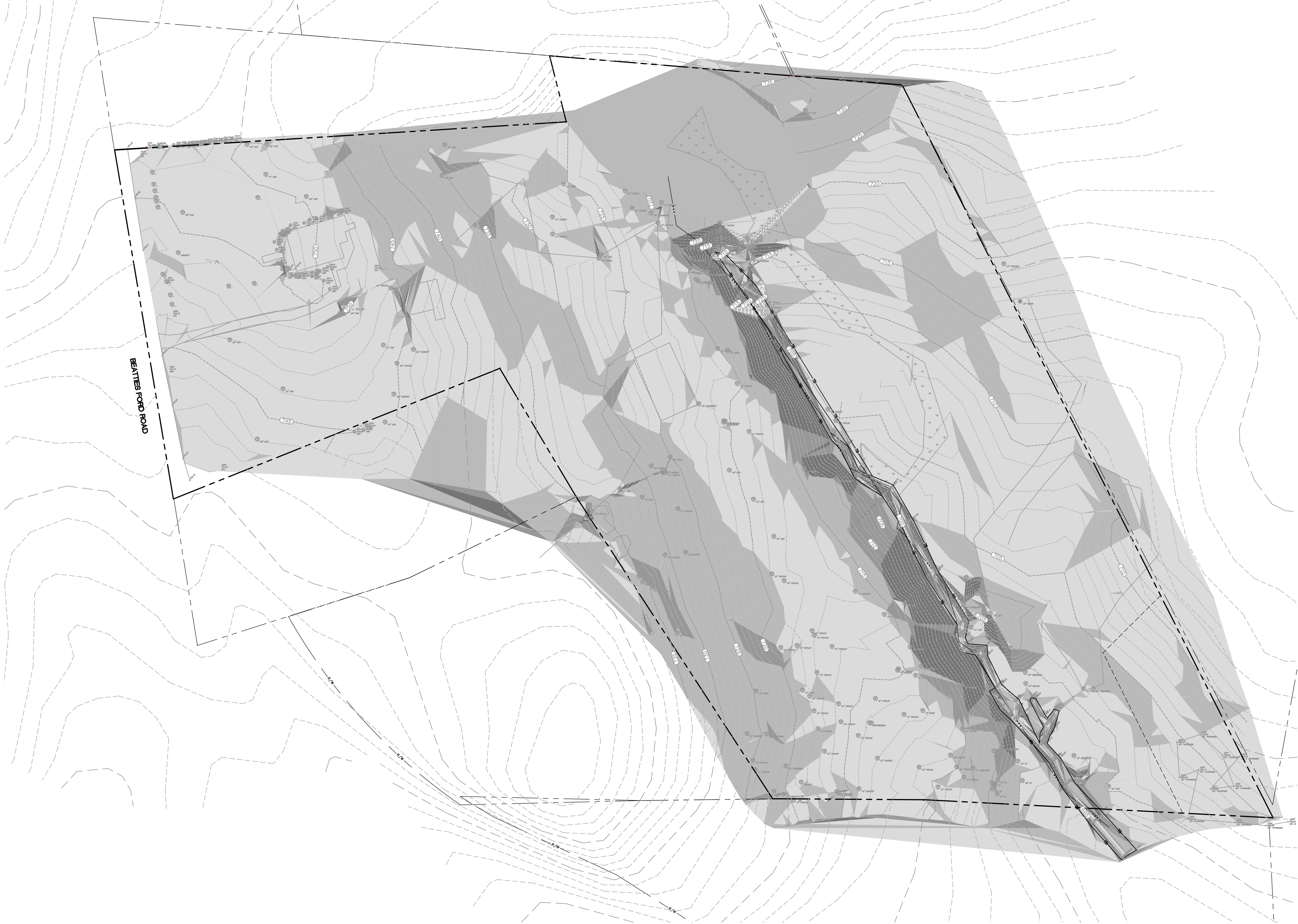


RZ-6.0



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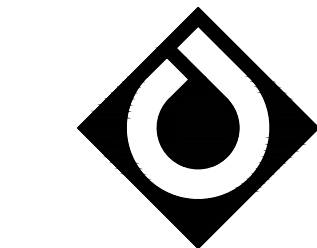
VICINITY MAP N.T.S.

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SLOPE RANGES			
NUMBER	RANGE	COLOR	AREA
1	0% - 10%		7.25
2	10% - 20%		3.88
3	20% - 30%		0.36
4	30% - 100%		0.49



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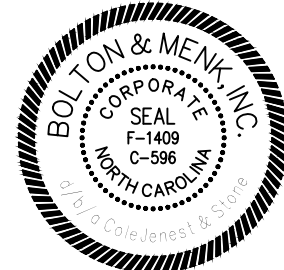
**SLOPE ANALYSIS
PLAN**

Project No.
32674.21

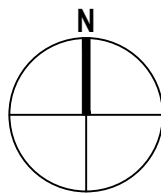
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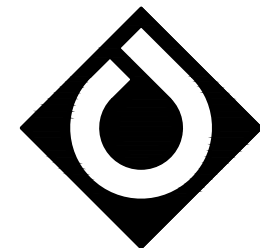
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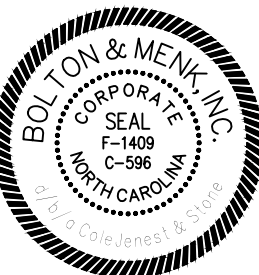
EXISTING HYDROLOGY PLAN

Project No.
32674.21

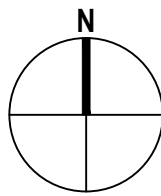
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VICINITY MAP

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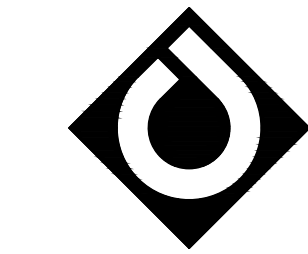
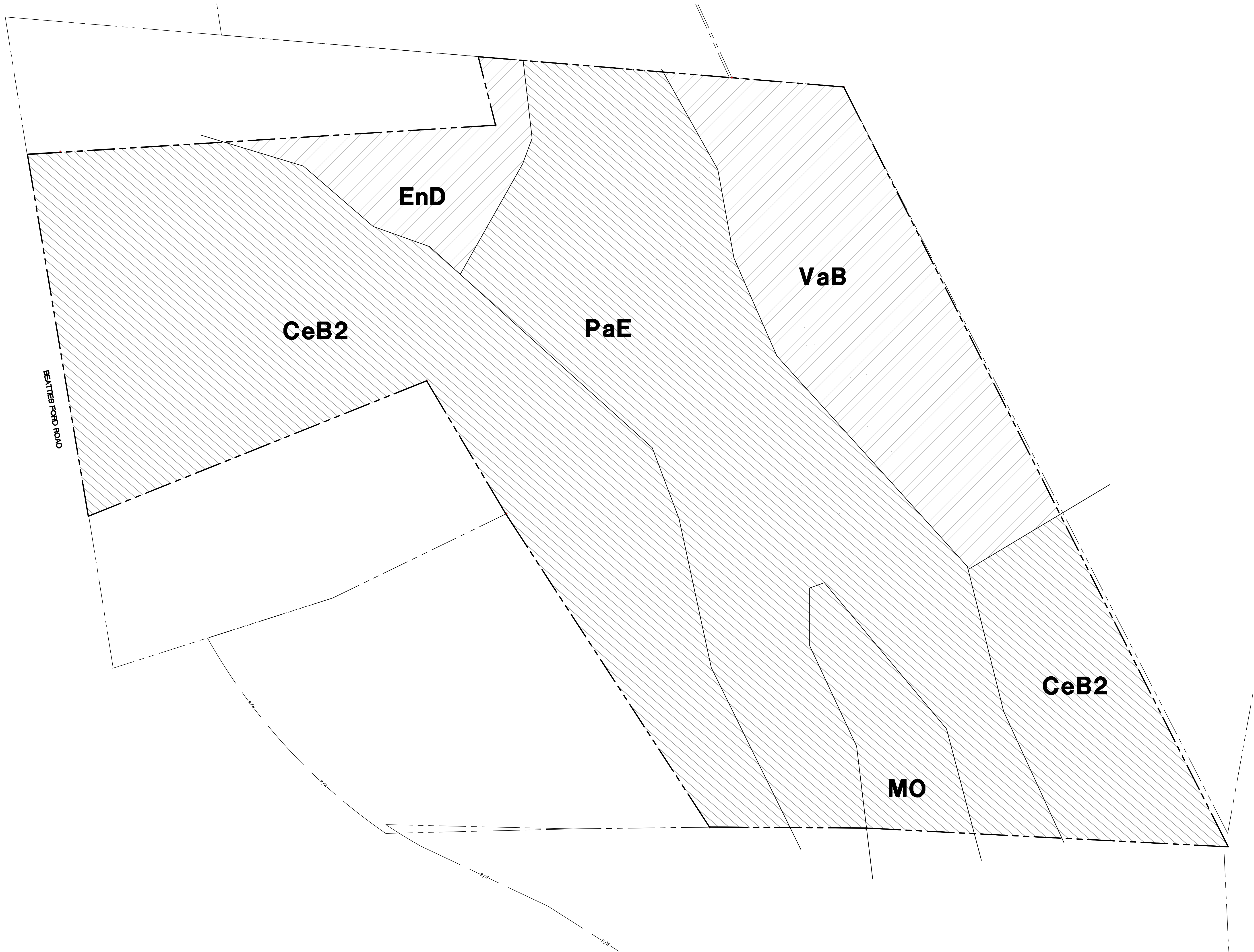
LEGEND

	HYDROLIC SOILS GROUP 'B'
	HYDROLIC SOILS GROUP 'C'

DESCRIPTIONS

CeB2 - CEOL SANDY CLAY LOAM, 2 TO 8% SLOPES, MODERATELY ERODED (C)
EnD - ENON SANDY LOAM, 8 TO 15% SLOPES (A)
MO - MONACAN LOAM, 0 TO 2% SLOPES, FREQUENTLY FLOODED (B)
PaE - PACOLET SANDY LOAM, 15 TO 25 % SLOPES (A)
VaB - VANCE SANDY LOAM, 2 TO 8% SLOPES (A)
SUMMARY:

HYDROLIC SOILS GROUP 'B'	84.1% OF SITE
CeB2 - 43.2%	
MO - 3.1%	
PaE - 37.8%	
HYDROLIC SOILS GROUP 'C'	15.9% OF SITE
EnD - 3.2%	
VaB - 12.7%	



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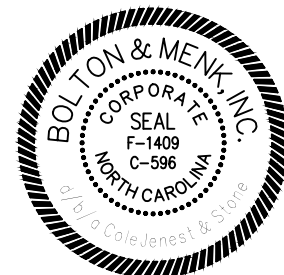
SOIL ANALYSIS PLAN

Project No.
32674.21

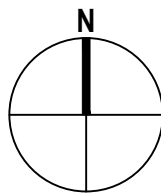
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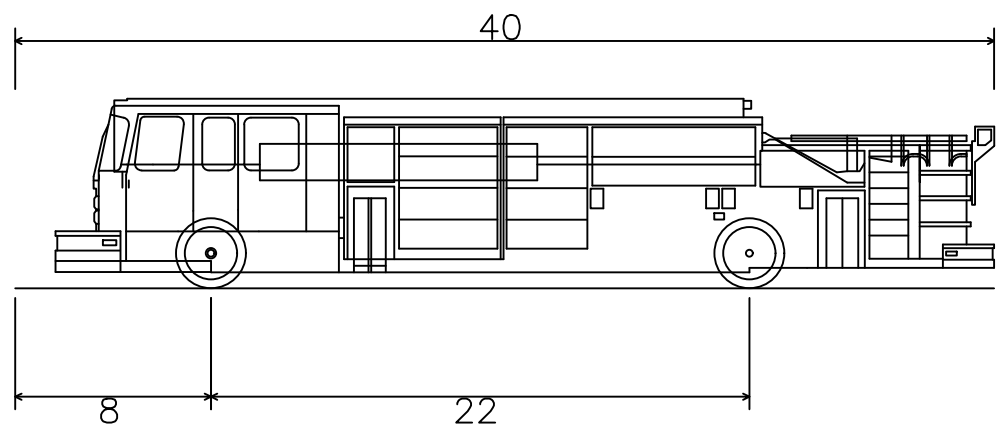
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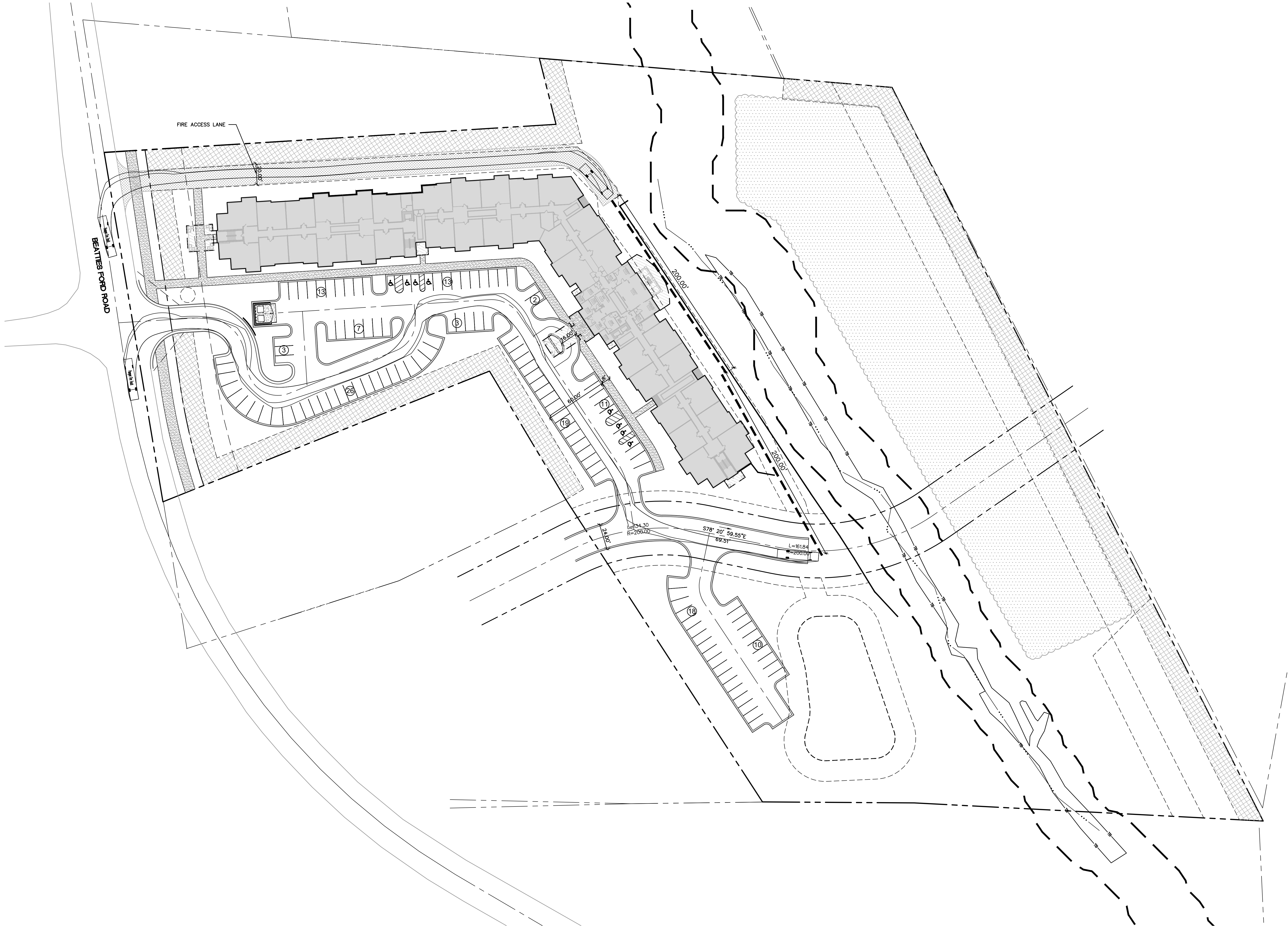
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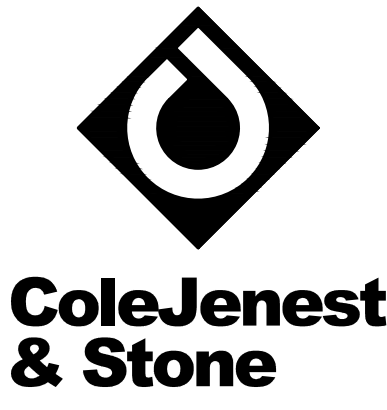
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Pumper Fire Truck
Overall Length 40.000ft
Overall Width 8.167ft
Overall Body Height 7.745ft
Min Body Ground Clearance 0.656ft
Track Width 8.167ft
Lock-to-lock time 5.00s
Max Wheel Angle 45.00°



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EMERGENCY VEHICLE ACCESS PLAN

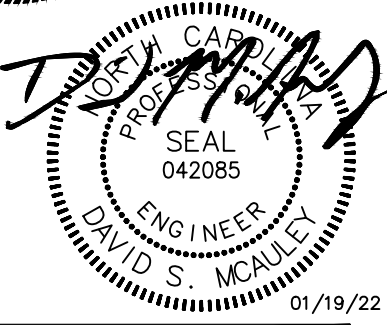
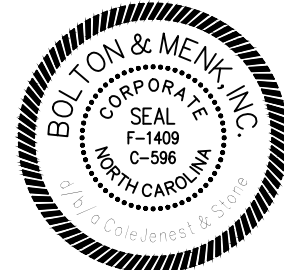
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12/10/21 - REZONING AMENDMENT



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0 20' 40' 80'

RZ-10.0



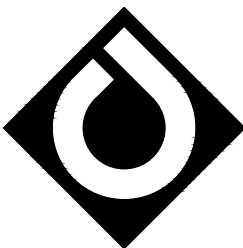
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- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.
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CHARLOTTE, NC 28209
704-763-1727

9102 BEATTIES FORD SENIOR HOUSING

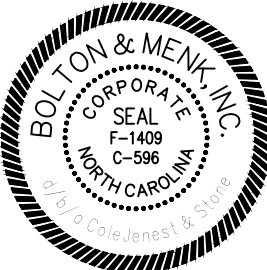
ILLUSTRATIVE RENDERING

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SCALE: 1"=40'

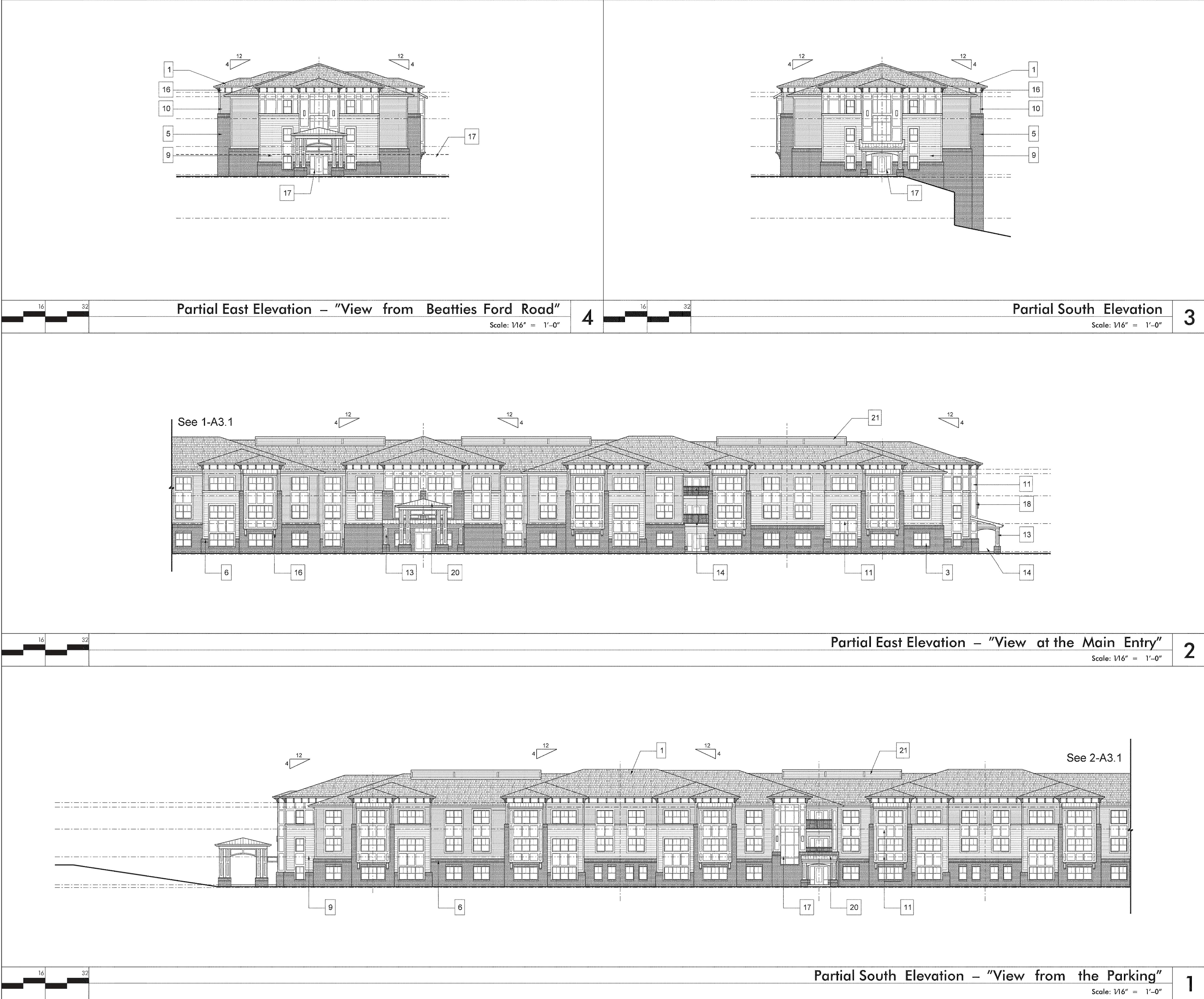
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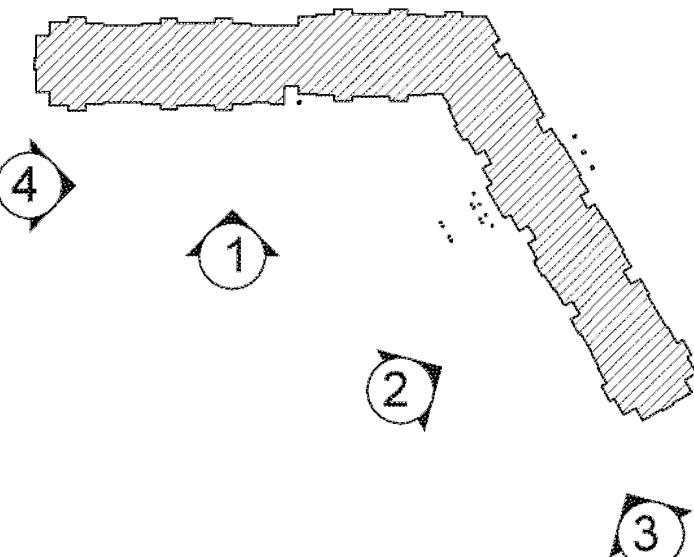


ELEVATION KEY NOTES

- 1 FIBERGLASS REINFORCED ARCHITECTURAL ANTI-FUNGAL ASPHALT SHINGLES, 30-YEAR WARRANTY
- 2 PREFIN SEAMLESS METAL GUTTER OR DOWNSPOUT, TYP. - REFER TO ROOF PLAN FOR LOGS
- 3 VINYL WINDOW(S) - SEE SCHEDULE
- 4 SCHEDULED DOOR / FRAME - SEE A3.1
- 5 BRICK VENEER, RUNNING BOND PATTERN
- 6 BRICK SOLDIER COURSE / STACKED BOND ACCENT BAND
- 7 BRICK VENEER ROWLOCK SILL, SLOPED TO DRAIN
- 8 BRICK PEDESTAL / PIER
- 9 SOLID CEMENTITIOUS LAP SIDING, 8" EXPOSURE
- 10 SOLID CEMENTITIOUS LAP SIDING, 5" EXPOSURE
- 11 SOLID CEMENTITIOUS PANEL WITH CEMENTITIOUS TRIM
- 12 CEMENTITIOUS TRIM, TYP. AT CORNER BOARDS, WINDOW AND DOOR, TYP.
- 13 FIBER CEMENT COL. / BEAM WRAP WITH 4" TRIM ON SOLID PANELS
- 14 PREFINISHED VINYL GUARDRAIL SYSTEM, 42" HIGH, TYP. AT ALL BALCONIES
- 15 MASONRY CONTROL JOINT, TYP.
- 16 VINYL DECORATIVE BRACKET
- 17 ALUMINUM STOREFRONT WINDOW SYSTEM
- 18 EXTERIOR ACCENT LIGHT
- 19 LINE OF BUILDING IN FRONT / BEYOND
- 20 STANDING SEAM METAL ROOF WITH CONT. UNDERLAYMENT
- 21 ROOFTOP MECHANICAL SCREEN WITH CEMENTITIOUS SIDING AND PREFINISHED FLASHING
- 22 LINE OF ADJACENT GRADE

LEGEND

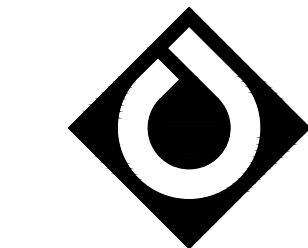
ELEVATION KEY PLAN



TISE-KIESTER ARCHITECTS

TKa

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Fax 919.967.0159
www.tisekiester.com



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9102 BEATTIES FORD SENIOR HOUSING

9102 BEATTIES FORD RD
HUNTERVILLE NC 28078

SCHEMATIC ARCHITECTURAL ELEVATIONS

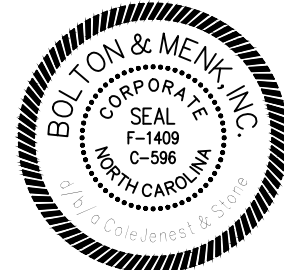
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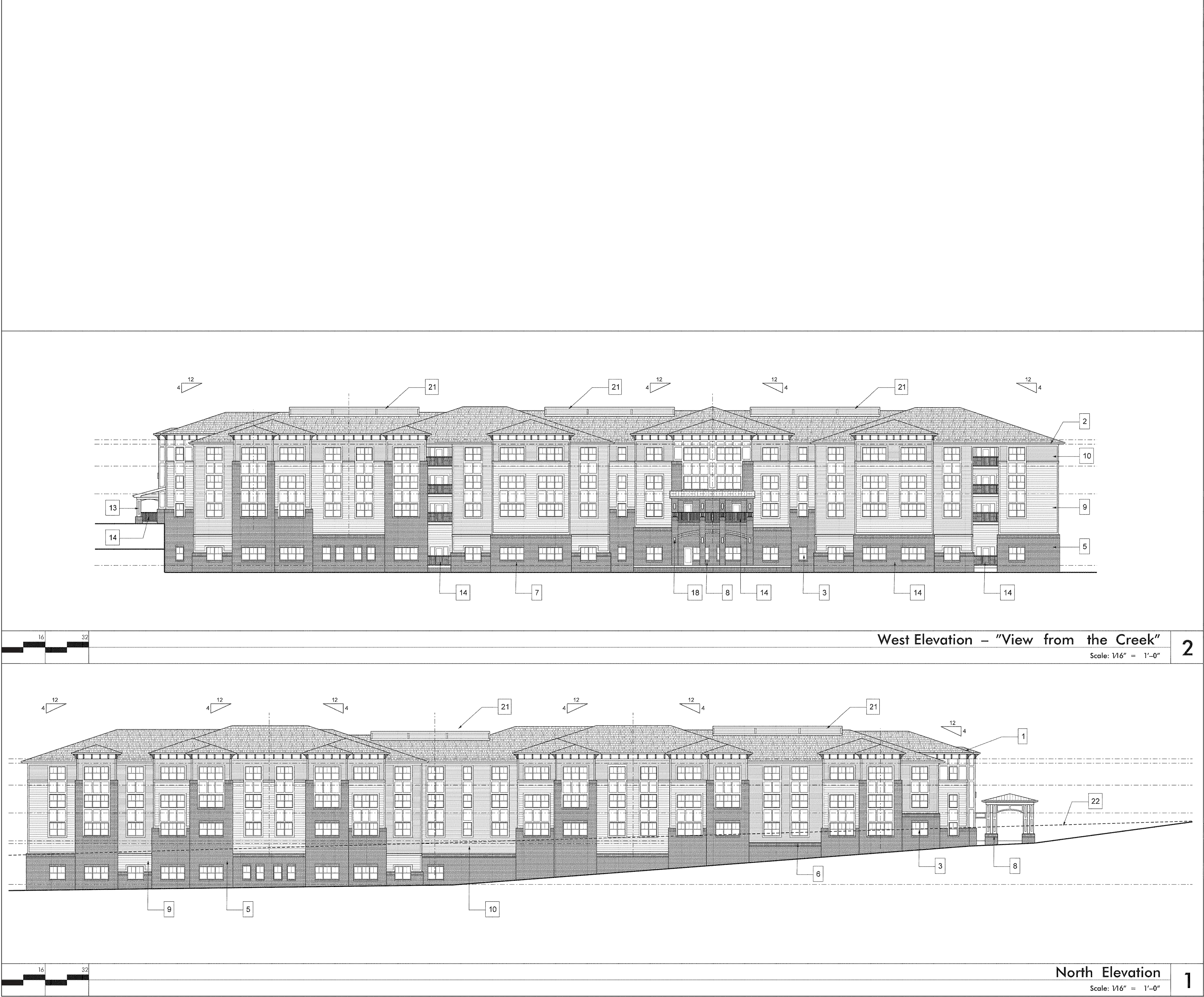
Exterior Elevations
Sheet

A3.1

AS-1

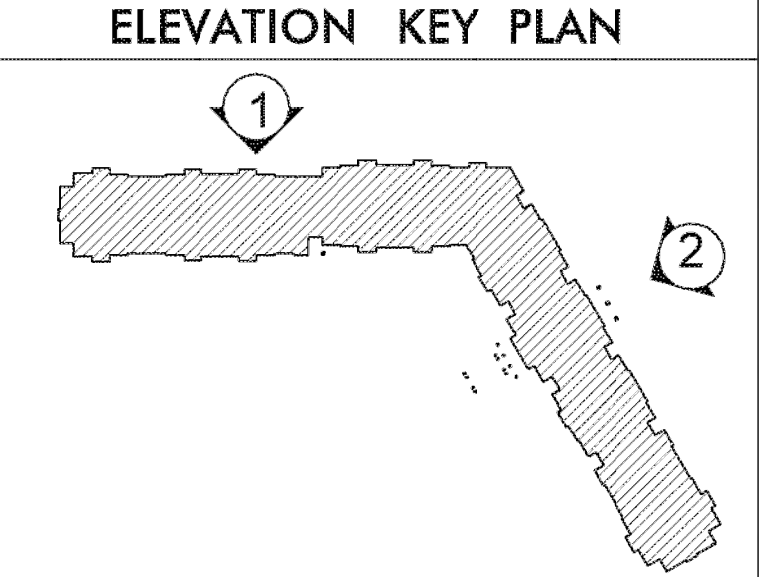
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22	LINE OF ADJACENT GRADE

LEGEND



TISE-KIESTER
ARCHITECTS

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Long
Street
Commons

Huntersville, NC

Job Number: 0000

Date: 01.19.22

Revisions:

PAUL R. REED, REGISTERED ARCHITECT
STATE OF NORTH CAROLINA
No. 5040

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THE NORTH CAROLINA BOARD OF ARCHITECTS
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Elevations

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A3.2

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HOUSING

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ELEVATIONS

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STATE OF NORTH CAROLINA
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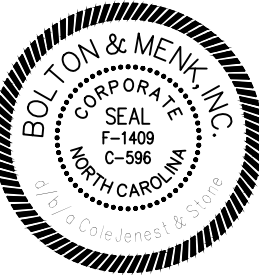
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ELEVATIONS

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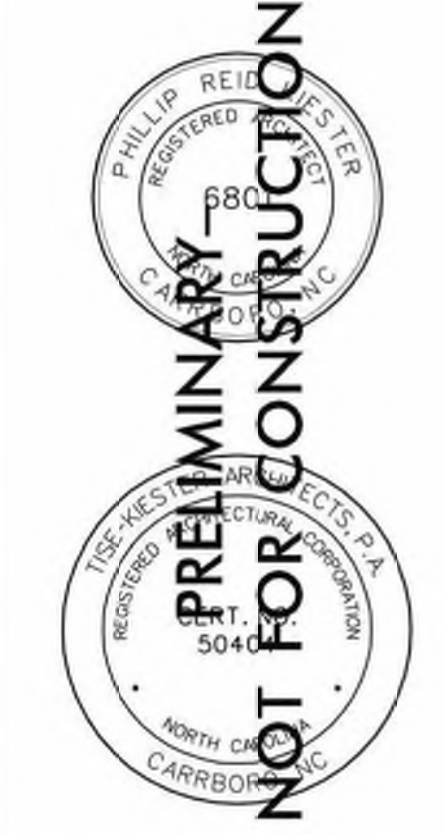
AS-3



Long
Creek
Commons

Huntersville, NC

- Job Number: 0000
- Date: 01.21.22
- Revisions:



Exterior
Elevations

Sheet

A3.3

Partial East Elevation – "View at the Main Entry"

Scale: 1/4" = 1'-0"

1

NOTE: This image is CONCEPTUAL. Final details may vary.





Approximate Grade
at Beatties Ford Road

NOTE: This image is CONCEPTUAL. Final details may vary.

Partial East Elevation – "View from Beatties Ford Road"

Scale: 1/4" = 1'-0"

1

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CHARLOTTE, NC 28209
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9102
Beatties Ford
Senior
Housing

9102 BEATTIES
FORD SENIOR
HOUSING

Huntersville, NC

9102 BEATTIES FORD RD
HUNTERSVILLE NC 28078

Job Number: 0000

Date: 12.10.21

Revisions:

SCHEMATIC ARCHITECTURAL ELEVATIONS

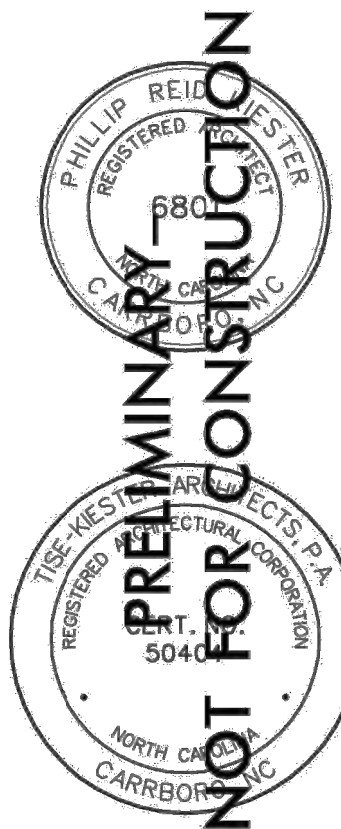
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HOUSING

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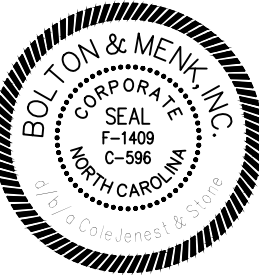
SCHEMATIC
ARCHITECTURAL
ELEVATIONS

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AS-5

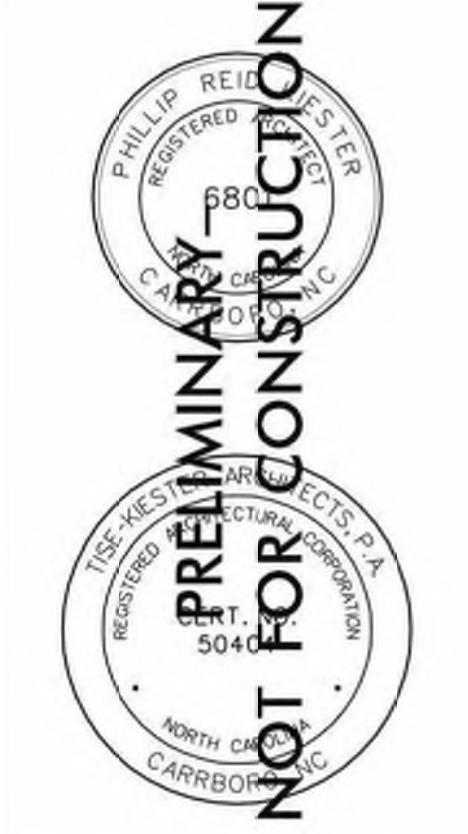


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Long
Creek
Commons

Huntersville, NC

- Job Number: 0000
- Date: 01.21.22
- Revisions:



Exterior
Elevations
Sheet

A3.5

NOTE: This image is CONCEPTUAL. Final details may vary.

Partial West Elevation – “View from the Creek”
Scale: 1/4" = 1'-0"

1

R21-16 Mosaic Development – Beatties Ford Neighborhood Meeting

Date: December 16, 2021

Time: 12:00PM – 1:00PM, 6:00PM – 7:00PM

Location: Virtual (Webex)

Questions:

- **Can you provide a guarantee that the residents will be age 55+, and that this cannot be modified later?**
 - Yes, age restriction of 55+ is a restriction of the financing that we use. In addition, this is a condition of this rezoning.
- **Will there be integration between residents of this property and the forthcoming Oak Grove Hill Community?**
 - There is a large undisturbed buffer (+/- 250') between this property and the Oak Grove Community as shown on the zoning plan. There will not be any direct tie-ins or connections between the two developments. Mosaic would welcome opportunities to meet with representatives of Oak Grove and look into opportunities for integration.
- **Are there restrictions on resident guests?**
 - There are strict restrictions on guests. We do not allow long-term guest residents. We do not allow anyone but the age restricted residents to live at the property. The property is only for seniors and residents' children or grandchildren cannot live at the property. Our management team keeps a careful watch on the units and will see if residents have unqualified individuals living with them. In addition, the rezoning conditions are specific to the age restriction.
- **Will this development connect with the Oak Grove development – based on the road stubs aligning with one another as seen on the two site plans?**
 - We do not plan on connecting to the Oak Grove Development. We are granting the Town of Huntersville the right to connect these two roads in the future.
- **How will the property be staffed?**
 - The property will have a full-time manager and maintenance person. There is a possibility there may also be a part-time assistant manager.
- **Can the building reflect some of the characteristics of the older houses in the neighborhood with aspects like porches, traditional roof-lines, and wide-trim?**
 - Some of the elements of the proposed building reflect natural elements due to the proximity to the Latta nature preserve. This includes corbels, a variety in the brick and detailing, darker trim in different areas, and a variety of more craftsman looks integrated into the building. We will continue to have these conversations with neighbors and town staff and welcome the feedback.
- **Can the building be two stories?**
 - The building will be three-stories as it faces Beatties Ford Road. However, the building will sit down as the site slopes down from Beatties Ford. The height of the building from

Beatties Ford will look two-stories as the road is 8 feet higher in elevation than the building.

- **Will there be balconies?**
 - There will be a large patio on the back of the building facing the creek and a number of common area porches on the wings. There will not be balconies for each individual unit. (11 Total Porches)
- **How long is the lease for residents?**
 - Each resident has a one-year lease that renews automatically month to month after the first year. The age restriction is ongoing.
- **Will there be use of the buffer area such as walking trails etc?**
 - All of the amenities we provide have to be handicap accessible, which makes it challenging to create walking trails. There may be informal trails the residents choose to use and we will have outdoor tables and grills as well as landscaping on all sides of the building.
- **What will be done about the homeless population if they are on property?**
 - Our staff walks the properties regularly, management is on-site, and residents also are good about notifying management about people being on the property that are not supposed to be. We have daily reviews of the property.
- **How many of the units will be low-income?**
 - The property is affordable, the income restrictions are 60% of area median income or less. For example, 60% AMI for a 2-person household is \$44,440, and \$35,400 for a single individual.
- **How will traffic be impacted, specifically the traffic at the intersection when the school day starts/ends?**
 - The traffic impact will be minimal. The residents will not have children impacting the schools. Studies, and our experience at similar properties, show our senior residents are much less likely to travel during the AM/PM peak hours when school and rush-hour traffic is worse
- **How will residents access the shopping center across the street without sidewalks?**
 - We work closely with management and local churches that help provide transportation for residents such as shopping trips and excursions. We have also seen residents carpool with those that do own vehicles. We will be constructing sidewalks on our parcel and additional sidewalks may be added as the activity center continues to be developed.
- **Is there a bus-stop at the site?**
 - No
- **Is the existing house on the historical registry?**
 - The house is not on the historic registry. It has significant asbestos issues and interior water damage based on our phase 1 environmental assessment. We will have an asbestos containment plan. We will coordinate with Habitat Restore to salvage as much of the house as possible.

Attendees

12:00PM – 1:00PM

- **Mosaic Development Group:** Kathy Stilwell, Will Reid
- **Irvin Law Group:** Cindy Reid
- **Cole Jenest and Stone (Project Engineer):** Andy Breit, Jacob Bachman
- **Town of Huntersville:** Mayor Bales, Commissioner Kovacs, Commissioner Phillips, Brian Richards, Frank Gammon
- **Other attendees:** Two unidentified call-in numbers

6:00PM – 7:00PM

- **Mosaic Development Group:** Kathy Stilwell, Will Reid, and Jimmy Royster
- **Irvin Law Group:** Cindy Reid
- **Cole Jenest and Stone (Project Engineer):** Andy Breit
- **Town of Huntersville:** Commissioner Partee, Commissioner Kovacs, Commissioner Phillips, Brian Richards, Anthony Roberts
- **Other attendees:** Gary Knox (The Knox Group – representing land owner), Roger Cathey (land owner), Dee Bailey, Matt Hedrick, six unidentified call-in numbers.



MOSAIC

— DEVELOPMENT GROUP —

Enhancing Communities, Improving Lives



Who We Are

- Mosaic Development Group is a 55 year old nonprofit development company based in Charlotte.
- Decades of experience with mission-based development, ownership, and operation of housing in alliance with local organizations.
- Committed to developing and preserving high-quality that is an asset for residents and the community long-term.

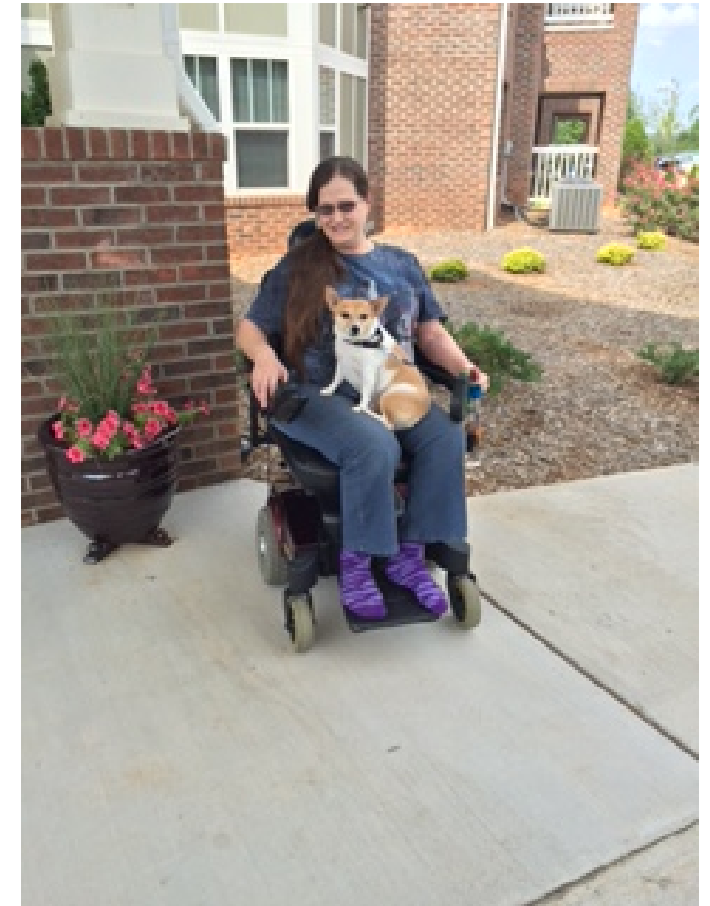
What We Do

- Provide high quality development that best meets the needs of the community at a variety of price points.
- Empower local organizations to address housing needs in their community.
- Collaborate with a wide range of people and organizations to identify a need and provide housing options that are viable and successful.

Strong Track Record of Public and Private Partnerships

- Nonprofit Organizations
 - Catholic Diocese of Charlotte Housing Corporation
 - Wesley CDC (Methodist Church affiliated)
 - Western Carolina Community Action
 - Better Vision Housing Corporation – New Bern, NC
- Private Foundations
 - Bank of America Foundation
 - Home Depot Foundation
 - Enterprise
 - Truist Foundation
- Financial Institutions
 - Bank of America
 - Truist (formerly BB&T)
 - First Citizens Bank
 - JP Morgan Chase
 - CAHEC
 - RBC

Mosaic is committed to creating independent living communities that allow seniors to remain active and thrive





2030 Community Plan – Part II – Housing Environment

“One of the major changes likely to occur in the Town of Huntersville over the next 20 years is an increase in the 65 and over population and the associated demand for housing and other services to accommodate that aging population.”

“The projected trends for the aging of U.S and NC populations have a number of potential housing implications for Huntersville. First, household sizes, and consequently the size of homes, are likely to decrease. Second, the type of housing for an older population will tend toward multi-family (either apartments or condominiums) rather than single-family.”

Housing Policies and Action Items

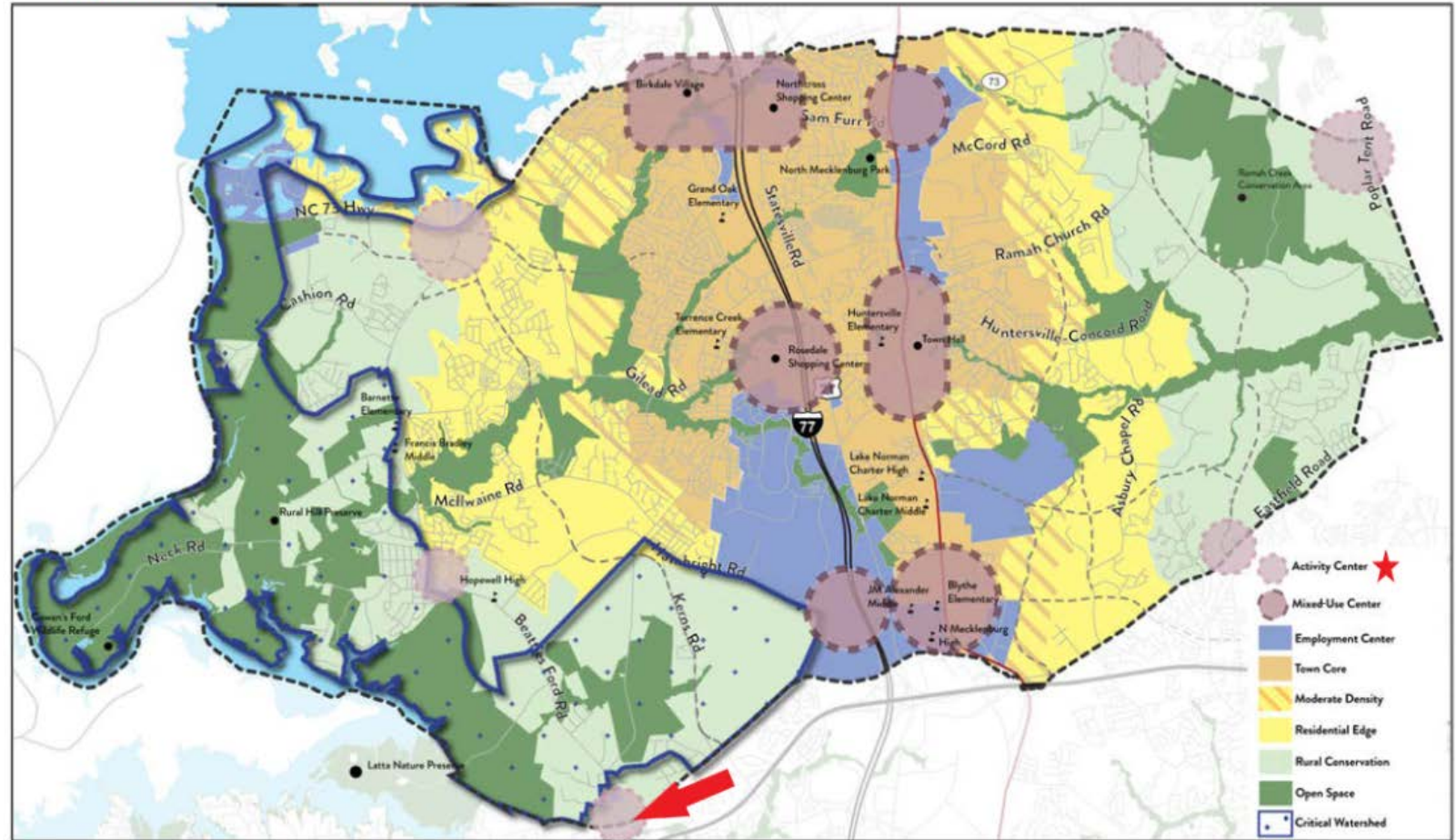
- **Policy H-5:** Encourage housing options which accommodate senior citizens (e.g. age restricted/retirement communities, congregate care/assisted living facilities,) allowing seniors to remain in the community.
- **Policy H-7:** Support appropriate mix of housing for all income levels



2040 Community Plan – Land Use & Housing – Policy Recommendations

FUTURE LAND USE

TOWN OF HUNTERSVILLE FUTURE LAND USE MAP



The property is located in an area designated to be an Activity Center

Policy LU-10: Encourage a diversity of housing options

- LU-10.5: Facilitate the creation of and provide guidelines for senior and age-restricted housing.
 - New, larger-scale senior housing structures (e.g. congregate care facilities, apartments, and condos) should be located within Mixed-Use Centers, **Activity Centers**, or the Town Core future land use areas and should have a maximum height of 4 stories.

Development
should follow
the approved
plan for the
area

2040 Community Plan



2040 COMMUNITY PLAN envisions
an **ACTIVITY CENTER** for this area

The goal of an
ACTIVITY CENTER is to

“Create vibrant,
pedestrian-accessible
mixed-use areas with
restaurants, small
businesses and housing”



McCoy Rd

Trillium Springs
Montessori

Long Creek
Elementary

Beattie Ford Rd

Oak Grove Hill

SITE

Long Creek
Retail

Glenwood
Development

CVS

Family
Dollar

Food
Lion

Mt. Holly Hwy

Long Creek

Long Creek

9102 Beatties Ford Senior Housing:

123 Units of age restricted housing for seniors 55+

Independent living

Universal design = aging in place

Professional property management

Locally owned

Substantial Tree buffer (250+ feet) to the east will remain undisturbed

One of the lowest generators of traffic especially as compared to other residential or institutional uses (**AM & PM Peak Hours**)

No TIA Required because of low traffic counts



Our Residents

Average age of our residents is 71

80% women and 20% men

88% of our residents live alone



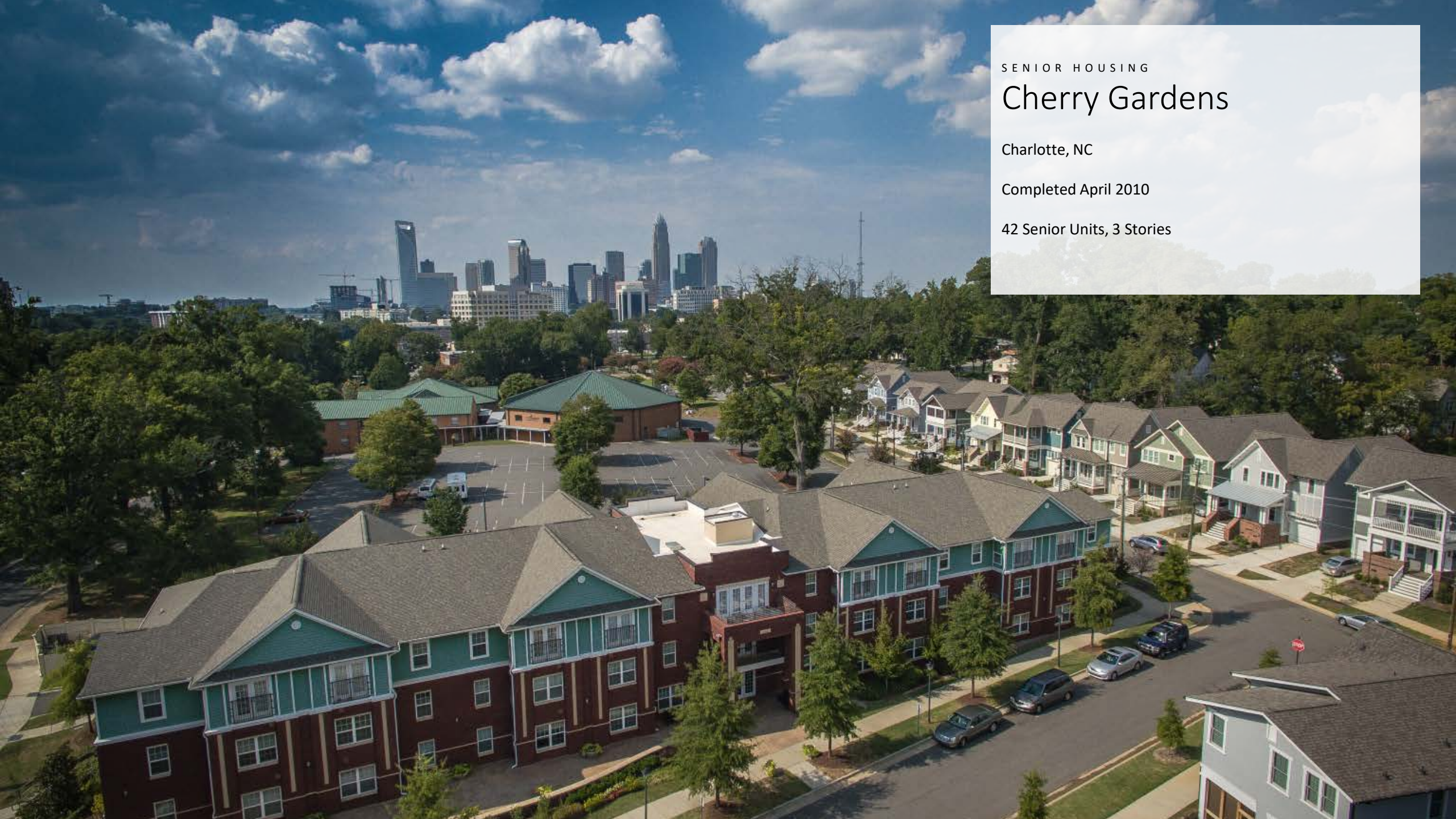
East elevation – View at the main entry





East elevation – View from Beatties Ford Road

Examples of Mosaic's Properties



SENIOR HOUSING

Cherry Gardens

Charlotte, NC

Completed April 2010

42 Senior Units, 3 Stories



SENIOR HOUSING

Glenwood Gardens

Gastonia, NC

Completed Dec 2019
58 Senior Units, 3/4 stories



SENIOR HOUSING

Magnolia Gardens

Charlotte, NC

Built on 3.72 acres in 2019, a three-story brick building provides 82 affordable senior units.



For Additional Questions or Information

Mosaic Development Group, Inc.
704-342-3316 – please leave a message
Admin@mosaicdevelopmentgroup.org

Brian Richards

From: Brown, Marilyn R. <marilyn.brown@cms.k12.nc.us>
Sent: Wednesday, December 15, 2021 12:29 PM
To: Brian Richards
Subject: CMS Student Generation Report R21-15 Mosaic

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

Hi Brian,

You requested an impact statement for the Mosaic Development. CMS does not project student impacts from age-restricted/ senior housing. We only comment on age-restricted developments that have a non-senior housing component. If Mosaic is 100% age-restricted/ senior housing, then CMS projects no student impact.

Let me know if you have any questions.

Thanks,

Marilyn

MARILYN R. BROWN
Specialist
Planning Services
Charlotte Mecklenburg Schools



4421 Stuart Andrew Blvd. Charlotte, NC 28217
Courier #835
980-343-5735 fax



November 29, 2021

Mr. Andy Breit
ColeJenest & Stone
200 S Tryon St
Charlotte, NC 28202

**SUBJECT: WILLINGNESS TO SERVE
9102 BEATTIES FORD ROAD SENIOR HOUSING
9102 BEATTIES FORD ROAD, HUNTERSVILLE, NC 28078**

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **9102 BEATTIES FORD ROAD SENIOR HOUSING** development, it was determined that there is currently sufficient capacity within the existing public gravity sewer to accommodate the proposed sewer flow (**17,550 gallons per day**), at the connection point(s) indicated for transmission to the **McAlpine Creek Wastewater Treatment Plant** (NPDES Permit # **NC0024970**).

Please note that availability of flow is subject to change, and this **Willingness to Serve (WTS) review does not guarantee future capacity or reserve capacity in the public sewer system. A full CAP application with fully engineered site utility plan must be submitted and approved to reserve sewer capacity for this project.** Please contact New Services at 704-432-2854 for official submittal guidelines to the Capacity Assurance Program.

CLTWater agrees to furnish water to the subject project. The water quality to the subject project is regulated by the State Drinking Water Act Amendments of 1986 and, The Water Supply Management Plan, PWS ID # **0160010**, on file with the Public Water Supply Section of NC DEQ. However, CLTWater cannot guarantee a constant pressure or quality of flow.

The applicant should understand that due to the involvement of other agencies and continuing growth of the water and sewer system, the ability to provide service for future projects cannot be guaranteed nor reserved. Connection to the CLTWater and sewer system is accepted on a first come, first served basis.

The applicant should understand that this letter is not an authorization to construct or extend private water or sewer systems, as the appropriate local or State permits are required prior to construction. The analysis performed determines available capacity within the existing public gravity sewer system. The development is responsible for any additional private or public sewer infrastructure required to convey flow from the proposed development to the existing public sewer.

If you have any questions, please do not hesitate to contact me at (704) 336-1006.

Sincerely,

Gwendolyn Walton

Gwendolyn Walton / Engineering Assistant
CHARLOTTE WATER / charlottewater.org

Brian Richards

Subject: FW: R21-16 Mosaic Senior Housing
Attachments: Mosaic - Senior parking data - 01-27-22.pdf

From: James Royster <jroyster@mosaicdevelopmentgroup.org>
Sent: Thursday, January 27, 2022 4:04 PM
To: Brian Richards <brichards@huntersville.org>; Will Reid <wreid@mosaicdevelopmentgroup.org>; Cindy Reid <Cindy@irvinlawgroup.com>
Cc: Andrew Cheek <acheek@huntersville.org>; Stephen Trott <strott@huntersville.org>; Johnathan Pruett <jpruett@colejeneststone.com>; Jake Bachman <Jacob.Bachman@bolton-menk.com>; Andy Breit <Andy.Breit@bolton-menk.com>
Subject: RE: R21-16 Mosaic Senior Housing

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

Good afternoon again,

The attached parking data is from Mosaic's existing age restricted senior properties. The spreadsheet is based upon data collected by property management. Mosaic works in a variety of communities with some being rural locations and others being urban. Consistently we see that there is less than one car per unit at senior properties. It's just the nature of the demographic we serve. Our experience at age restricted senior properties is providing 1 parking space per unit provides plenty of parking for the residents, staff, and any visitors. Going over 1 space per unit results in unused spaces that increase impervious surface.

The three properties completed in the last 3 years are Bingham Park, Glenwood Gardens, and Magnolia which show the trend of municipalities allowing us to proceed with fewer parking spaces at senior sites.

NC Housing Finance Agency is our primary financial partner and each year they release a Qualified Allocation Plan that dictates the rules for all LIHTC financed apartments in the State. As part of the QAP, NCHFA includes an Appendix B that is their design standards. NCHFA's minimum parking for a senior property is 1 space per unit and in some circumstances they allow developers to go lower than one space per unit at senior properties if a waiver is requested. See page 13 of the link for the parking requirements [Microsoft Word - Final Appendix B \(nchfa.com\)](#) . NCHFA is very sensitive to the needs of the residents and would not allow us to do 1 space per unit at a senior property if they thought more spaces were necessary.

If you have questions regarding NCHFA's parking or any other design requirements please feel reach out to Russ Griffin.

Russell Griffin
Senior Construction Specialist
Senior Compliance Monitor
NC Housing Finance Agency
3508 Bush Street
Raleigh, NC 27609
Phone: 919-877-5643
Cell: 919-971-5008
Fax: 919-877-5702
www.nchfa.com

Also another detail I will share is the City of Charlotte's parking requirement for senior apartments is the extremely low 0.25 spaces per unit.

We appreciate the consideration.

Kind Regards,

Jimmy Royster
Senior Project Manager
Mosaic Development Group
4600 Park Road, Suite 390
Charlotte, N 28209
704-763-1727

Survey of Parking at Mosaic's Age Restricted Senior Apartment Communities

updated 01/27/2022

APARTMENT COMPLEX	CITY/COUNTY	# UNITS	RESIDENTS W/ CAR	# PARKING SPACES	Avg Cars per Unit
BINGHAM PARK	Charlotte/Mecklenburg	60	40	60	0.67
CHERRY GARDENS	Charlotte/Mecklenburg	42	17	22	0.40
CURLIN COMMONS	Mooreville/Iredell	40	29	50	0.73
FOREST HILLS	Burnsville/Yancey	40	30	53	0.75
GLENWOOD GARDENS	Gastonia/Gaston	58	45	60	0.78
GRANDVIEW RIDGE	North Wilkesboro/Wilkes	48	27	60	0.56
KINGS MILL	Newport/Carteret	44	36	61	0.82
MAGNOLIA	Charlotte/Mecklenburg	82	45	68	0.55
RENAISSANCE COMMONS	Elizabeth City/Pasquotank	48	24	77	0.50
TIMBER RIDGE COTTAGES	Spindale/Rutherford	50	33	86	0.66
WEATHERSTONE	New Bern/Craven	44	25	87	0.57
WHITE ROCK GARDENS	Granite Quarry/Rowan	30	13	38	0.43
WILLOW POND	Mocksville/Davie	50	31	75	0.62
	AVERAGE TOTALS	48	30	61	0.62
	TOTALS	636	395	797	0.62

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Brad Priest

Date: February 7, 2022

Subject: Petition #R21-14 - Mecklenburg County Recycling Facility

EXPLAIN REQUEST:

Petition #R21-14 is a request by Mecklenburg County to amend the conditional district rezoning plan for their recycling facility at 12230 Statesville Road (Parcel # 0172040). The property is zoned Special Purpose Conditional District (SP-CD) and the purpose of the amendment is to expand the boundaries of the active area of the facility.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R21-14 North Meck Recycling PH Staff Report - 2 7 22
2. North_Meck_Recycling_Center_-_Civil_Set
3. North_Meck_Recycling_Center_-_Community_Meeting_Report
4. TIA Determination_North Meck Recycling
5. R21-14 Public Hearing Postcard
6. R21-14 North Meck Recycling Center APO List
7. Legal Ad Proof
8. Approved - North Meck Recycling Rezoning Plan
9. Original Zoning Approval - 1989
10. North_Mecklenburg_Recycling_Center-Hunt_Application_08-01-19

Petition R21-14: North Mecklenburg Recycling Center Amendment

PART 1: PROJECT SUMMARY

Application Summary:

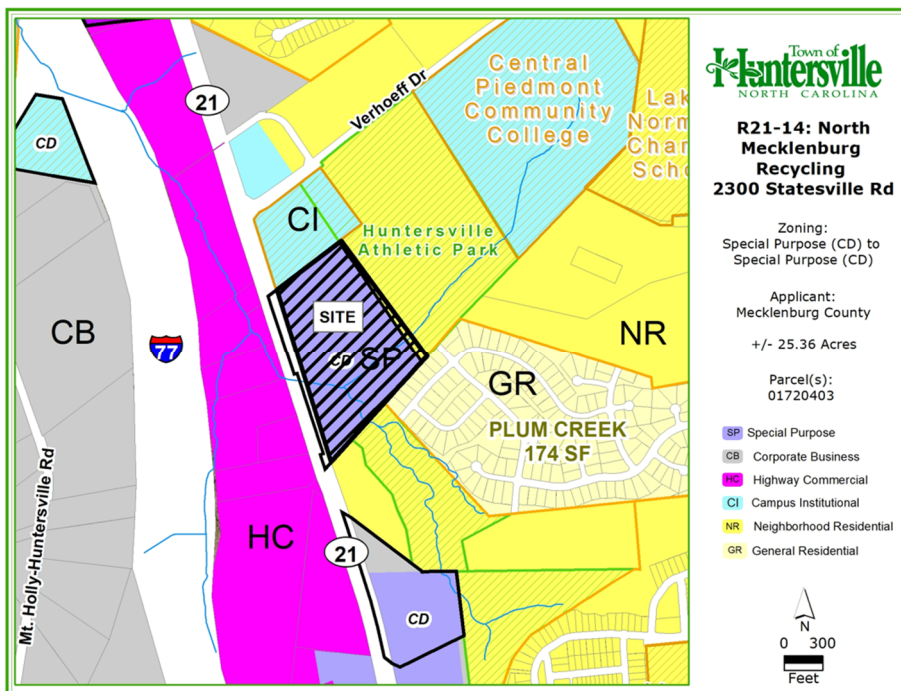
- Petition R21-14 is a request by Mecklenburg County to amend the conditional district rezoning plan for their facility at 12230 Statesville Road (tax ID 01720403). The property is zoned Special Purpose Conditional District (SP-CD) and the purpose of the amendment is to expand the boundaries of the active area of the facility.

Applicant: Mecklenburg County

Property Owners: Same

Property Address: 12230 Statesville Road

Project Size: 25.36 acres



Parcel Numbers:
01720403

Existing Zoning:
Special Purpose Conditional District (SP-CD)

Proposed Zoning:
Special Purpose Conditional District (SP-CD) – Amended Plan

1. Adjoining Zoning and Land Uses

North: Campus Institutional (CI), CPCC CDL training facility.

South: Neighborhood Residential (NR), General Residential (GR), Plum Creek Single Family Residential Neighborhood.

East: Neighborhood Residential (NR), Huntersville Athletic Park

West: Highway Commercial (HC), Single Family Residential homes, vacant land.

- The North Mecklenburg Recycling Center conditional rezoning was originally approved by the Huntersville Board of Commissioners in February 1989. A modification to the rezoning was approved in May 1994. Please find those approved rezoning plans attached in the agenda packet.
- The recycling facility is considered an inorganic household waste intake and transfer facility in the Zoning Ordinance. This use is a use permitted with conditions in the Special Purpose (SP) zoning district. The conditions for the facility are outlined in Article 9.16 of the Zoning Ordinance.

4. The original rezoning approvals identified specific “active use areas” on the rezoning plan that permitted recycling center activities only within those prescribed limits. The proposed application has been submitted requesting to expand the active use boundaries of the facility. See the proposed site plan on page 4 below.
5. A note on the plan is included that would allow up to 4,000 sqft of accessory office space for the operation of the facility. An added note also exempts these buildings from building type and architectural requirements of Article 4 due to the minimum 80-foot buffers established.
6. The application also requests modifications to the requirements of Article 9.16 of the Zoning Ordinance. The required 100-foot vegetative buffer is being requested to be lowered to 80 feet on some sides. See zoning/site plan issues below.
7. A neighborhood meeting for this application was advertised for and held virtually on Wednesday December 8th, 2021. An invitation list and meeting summary are included in the agenda packet.
8. A Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon review by engineering staff, it was found that a Traffic Impact Analysis was not required. Please find the completed TIA determination form attached in the agenda packet.
9. 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

- Please see the proposed rezoning plan below on page 4.
- Buffer Modification: – Article 9.16 of the Huntersville Zoning Ordinance requires that household recycling centers establish a minimum 100-foot vegetated buffer along the property lines. The applicants are requesting through the conditional rezoning process (Article 11.4.7 K) to reduce the buffer width to 80 feet along the northern (adjacent to CPCC truck facility), eastern (Huntersville Athletic Park), and western property boundaries (HWY 21).
 - Staff supports the buffer modification request as presented for the following reasons.
 - The 80-foot buffer is the standard CB/SP zoning buffer width for other uses and will be sufficient to provide an opaque screen between the facility and adjacent properties.
 - The sides requested for modification are adjacent to county park land and CPCC training facilities. The residential side to the south will have a substantial buffer over and above the required 100 feet (425 feet).
 - An 8-foot wood privacy fence is also proposed around the facility to supplement the vegetative screening.
- Tree Save Requirement: Article 7.4 of the Zoning Ordinance requires that SP developments save 30% of their specimen trees on site. Specimen trees are defined as large maturing trees 24 inches in caliper and above (Oak, Maple, Poplar, etc) or small maturing trees 12 inches in caliper and above (Dogwood, Cherry, Redbud, etc). The applicant’s tree survey does not identify the species of all trees less than 24 inches in caliper. Therefore, smaller specimen trees cannot be determined accurately.
 - The applicant’s intent is to count all trees over 12 inches in caliper as a specimen tree. However, not all trees that size are specimen trees. This results in an inaccurate count and shows many more specimen trees saved than really are.
 - With the large number of large specimen trees proposed to remain, it is likely the minimum 30% tree save is being achieved, but staff has not been able to verify that conclusively from the survey submitted. For an accurate tree save percentage, a complete tree survey will be needed.

- **Verhoeff Drive Connection:** In 2017 the Town, County, and CPCC met in Charlotte at the CPCC campus to discuss the joint future development on the corner of Statesville Road and Verhoeff Drive in Huntersville. Due to stacking issues into HWY 21 from the recycling facility and the future of HWY 21 becoming a divided highway with limited access, all parties seemed to agree that providing for a rear connection to Verhoeff Drive was in all parties' interest to achieve.

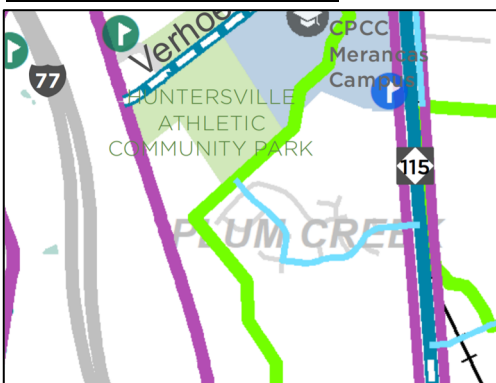
CPCC has already constructed a public access to Verhoeff in harmony with those discussions with the construction of their CDL facility. The drive was built to public street standards and a public access easement was platted up to the County's northern property line in expectation of the County connection. The Town of Huntersville has invested in traffic light facilities on Verhoeff, and other improvements to accommodate further traffic along Verhoeff. The County facility's updated rezoning plan submitted has removed the discussed connection from their rezoning plan.

Staff understands the county is under no formal obligation to make the connection (see the conceptual connection to Verhoeff to the right in red). Installing turn lanes into the facility from Statesville Road may be best for the county's short term logistical needs. However, staff recommends that establishing the rear connection and having additional access as discussed would be beneficial for the site; especially considering HWY21 will likely be a divided highway in the future and access to the facility may then be limited from Statesville Road.

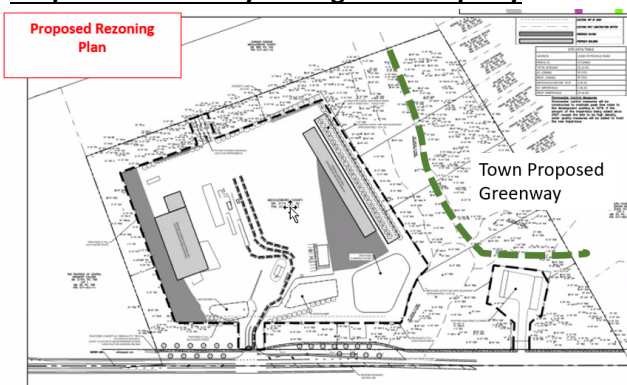


- **Greenway** – The 2020 Bike Plan and the 2014 Master Plan call for a future greenway to run along the streams that transect the subject property. Please see below. These greenways would be Town greenways as these routes are not located on the County greenway plan. Therefore, to accommodate the Town's greenways through the property, staff recommends the County either establish easements along the streams for future greenway construction or add a note on the plan stating that when the alignment of the greenway is identified for construction, they will work with the Town to accommodate the trails through the property.

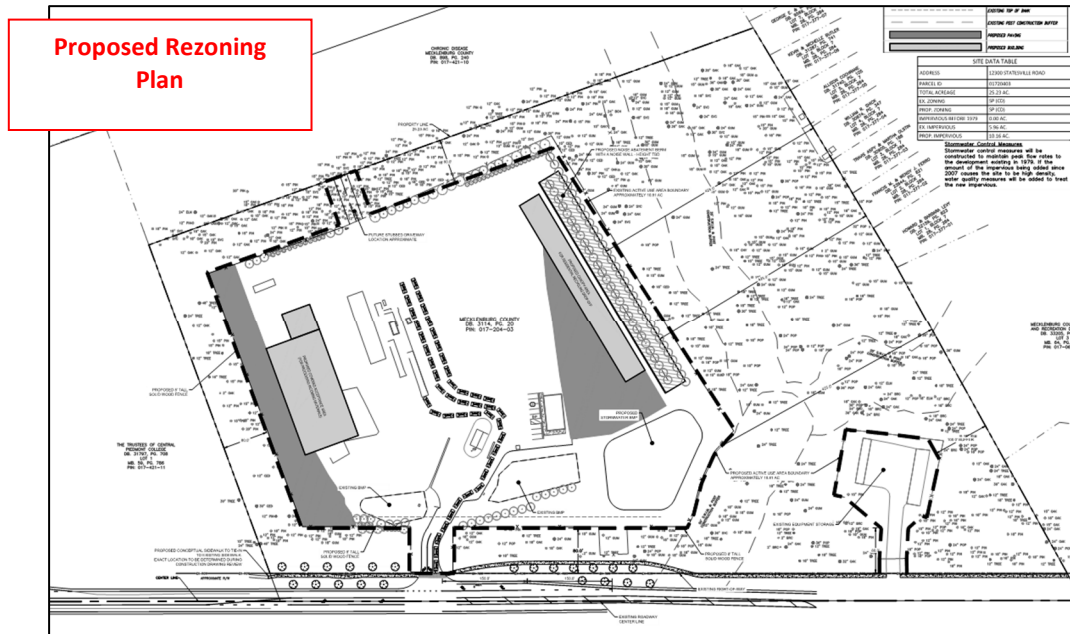
2020 Huntersville Bike Plan



Proposed Greenway through the Property



- Neighborhood Concerns** – Many of the residents of the Plum Creek residential neighborhood to the south have expressed concern about the recycling facility's operation. In 2019 prior to the pandemic, many residents attended the neighborhood meeting and expressed concerns about noise, smells, and the facility encroaching closer to the residential neighborhood. At the updated neighborhood meeting in December, the County discussed proposed conditions to mitigate the neighborhood's concerns. These included adding a noise wall to the south, an elevated landscaped berm, and discussing odor mitigation as an option. The neighborhood meeting summary for the December meeting is included in the agenda package for reference.



PART 3: TRANSPORTATION ISSUES

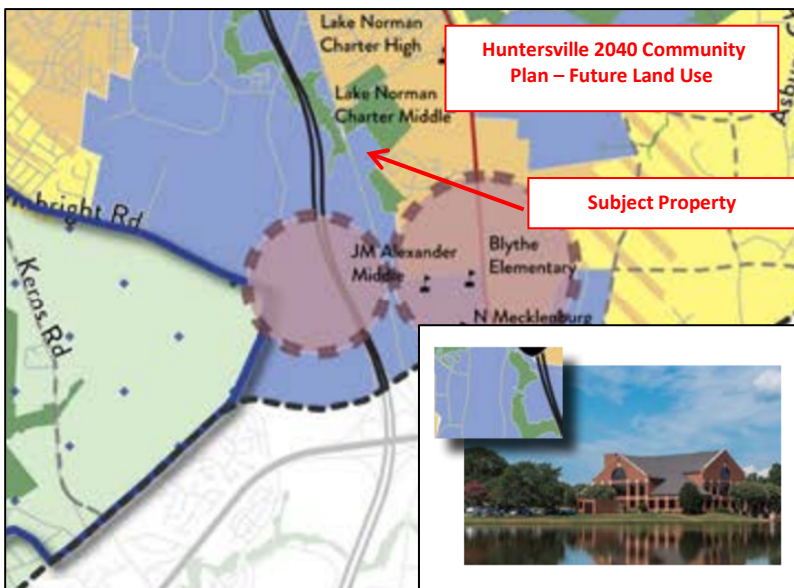
- There are no significant transportation issues currently. Road improvements and turn lanes into the facility are being required by NCDOT for Statesville Road. The improvements are conceptually shown on the rezoning plan and will be subject to review and approval by engineering and NCDOT prior to construction.

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 for an industrial and institutional use is appropriate for the Employment Center character area of the 2040 plan. See the Employment Center description below.
- **Policy LU 5.1** – *Allow more intense development only where transportation infrastructure and utilities already exist.* **STAFF COMMENT:** The recycling facility is an industrial use and an essential service to the residents of Huntersville and North Mecklenburg. The location of the proposed development is appropriately located on Statesville Road very close to Interstate 77. Proposed turn lanes on to Statesville Road will assist to ensure traffic does not back up into Statesville Road and will accommodate the proposed intensification.
- **Policy LU 11.1:** *Protect and enhance the unique character of Huntersville's neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.* **STAFF COMMENT:** The adjacent Plum Creek neighborhood has expressed concerns about noise, lights, and smells coming from the facility. The County has worked with the neighbors to address their concerns. The County thus plans to install a noise wall and berm to mitigate potential nuisances coming from the facility.



Employment Center

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

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

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

STAFF COMMENTS:

- The rezoning application would rezone the property from Special Purpose (SP) to Special Purpose Conditional District (SP-CD). The main purpose of the rezoning is to expand the active use areas of the existing facility. Therefore, the underlying zoning category and uses proposed would not change. The uses proposed then are consistent with existing development that has been in operation since the early 90s.

- The proposed development is bordered by a commercial driving instruction facility to the north and a Huntersville public park to the east.
- Buffers and visual separation between uses can also assist in making uses blend in with the character of existing development. 80-foot buffers are proposed along Statesville Road, the Huntersville Athletic Park, and the commercial driving instruction facility.
 - Along the southern boundary, the facility is keeping a minimum 425 feet of natural area between the proposed use and the adjacent residential development.
 - An additional landscaped berm and noise abatement wall is being proposed along the southern portion of the active area to further mitigate any nuisances for residents to the south.
- Considering the information above, staff recommends that the application is consistent with the overall character of existing development in the immediate vicinity of the subject properties.

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

STAFF COMMENT:

- In regard to the roadway system, a Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon review by engineering staff, it was found that a Traffic Impact Analysis was not required. Please find the completed TIA determination form attached in the agenda packet.
- 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 is currently under review and must meet ordinance requirements.

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 any archeological, environmental, historical or cultural resources will be negatively affected by the application.

PART 5: PUBLIC HEARING

The Public Hearing is scheduled for February 7, 2022.

PART 6: STAFF RECOMMENDATION

Staff supports the approval of the application, and recommends the applicant consider updating the plan with the following:

1. Adding the rear connection to Verhoeff Drive as described in Part 2 above.
2. Updating the tree survey to accurately label the species of all trees showing clear conformance with Article 7.4.

3. Provide 30-foot easements along the applicable stream sections for future Huntersville greenways through the property, OR adding a note stating that the County commits to work with the Town to locate the trails on the property once designed.

PART 7: PLANNING BOARD RECOMMENDATION
--

The Planning Board meeting is tentatively scheduled for February 22, 2022.

PART 8 CONSISTENCY STATEMENT – R21-14 North Mecklenburg Recycling Center Expansion

Planning Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning petition R21-14, the North Mecklenburg Recycling Center Expansion, the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-14, the North Mecklenburg Recycling Center Expansion, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended. The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-14, the North Mecklenburg Recycling Center Expansion, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

Town Board:

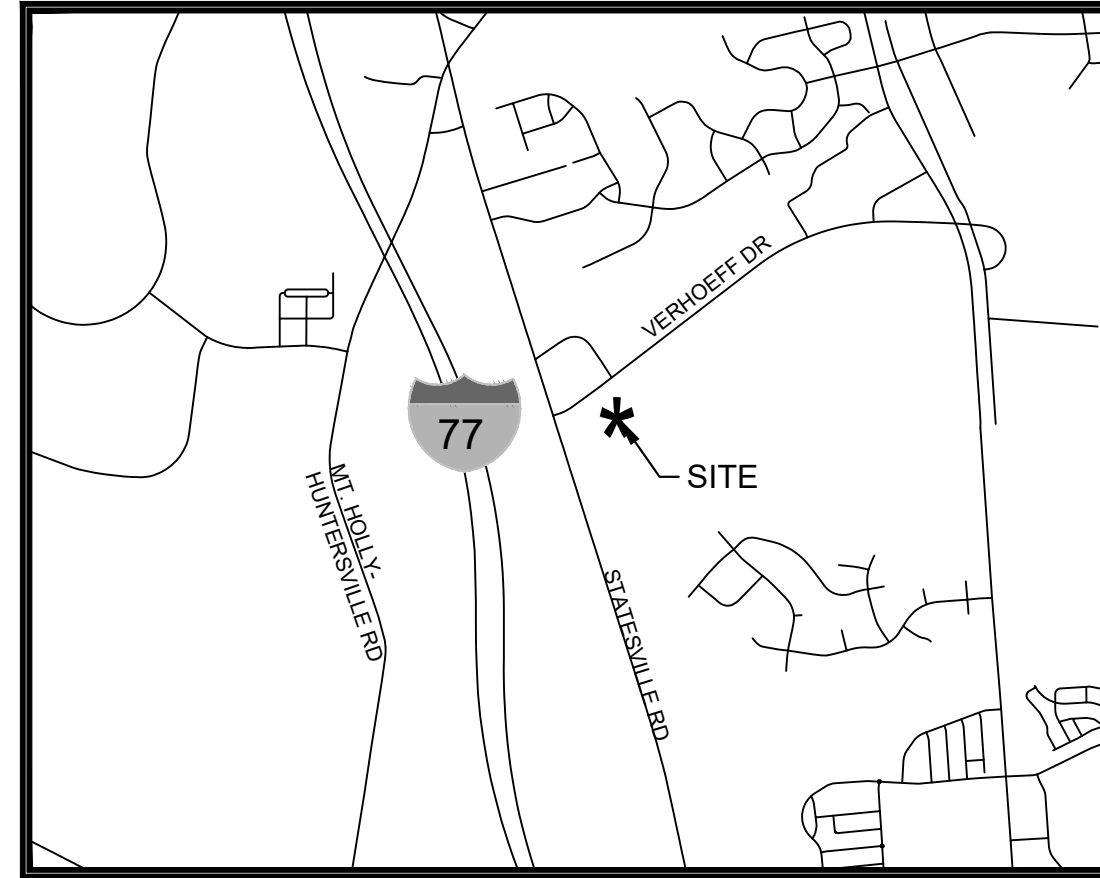
Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning Petition R21-14, the North Mecklenburg Recycling Center Expansion, the Town Board recommends approval based on the amendment being consistent with <u>[insert 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 R21-14, the North Mecklenburg Recycling Center Expansion, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended. The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-14, the North Mecklenburg Recycling Center Expansion, the Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

REZONING SITE PLANS for

NORTH MECKLENBURG RECYCLING CENTER

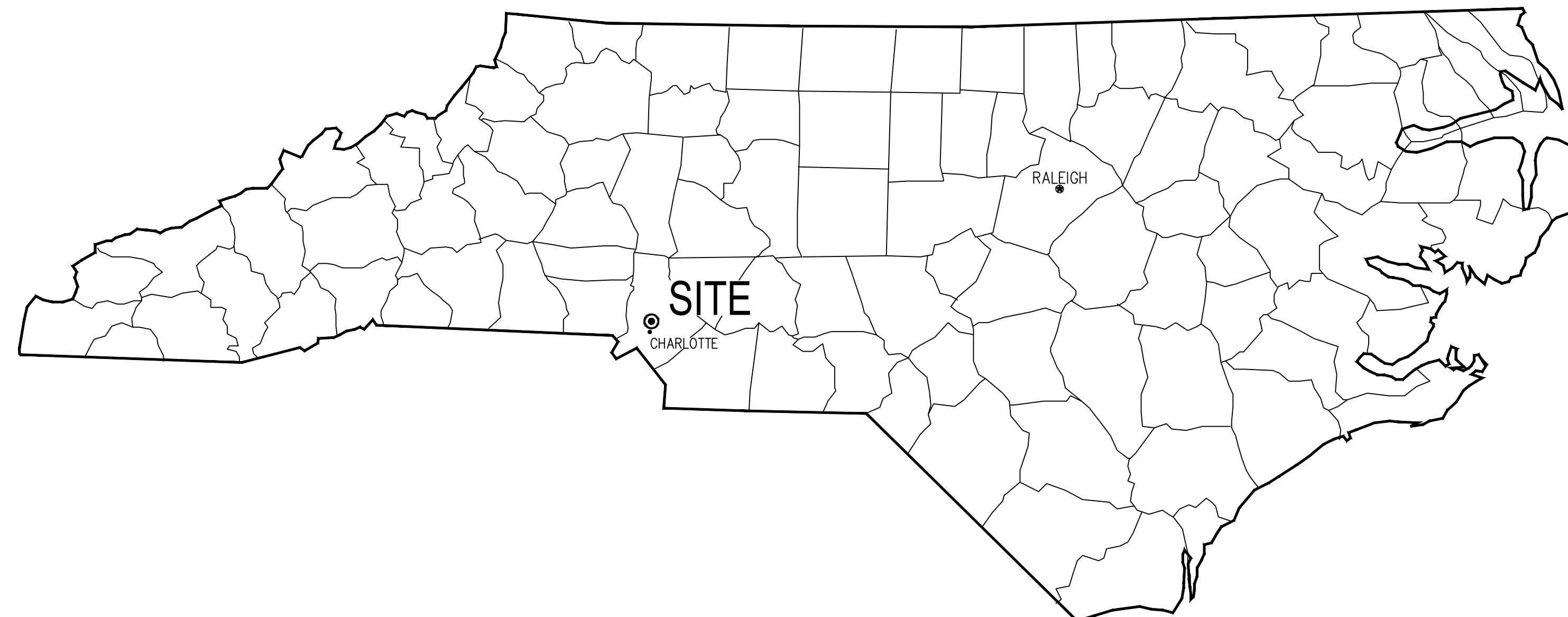
12300 STATESVILLE RD

TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA



SITE LOCATION MAP

NOT TO SCALE



Kimley»»Horn

OWNER:
MECKLENBERG COUNTY LUESA
2145 SUTTLE AVE,
CHARLOTTE, NC 28208
TEL: 980-314-3857

CONTACT: DARREN STEINHILBER, P.E.

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON STREET
SUITE 200
CHARLOTTE, NORTH CAROLINA 28202
(704) 333-5131 TEL

CONTACT: MATT EDWARDS, P.E.

Sheet Index	
Sheet No.	Sheet Title
RZ-01	COVER SHEET
RZ-02	EXISTING CONDITIONS
RZ-03	DEVELOPMENT STANDARDS
RZ-04	CONDITIONAL REZONING SITE PLAN
RZ-05	CONCEPTUAL GRADING PLAN
RZ-06	STATESVILLE ROAD
RZ-07	CONCEPTUAL LANDSCAPE PLAN

APPROVAL OF THIS SKETCH/CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL AND/OR VESTING OF THE FINAL CONSTRUCTION PLAN.

FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.



015236042	DATE
01/17/2022	
SCALE AS SHOWN	
DESIGNED BY MP/MB	
DRAWN BY ES/SM/MB	
CHECKED BY MP/MB	

COVER SHEET

**NORTH MECK
RECYCLING CENTER
PREPARED FOR
MECKLENBURG COUNTY
ECKENBURG**

HEET NUMBER
RZ-01

Kimley»»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON STREET SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM

NO	REVISIONS	DATE	BY

LINE LEGEND:

EASEMENT	---
PROPERTY LINE (NOT SURVEYED)	---
RIGHT-OF-WAY (NOT SURVEYED)	---
RIGHT-OF-WAY (NOT SURVEYED)	---
SETRACK	---
CABLE TV LINE	C
FIBER OPTIC LINE	FO
GAS LINE	G
POWER LINE (UNDERGROUND)	U
SANITARY SEWER PIPE	SS
STORM DRAIN PIPE	SD
TELEPHONE LINE	T
TELEPHONE LINE (UNDERGROUND)	UT
WATER LINE	W
WOOD FENCE	W
CHAIN LINK FENCE	CL
GUARD RAIL	GR

UTILITIES:

POWER	DUKE POWER ENERGY 1-800-777-9898
TELEPHONE	BELL SOUTH TELECOMMUNICATIONS 1-888-757-4500
WATER & SEWER	CHAR-MECK. UTILITY DEPT. (CMUD) (704) 336-3564 WATER (704) 337-6064 SEWER
GAS	PIEDMONT NATURAL GAS CO. 1-800-752-7504
CABLE TELEVISION	TIME WARNER CABLE 1-800-892-2253

TREE LEGEND:

BCH - BEECH
BRC - BIRCH
BRAD - BRADFORD PEAR
CED - CEDAR
CHY - CHERRY
CRP - CREPE MYRTLE
DGW - DOGWOOD
HIC - HICKORY
HOL - HOLLY
LUC - LOCUST
MAG - MAGNOLIA
MAP - MAPLE
PEC - PECAN
PIN - PINE
POP - POPLAR
SYC - SYCAMORE
WLA - WALNUT
WLC - WILD CHERRY

CHRONIC DISEASE
MECKLENBURG COUNTY
DB. 806, PG. 240
PIN: 017-421-10

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCE OR SALE

ZONING:
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: CD

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

LEGEND:

BFP - BACK FLOW PREVENTOR
C&G - CURB & GUTTER
CB - CATCH BASIN
CI - CURB INLET
CMP - CORRUGATED METAL PIPE
CP - CALCULATED POINT
CPP - CORRUGATED PLASTIC PIPE
CO - CLEAN OUT
DB - DEED BOOK
DI - DROP INLET
DIP - DUCTILE IRON PIPE
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
EPH - EXISTING PUNCH HOLE
EOG - EDGE OF GRAVEL
EOP - EDGE OF PAVEMENT
EU - END UNKNOWN
FC - FIRE CONNECTION
FI - FIRE HYDRANT
FP - FLAG POLE
FV - FIRE VALVE
GDP - GUARD POST
GLT - GROUND LIGHT
GM - GAS METER
GP - GATE POST
GF - GAS VALVE
GW - GUY WIRE
HVAC - HEATING, VENTILATION, AIR COND.
HW - HEADWALL
ICY - IRRIGATION CONTROL VALVE
JBX - JUNCTION BOX
LMP - LAMP POST
LP - LIGHT POLE
(M) - MEASURED
MBX - MAILBOX
MB - MAP BOOK
MW - MONITORING WELL
N.G.S. - NATIONAL GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
NPH - NEW PUNCH HOLE
O/HANG - OVERHANG
PB - POWER BOX
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PMH - POWER MANHOLE
PP - POWER POLE
PG - PAGE
PVC - PLASTIC PIPE
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
RW - RETAINING WALL
SB - BILLBOARD
SDMH - STORM DRAIN MANHOLE
SMP - MULTI-POST SIGN
SSMH - SANITARY SEWER MANHOLE
(T) - TOTAL
TB - TELEPHONE BOX
TBM - TEMPORARY BENCHMARK
TER - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
TPED - TELEPHONE PEDESTAL
TSP - TRAFFIC SIGNAL BOX
TVB - CABLE TV BOX
WB - WATER BOX
WM - WATER METER
WSP - WATER SPOUT
WY - WATER VALVE
YI - YARD INLET

THE TRUSTEES OF CENTRAL
PIEDMONT COLLEGE
DB. 31797, PG. 708
LOT 1
MB. 59, PG. 786
PIN: 017-421-11

MECKLENBURG COUNTY
DB. 3114, PG. 20
PIN: 017-204-03

MECKLENBURG COUNTY PARKS
AND RECREATION DEPARTMENT
DB. 33205, PG. 122
MB. 64, PG. 326
PIN: 017-062-12

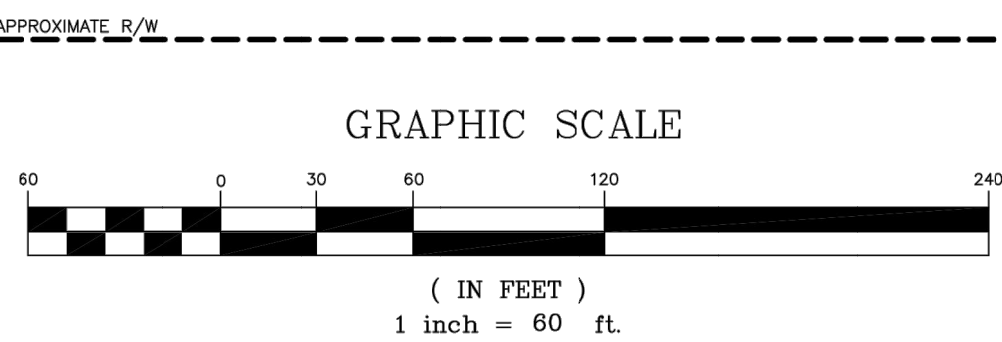
WILLIAM GLENN MONTEITH &
DON REID MONTEITH
DB. 3799, PG. 89
LOT 4
MB. 64, PG. 326
PIN: 017-062-11

NGS MONUMENT "M 022"
NC GRID NAD 83 (2011)
MEASURED AND USED
N=597,698.22
E=1,450,482.70
ELEV=819.44 NAVD 88

AREA TABLE
NET AREA - 1,036,249 SQ. FT. OR 23.7890 ACRES
AREA WITHIN R/W - 68,483 SQ. FT. OR 1.5722 ACRES
TOTAL AREA - 1,104,732 SQ. FT. OR 25.3612 ACRES



Know what's below.
Call before you dig.



GPS CERTIFICATION:

I, JUSTIN F. CLOWINGER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND
THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: A(1-10.000)
(2) POSITIONAL ACCURACY: HORIZONTAL N=0.0045; E=0.0052; VERTICAL=0.021'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC; ONLINE POSITION
USER SERVICE (NCRS)
(4) DATES OF SURVEY: FEBRUARY 18, 2019
(5) DATUM/EPOCH: NAD83(CONS2011), NAVD 88 LOCALIZATION=120, ZONE:
NC 3300
(6) PUBLISHED/FIXED-CONTROL USE: "NGS MONUMENT "JOLLY"
(7) GRID MODEL: GEOID83(CONS)
(8) COMBINED GRID FACTOR(S): 0.99984467
(9) UNITS: US SURVEY FEET

STATESVILLE ROAD
150' PUBLIC RIGHT-OF-WAY

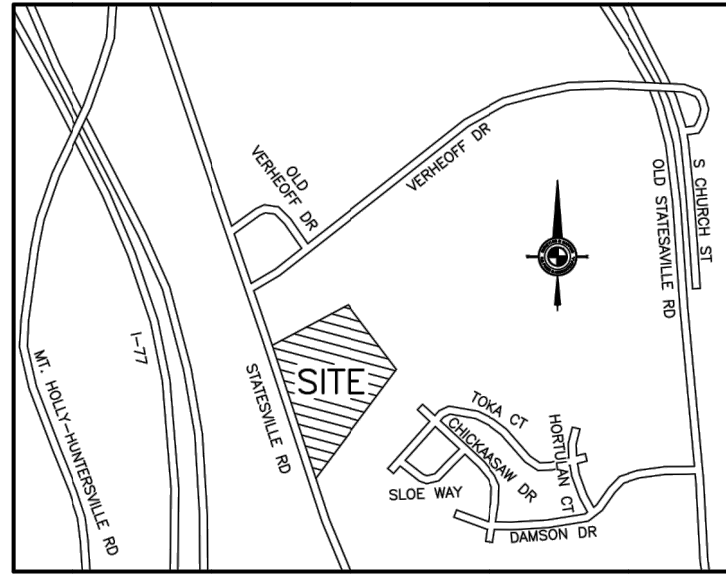
PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCE OR SALE

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
3/7/15 4640K (DATED: 09/02/15)(ZONE: X UNSHADED)
COMMUNITY PANEL NO. 370158 4560K (DATED: 11/16/15)(ZONE: X UNSHADED)
THIS IS TO CERTIFY THAT ON THE 13TH DAY OF MARCH, 2019, AN ACTUAL SURVEY WAS MADE
UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE
IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND
SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN
ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE
ROOT OF THE NUMBER OF ANGLES TURNED.
SIGNED

REVISIONS			BOUNDARY SURVEY PREPARED FOR:		
			MECKLENBURG COUNTY		
			12300 STATESVILLE ROAD TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NC DEED REFERENCE: 3114-20 TAX PARCEL #: 017-204-03		
			R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LITELURE, NC 28124 TEL: (704) 376-2186		
CREW:	DRAWN:	REVISED:	SCALE:	DATE:	FILE NO. W-5726
DB/GH	CW		1" = 60'	MARCH 13, 2019	JOB NO. 89672

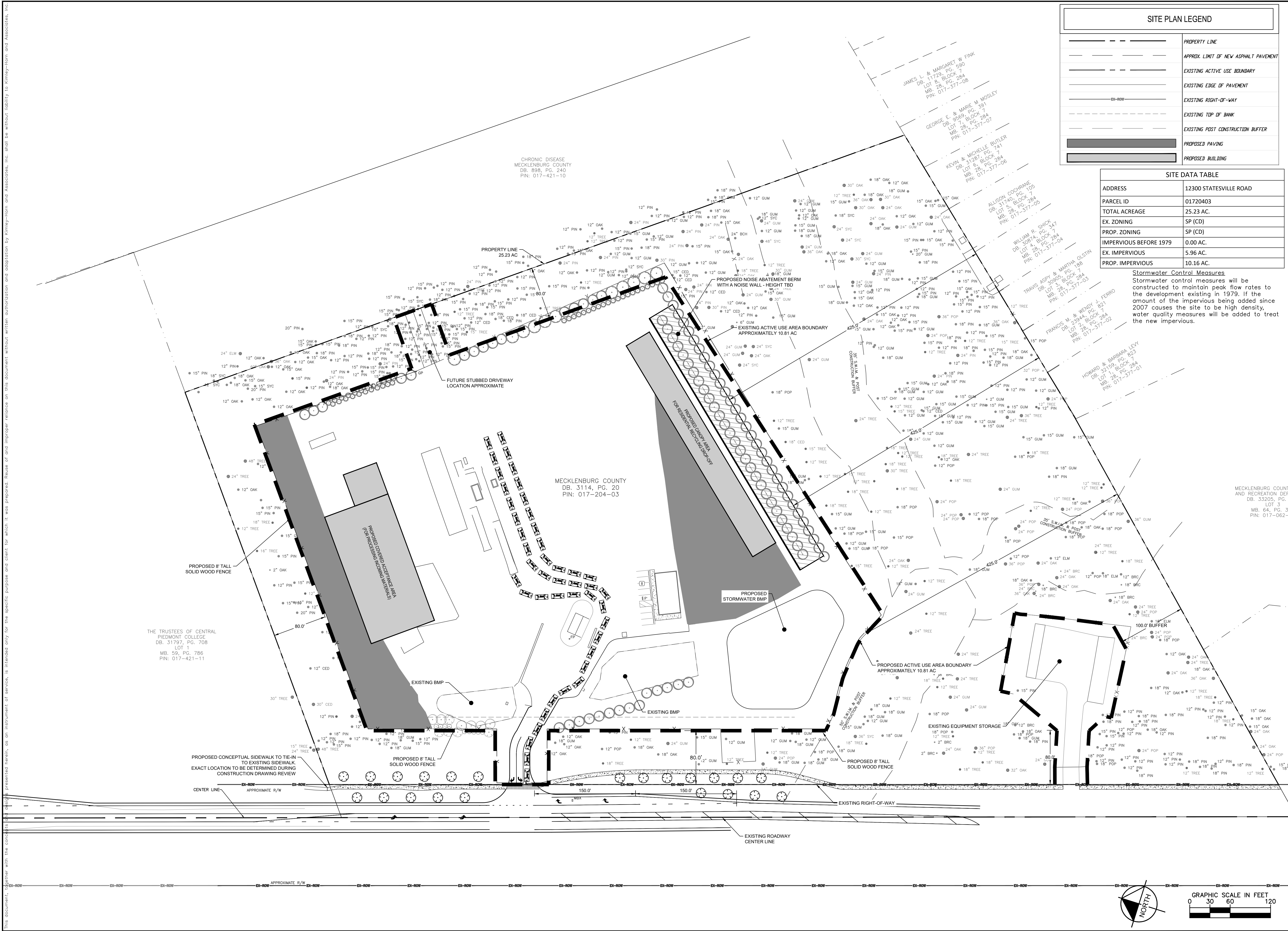
EXISTING CONDITIONS RZ-02



NOTES:

- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- ELEVATIONS BASED ON N.G.S. MONUMENT "", ELEVATION - FEET, NAVD 88.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- (road name) IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- IN THE ABSENCE OF ANY KNOWN OFFICIAL DOCUMENTATION (E.G. NCDOT RIGHT-OF-WAY (R/W) TAKING DEAD, HIGHWAY MAP, ETC.), NCDOT R/W WIDTH IS PRESUMED TO BE THE NOMINAL WIDTH OF THE ROAD, BYWAY OR HIGHWAY INCLUSIVE OF THE SHOULDERS CURRENTLY MAINTAINED BY NCDOT. HOWEVER, SAID WIDTH HAS FURTHER BEEN DEFINED BY THE NCDOT AS THE WIDTH FROM BACK-OF-DITCH ON ONE SIDE OF A GIVEN ROAD TO THE BACK-OF-DITCH ON THE OPPOSITE SIDE OF SAID ROAD. FURTHERMORE, THE PHYSICAL PRESENCE OF PUBLIC UTILITIES OCCUPYING SUCH CLAIMED MAINTENANCE WIDTH PROVIDES FURTHER EVIDENCE SUPPORTING THE EXISTENCE OF SAID PRESCRIPTIVE R/W WIDTH.

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



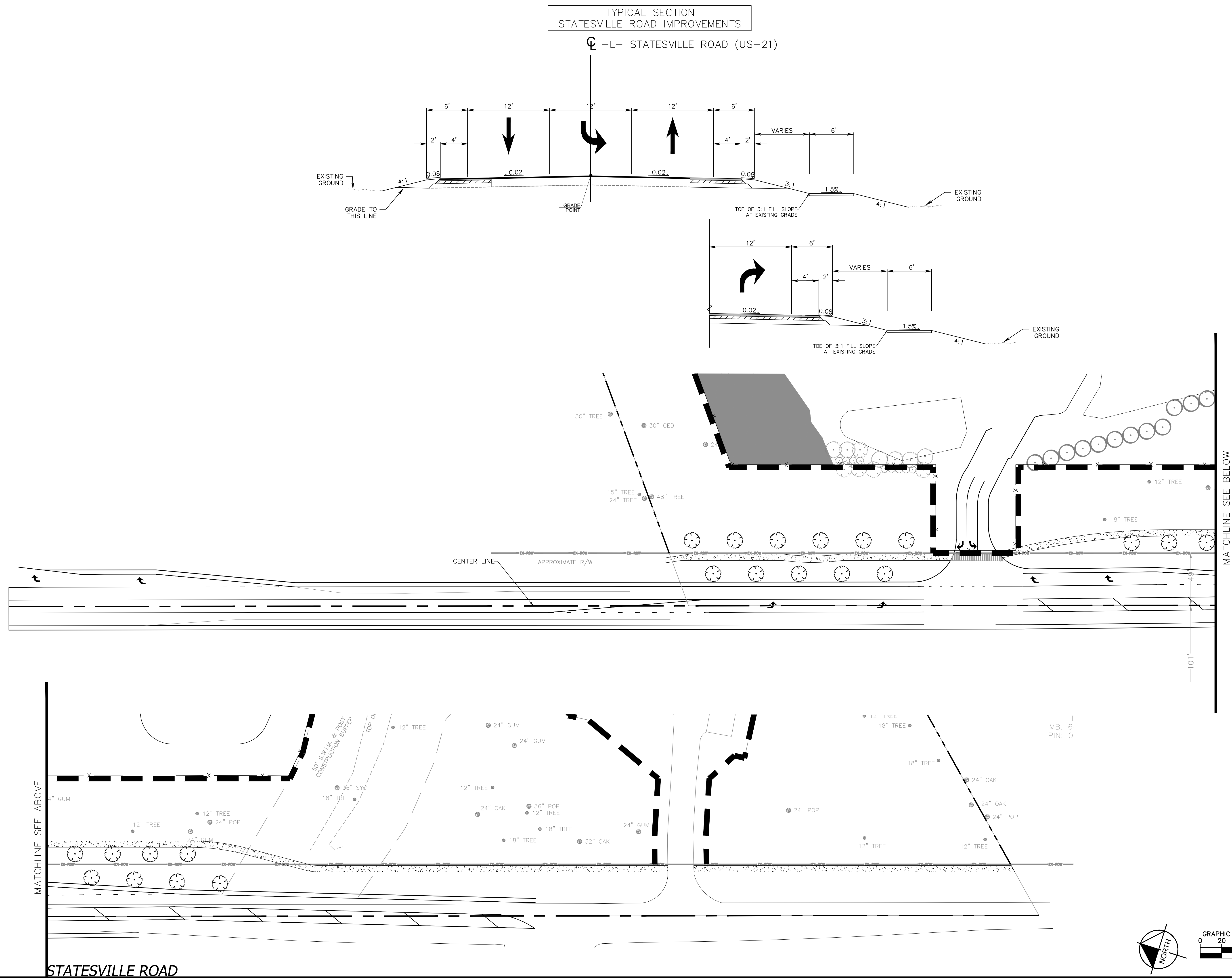
SITE PLAN LEGEND	
	PROPERTY LINE
	APPROX. LIMIT OF NEW ASPHALT PAVEMENT
	EXISTING ACTIVE USE BOUNDARY
	EXISTING EDGE OF PAVEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING TOP OF BANK
	EXISTING POST CONSTRUCTION BUFFER
	PROPOSED PAVING
	PROPOSED BUILDING

SITE DATA TABLE	
ADDRESS	12300 STATESVILLE ROAD
PARCEL ID	01720403
TOTAL ACREAGE	25.23 AC.
EX. ZONING	SP (CD)
PROP. ZONING	SP (CD)
IMPERVIOUS BEFORE 1979	0.00 AC.
EX. IMPERVIOUS	5.96 AC.
PROP. IMPERVIOUS	10.16 AC.

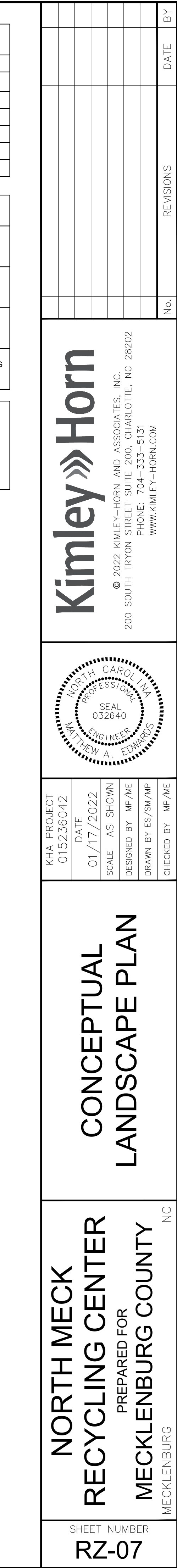
Stormwater Control Measures
Stormwater control measures will be constructed to maintain peak flow rates to the development existing in 1979. If the amount of the impervious being added since 2007 causes the site to be high density, water quality measures will be added to treat the new impervious.

SHEET NUMBER RZ-04	NORTH MECK RECYCLING CENTER PREPARED FOR MECKLENBURG COUNTY MECKLENBURG	CONDITIONAL REZONING SITE PLAN	KHA PROJECT 015236042	DATE 01/17/2022			© 2022 KIMLEY-HORN AND ASSOCIATES, INC. 200 SOUTH TRYON STREET SUITE 200, CHARLOTTE, NC 28202 PHONE: 704-333-5131 WWW.KIMLEY-HORN.COM	No.	REVISIONS	DATE	BY
			SCALE AS SHOWN DESIGNED BY MP/ME DRAWN BY ES/SM/MP CHECKED BY MP/ME								

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SHEET NUMBER RZ-04	NORTH MECK RECYCLING CENTER PREPARED FOR MECKLENBURG COUNTY MECKLENBURG NC	STATESVILLE ROAD IMPROVEMENTS	KHA PROJECT 0152.36042	DATE 01/17/2022			© 2022 KIMLEY-HORN AND ASSOCIATES, INC. 200 SOUTH TRYON STREET SUITE 200, CHARLOTTE, NC 28202 PHONE: 704-333-5131 WWW.KIMLEY-HORN.COM												
			SCALE AS SHOWN DESIGNED BY MP/ME DRAWN BY ES/SJM/MP CHECKED BY MP/ME	No.				REVISIONS	DATE	BY									



COMMUNITY MEETING REPORT

Applicant: Mecklenburg County (Mecklenburg County Land Use and Environmental Services Agency)
Rezoning Application No. R21-14

This Community Meeting Report is being filed with the Town of 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 Applicant mailed a written notice of the date and time of the Community Meeting, and information on how to access the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on November 23, 2021. A copy of the written notice is attached hereto as Exhibit A-2.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Wednesday, December 8, 2021 at 6:30 PM. The Community Meeting was a virtual Community Meeting.

PERSONS IN ATTENDANCE AT MEETING:

The Community Meeting was attended by those individuals identified on Exhibit B attached hereto. The Applicant's representatives at the Community Meeting were Jeff Smithberger, Joe Hack, Sr., Darren Steinhilber, Martin Sanford, Steve Hoffman and Derrick Harris of the Applicant, Maitri Meyer of Actually Done, Matt Edwards of Kimley Horn and Associates and John Carmichael of Robinson Bradshaw & Hinson, P.A.

SUMMARY OF ISSUES DISCUSSED:

The Applicant's representatives utilized a power point presentation during the Community Meeting, a copy of which is attached hereto as Exhibit C.

Maitri Meyer, the meeting facilitator, opened the meeting and welcomed everyone. Maitri Meyer stated that there would be a presentation and then a question and answer session. Maitri Meyer instructed the attendees how to ask questions and provide comments.

Jeff Smithberger also welcomed everyone and introduced the Applicant's representatives. Jeff Smithberger provided a preview or summary of the presentation. He stated that the purpose of the meeting is to discuss the rezoning request for the North Mecklenburg Recycling Center, and he stated that some of you may remember that we held a meeting a little over two years ago, in October of 2019, to talk about the rezoning and expanding the recycling center.

We heard quite a lot from folks at that meeting and we went back to revise the design. COVID then happened, which significantly delayed our design work. We have re-designed the project based primarily upon the things that we heard from the last community meeting, and we want to talk tonight about some of those things that have changed.

We did reach out to the Plum Creek HOA, and we talked to those nice folks in July of this year, so they had advanced notice of the things that we are planning. Now we have entered the official rezoning process, and this meeting tonight is part of that process. The proposed improvements

are going to enhance safety, and allow for greater separation of recyclables, meaning we can recycle a few more things than we can now because we will have more space.

Jeff Smithberger shared an aerial photograph that shows the existing conditions on the site. Jeff Smithberger shared a slide that summarizes what has changed since the last public meeting. He stated that we heard loud and clear that you want us to reduce the size, so we have reduced the proposed expansion by approximately 125 feet, so we are 125 feet further from the community of Plum Creek than we were before. That leaves us an average of about a 425-foot buffer from the Plum Creek neighborhood. We are using some of the proposed active use area as buffer, so from the active use area of our facility, we will be more than 500 feet away from any structures in Plum Creek. We have also added a canopy and a noise wall, which we believe will significantly reduce noise that folks would hear from our facility. We have eliminated the driveway that would be connecting to Verhoeff Drive, and we are showing only a stub-out for perhaps future needs, but if we do that, it would likely take another rezoning from my understanding. We will be adding additional roadway improvements on Statesville Road, basically turn lanes. A left turn lane and a right turn lane coming into the facility. Statesville Road is planned for a future expansion, but until that expansion occurs, we have committed as part of this process to add turn lanes into the facility.

Jeff Smithberger shared a site plan of the proposed improvements to the site and he stated that we mailed this to folks on the adjacent property owners list prior to this meeting and if you need a larger copy, we can certainly get you a larger copy. This site plan shows that we will be about 500 feet away, and it shows the noise wall all along the backside of our facility. We are proposing a large canopy area that will be similar to the canopy that we use at our compost central facility, and we will show you shortly pictures of what that canopy will look like.

This next slide contains the north section site line, and the north section site line shows what the visual view would be from Plum Creek towards our facility. If you look towards the right-hand side of the screen, it shows that we will be constructing a noise wall and an earthen embankment on which we will plant evergreen trees. These are meant to both defer visual content so that you do not see us and to mitigate noise.

The next slide is the south section site line. This is a look from the homes in Plum Creek to the facility. Once again, we are adding a noise wall and an earthen embankment with evergreen trees to help visually screen our use and to mitigate noise from our operations.

Jeff Smithberger reviewed the site plan again. The total area in gray over towards the right-hand side that we are adding is almost zero feet at the very top of the site plan, so we will be staying within our current active use boundary there. Going down to the bottom of the site plan, we are adding approximately 270 feet in width. The entirety of that gray triangle is approximately 1.85 acres, so that is the area of the expansion of the active use area. That means that we would also have to have additional storm water controls, and those are shown at the bottom of the drawing in the blue color.

Jeff Smithberger then shared the October 2019 site plan that was shared at the last public meeting. Once again, this is not what we are currently proposing. As you can see, it was bigger, it was more substantial. What we have done is we have pared down the expansion area to be more reflective of what we heard from the community, and to better react by placing different infrastructure on the side of the site near Plum Creek to be a better neighbor.

Jeff Smithberger stated that this is a three-phase construction project. Phase 1 was that we built a new office building on the site for our employees. That office facility has been completed and it is located within the existing active use area, so it did not require a rezoning. Jeff Smithberger shared a picture of the new office building.

Jeff Smithberger shared a picture of the proposed canopy. This is the canopy that we have at our compost central facility. The canopy is sort of a lean-to looking facility. It provides cover and structure for some of the operations that we need to keep out of the weather. Those things include recycling items like televisions and refrigerators.

Jeff Smithberger shared another picture of the canopy that focuses more on the area under the canopy. A difference between this picture and the canopy that would be on the site is that there would be a taller noise wall behind the canopy on the site. We envision that we will lower the back of the canopy structure to match the noise wall.

Jeff Smithberger shared a slide that provides information on the rezoning process. He stated that we will be submitting a revised site plan to the Town. The neighborhood meeting is tonight. The planning board meeting is on January 25 and the Town Board final action is on February 21.

Jeff Smithberger shared a slide about the short term and long-term future of the facility on the site. The new office building was completed in April of 2021. Phase 2 requires that we modify the zoning of the site. We had a public meeting nearly two years ago that I mentioned, and now we are meeting again to talk to the community about the proposed revisions to the site. If our rezoning request is approved, we will prepare detailed construction drawings. We do not have detailed construction drawings at this point because we are going through the rezoning process. We think it will take approximately two years to construct the proposed improvements if the rezoning is approved. Jeff Smithberger discussed other solid waste facilities in Mecklenburg County.

Jeff Smithberger shared a slide that speaks to the desire of Mecklenburg County to be a good neighbor, and he stated that we are committed to being a good neighbor. We are the only solid waste organization in the State of North Carolina to have an Environmental Management System. What that means is that we have an environmental management program with the State of North Carolina that is one-step above the permitting process. We have annual external audits to review our environmental compliance and stewardship. We actively research equipment and processes to have low emission footprints. We also are actively concerned with the noise that comes from our facility, and that is why we have made the revisions to the site plan that we shared tonight.

Jeff Smithberger shared a slide that provides contact information for the County and John Carmichael. Jeff Smithberger thanked everyone for attending the meeting and stated that the presentation has concluded. He stated that the slide deck will be uploaded to the WipeOutWaste.com website. He stated that if you have any questions regarding the rezoning process, you can reach out to John Carmichael.

The Community Meeting was then devoted to a question, answer and comment session. Set out below is a summary of the responses to the questions as well as the comments and concerns that were expressed at the meeting.

- In response to a question regarding what types of materials will be worked on under the canopy, Jeff Smithberger stated that it would be the same materials that we process at the site

now. We are not talking about doing anything differently. It is just doing them in a different spot and location with better cover. We will be extracting freon and we will be storing paper bags. It will be the area where we collect various things like paints and used motor oil.

- An attendee asked if the County would expand its use of mulch and the grinding of trees and would this occur in that area. Jeff Smithberger stated that it would remain towards the central area, about where it is now.

- An attendee asked if the County would implement a system to mitigate odors from the site, and Jeff Smithberger stated that if we need to do so we will. You have our commitment on that. We are not sure that we will need to do it, but we have a contract with a company that can come in and put that in very quickly. The only place that we have that is our compost central facility. Compost central processes about six times as much mulch as this site does, and it has active composting piles, so we did add that system there. However, we will not be doing active composting at this facility. Basically, we grind and haul out at this facility.

- An attendee stated that we asked this question at the last meeting, and the reason that we were given for the expansion and the buffer was to expand that operation, and that was one of the things that brought major concern to the community, not only because of smells, but noise as well. Jeff Smithberger stated that he understands that completely. You have our commitment that if we need to add a system to mitigate odors, we certainly will. At this facility, we have contracted with additional trucks to move the material out, and so one of the things that we are going to do operationally differently, that we have been doing up there now, is that we are not expanding our footprint to process the yard and leaf materials. We will keep that as it is, and we will move things out in a more timely manner.

- An attendee asked what the County is proposing to process or accept for processing in Section 3. Jeff Smithberger stated the things that we are processing now. You have our commitment that we are really not going to take anything different than we take now. If you are familiar with our site now, folks dump things out on the ground and these materials are in the weather. In Section 3, we would be adding a large covered structure where folks would go inside and dump those things out. We envision that we will also be working towards trying to more actively separate things, like wood and cardboard and things that people throw away, so it's going to be the same type of operation but it's going to be covered up to be out of the weather, so if you do happen to go up and throw something away on a rainy day, you won't get wet, and on a sunny day, you won't get nearly as much sun. It will also cut down on some of the noise that you hear from our operation because things will be inside.

- An attendee stated that our concern, at least in my opinion, was your mulching operation, and if you could move that operation closer to Verhoeff and shift some of your other operations back in that area, that would create a lot less angst for the community, because there is virtually nothing going on other than a parking lot for trucks on the Verhoeff side and on the Statesville side. There's no reason, there's plenty of room on that site, there's no reason that you should be doing that operation on the Toka Court side of your site. You have more than enough room to shift that operation on the Verhoeff side of the site and keep it away from the community. There is nothing on Verhoeff over there and there's virtually nothing behind.

Jeff Smithberger stated that we will look into that to see if we can possibly reconfigure, but I guess the way that we were thinking about it is that the grinding takes place up there about once every two weeks, whereas we get materials that come into the site every day, and we felt that by putting anything that may be noisy, which would be a daily activity, in Section 3 it would

be furthest away from the community, but we can certainly look at retooling the covered area into perhaps a different location on the site, and then moving the grinding operation back over towards where the truck driving school is located.

This attendee stated that would make the community happier.

- In response to a question, Jeff Smithberger stated that the noise wall will be a concrete wall or a masonry wall.

- An attendee asked whether the trees in the vegetation barrier would be mature, and how tall the trees would be at installation. Jeff Smithberger stated that it really depends upon the requirements of the Town. We will meet the requirements of the Town, which are fairly prescriptive. They are not going to be seedlings. They will probably be in the 6-to-8-foot-tall evergreen size, I would imagine.

- An attendee asked why the County abandoned the idea of the exit to Verhoeff. Jeff Smithberger stated that we heard loud and clear from the community that they didn't want that potential access going back there, and we looked at the cost that it would take for us to perfect the easement with the community college and the type of roadway construction, and it would be very expensive. We looked at what the turn lanes on Statesville Road would cost, and it was actually about the same cost, and so when we heard from the residents that they didn't want that we thought that we would apply that money to the Statesville Road turn lanes. It seemed logical. We would just continue the circular traffic flow. It makes it an easier site for us to manage when we have only one way in and one way out. In a perfect world, yes, we would like to have an emergency exit, but we can certainly manage this facility. We would be enhancing the size of the entrance road into the site.

- An attendee asked where these documents will be for their review and if they could review the approval timeline again. Jeff Smithberger stated that the documents could be reviewed on the Town's website and that we will put the documents on our website as well, which is WipeOutWaste.com. The Town does not have the final version of the site plan yet because we wanted to get your input first. Jeff Smithberger shared the approval timeline slide again.

- An attendee thanked Jeff Smithberger for the presentation and stated that she thinks that the County has provided a lot of accommodations based on community input. Some of her concerns circle back to how the trees and the plantings of the berm wall are back under the thumb of the Town instead of you guys, so I was going to propose that the trees be planted first, hearing that this is a two-year process. I don't know if that's something that you guys would be able to accommodate, since a lot of those environmental things seem to be pushed back to the Town and Brad. She asked what can we do to help with getting that evergreen berm established.

Jeff Smithberger stated that where that berm is going to be located, we have to do some additional grading out there, so it's not to the right grade that we need to have it at to build other things on. The infrastructure that we need to put in place to get to that, that would likely be one of the first things that we do, but there's a little bit that has to happen before that. However, I will commit to you that when we go do the construction, obviously, the number 2 portion is first, that we will design the construction so that the wall and the berm and the plantings go in first. Now, I don't have an arborist degree, but there are certain times of the year that you can plant trees and certain times of the year that you can't plant trees, and so what we'll try to do is get that

timing down to have that done asap. However, the planting of those trees would be according to the seasonality of what we are dealing with.

This attendee stated that she respects that, and that she will help in any way possible with that, since that is a little bit of her background.

Jeff Smithberger stated that he appreciates that and that we want to plant something that has a long life. He also stated that it has been a challenge to procure larger trees due to supply chain issues.

This attendee reiterated that she is happy to provide assistance. Jeff Smithberger reiterated his commitment to be a good neighbor and to continue to work with the community.

This attendee stated that she appreciates Jeff Smithberger's comment. She stated that many of us that back up to the recycling center could have jumped ship over this past year or two and made a nice chunk of change on the way out, but only one or so I think did that, and not for reasons related to this. She said I know that Rome wasn't built in a day, but I do see that a lot of environmental plantings are done incorrectly or just idiotically, and you wonder who talked to who about the plantings, or did they just find what looked pretty. My other question concerns the grinder. The grinder has increased in frequency to more like two days every couple of weeks, so like back-to-back days. In which Section is the grinder located?

Jeff Smithberger stated that the grinder would be in that large central area, right there where the Number 1 is located on the site plan. That's about where it is now, and so what we've done is we've moved different stuff over towards the Plum Creek neighborhood, but as we heard from another attendee (George), we're going to actively look into what we can do to move that back over to the CPCC side.

This attendee stated that the grinder produces noise that can be heard.

Jeff Smithberger stated that he completely understands. He stated that he has been up there on days when the grinder runs, and he has come over into your neighborhood when the grinder runs and he has listened to it from your neighborhood. Jeff Smithberger stated that while not promising anything, we are looking at a different type of grinder that we could possibly use that might not make as much noise. We are currently using a high speed grinder at this site, and we might try a slow speed grinder. The difference with the slow speed grinder is that it grinds slower and it does not have that deep reverberating sound that the high speed grinder has, but it would require a longer grinding process. Therefore, if we use a slow speed grinder, we might have to grind for three or four days. If we try out a slow speed grinder we could get with your neighborhood to see if you can tell a difference or if you hear a difference.

- In response to a question about the date of the next grinding on the site, Jeff Smithberger stated that I think we just finished up, and so it would likely be sometime toward the very first of January that we have our next grinding. We can certainly schedule that with you all so that you can give it a test listen to see if it sounds better to you.

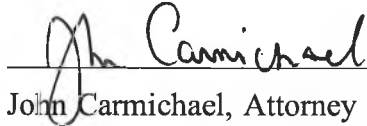
- In response to a question, Jeff Smithberger stated that Brad Priest is the Town Planner the County is working with on this rezoning request. Brad Priest provided his contact information under the Q & A icon. Brad Priest is on the meeting.

Since there were no further questions, Jeff Smithberger concluded the meeting and thanked everyone for their attendance.

CHANGES MADE TO THE APPLICATION AS A RESULT OF THE COMMUNITY MEETING AS OF THE DATE HEREOF:

No changes have been made to the rezoning plan or to the Application as of the date of this Community Meeting Report solely as a result of the Community Meeting.

Respectfully submitted, this 17th day of January, 2022.

_____

John Carmichael, Attorney for the Applicant, Mecklenburg County (Mecklenburg County Land Use and Environmental Services Agency)

CFI Properties, LLC
267 Hempstead Place
Charlotte, NC 28207

Monteith Place Management Company:
Becky Miller
William Douglas Property Management
4523 Park Road, Suite 201A
Charlotte, NC 28209

Commissioner Dan Boone
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Commissioner Stacy Phillips
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Anthony Roberts, Town Manager
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Greg Baber, Planning Board Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Frank Gammon, Planning Board
Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Derek Partee, Planning Board
Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Monteith Place Homeowners Assoc. Inc.
c/o Tom Murphy, President
Faith Management Services, LLC
Post Office Box 5476
Mooresville, NC 28117

Mecklenburg County
c/o Real Estate/Finance Department
600 East 4th Street, 11th Floor
Charlotte, NC 28202

Plum Creek HOA Contact:
Linda Hopkins
13510 Damson Drive
Huntersville, NC 28078

Mr. John Aneralla, Mayor
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Commissioner Lance Munger
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Commissioner Nick Walsh
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Ms. Jackie Huffman
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Christopher Boyd, Planning Board
Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Ms. Catherine Graffy, Planning Board
Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Jeff Sny, Planning Board Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Residential Homeowners Association for
Magnolia Walk Mecklenburg
2127 Ayrslay Town Boulevard, Suite 201
Charlotte, NC 28273

Plum Creek Property Owners
Association, Inc.
c/o Hawthorne Management
4530 Park Road
Charlotte, NC 28209

Plum Creek Management Company
Kendall Murphy
Hawthorne Management Company
PO Box 11906
Charlotte, NC 28220

Ms. Melinda Bales, Mayor Pro-Tem
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Commissioner Brian Hines
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Ms. Janet Pierson, Town Clerk
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

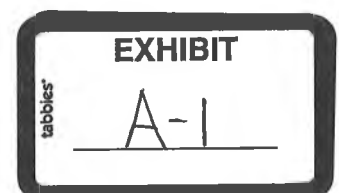
Brad Priest, Principal Planner
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Ms. Jennifer Davis, Vice-Chair of the
Planning Board
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Scott Hensley, Planning Board
Member
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Mr. Stephen Swanick, Chair of the
Planning Board
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070

Stoneybrook Station Homeowners
Association, Inc.
13925 Ballantyne Corporate Place, Suite
300
Charlotte, NC 28777



Mecklenburg County
c/o Real Estate/Finance Department
600 E 4th Street, 11th Floor
Charlotte, NC 28202

Raymond H. Edwards
Anne S. Edwards
12303 Statesville Road
Huntersville, NC 28078

Sundance Real Estate Investment Group
c/o Joseph R. Listman CPA, PC
5802 Starboard Drive
Greensboro, NC 27410

Don Reid Monteith
William Glenn Monteith
8908 Carleto Ct
Charlotte, NC 28214

Curtis Schiller
Kelli Schiller
13241 Toka Ct
Huntersville, NC 28078

Margaret W. Fink
James L. Fink
13333 Toka Ct
Huntersville, NC 28078

Ellen J. Phelan
Sean C. Phelan
13332 Toka Ct
Huntersville, NC 28078

James Meadows
Diane E. Meadows
13310 Toka Ct
Huntersville, NC 28078

Timothy D Howie
Belinda J Howie
13400 Toka Ct
Huntersville, NC 28078

SFR JV-1 Property LLC
PO Box 15087
Santa Ana, CA 92735

Martha H. Young
5250 Mason Ferry Road
Lake Wylie, SC 29710

Linda S. Hurd
12221 Statesville Road
Huntersville, NC 28078

Huntersville Hunter, LLC
484 Beaten Path Road
 Mooresville, NC 28117

Mecklenburg County
Parks and Recreation Department
5841 Brookshire Blvd
Charlotte, NC 28216

Martha Olstin
Travis Aspy
13303 Toka Ct
Huntersville, NC 28078

Peter Prioleau III
12508 Chickasaw Dr
Huntersville, NC 28078

Sonja L. Austin
Beverly A. Mitzel
13326 Toka Ct
Huntersville, NC 28078

David A. Lemmond
13302 Toka Ct
Huntersville, NC 28078

Ida Jean Porter
Maurice B. Porter
13200 Sloe Way
Huntersville, NC 28078

Plum Creek Property Owner's Association
Inc.
PO Box 87
Huntersville, NC 28078

B. Alex Barnette, Jr.
Lillian U. Barnette
7218 Bud Henderson Road
Huntersville, NC 28078

Vipperman Holdings, LLC
12125 Statesville Road
Huntersville, NC 28078

The Trustees of Central Piedmont College
PO Box 35009
Charlotte, NC 28235

Brock Ryan Schwarz
Pamela Ruth Schwarz
13235 Toka Ct
Huntersville, NC 28078

Jacques Martel
Kristen Martel
13327 Toka Ct
Huntersville, NC 28078

Sean Colas
Jennifer Colas
12502 Chickasaw Drive
Huntersville, NC 28078

Su Su Hlaing
Kyaw Min Tun
2251 Paso Verde Drive
Huntersville, NC 28078

Plum Creek Property Owners Association
Inc.
PO Box 87
Huntersville, NC 28078

Lynn C. Dowell
13206 Sloe Way
Huntersville, NC 28078

CFI Properties, LLC
267 Hempstead Place
Charlotte, NC 28207

**NOTICE TO INTERESTED PARTIES
OF VIRTUAL COMMUNITY MEETING**

Subject: Virtual Community Meeting -- **Rezoning Application No. R21-14** filed by Mecklenburg County (Mecklenburg County Land Use and Environmental Services Agency) to request the rezoning of an approximately 25.36 acre site located on the east side of Statesville Road, just south of the intersection of Statesville Road and Verhoeff Drive (**12230 Statesville Road -- Tax Parcel No. 017-204-03 -- the North Mecklenburg Recycling Center**) from the SP (CD) zoning district to the SP (CD) zoning district

Date and Time of Meeting: Wednesday, December 8, 2021 at 6:30 p.m. – 8 p.m.

Place of Meeting: See Below for Information on How to Access the Virtual Community Meeting

Mecklenburg County (the “Applicant”) has filed a Rezoning Application with the Town of Huntersville requesting the rezoning of an approximately 25.36 acre site located on the east side of Statesville Road, just south of the intersection of Statesville Road and Verhoeff Drive (**12230 Statesville Road -- Tax Parcel No. 017-204-03 -- the North Mecklenburg Recycling Center**) from the SP (CD) zoning district to the SP (CD) zoning district. The purpose of this rezoning request is to accommodate the expansion of the existing area of active use and the construction of accessory buildings and structures for the center. The expansion is necessary to safely accept and process materials in a more modern and efficient manner, while offering better protection to the community with noise abatement infrastructure and turn lanes.

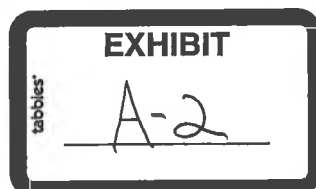
The Applicant (Mecklenburg County) will hold a virtual Community Meeting prior to the Public Hearing on this Rezoning Application for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Mecklenburg County Tax Records or the Homeowners Association List from the Town of Huntersville indicate that you are an owner of property that is located near the site or a nearby homeowner or property owners association.

Accordingly, you are invited to participate in the virtual Community Meeting regarding this Rezoning Application on Wednesday, December 8, 2021 at 6:30 p.m. to 8 p.m. Area residents and representatives of area organizations or associations who would like to participate in the virtual Community Meeting must register at <https://bit.ly/NMeckDec8> to receive an electronic invitation and link to the virtual Community Meeting. If you do not have access to the internet or cannot otherwise participate in the Community Meeting and would like a hard copy of the presentation mailed to you, please contact John Carmichael at the email address or phone number below.

Once you log into the Community Meeting, a presentation regarding the Rezoning Application will be provided. After the presentation, attendees will have an opportunity to ask questions.

Additionally, for more information on this rezoning request, visit the Town of Huntersville Planning Department’s webpage for this Rezoning Application at <https://www.huntersville.org/2732/R21-14-North-Mecklenburg-Recycling-Cente>.

We look forward to sharing this rezoning proposal with you and to answering your questions.



We have also attached the proposed site plan layout with this letter for you to review prior to the meeting. In the meantime, should you have any questions or comments, please call:

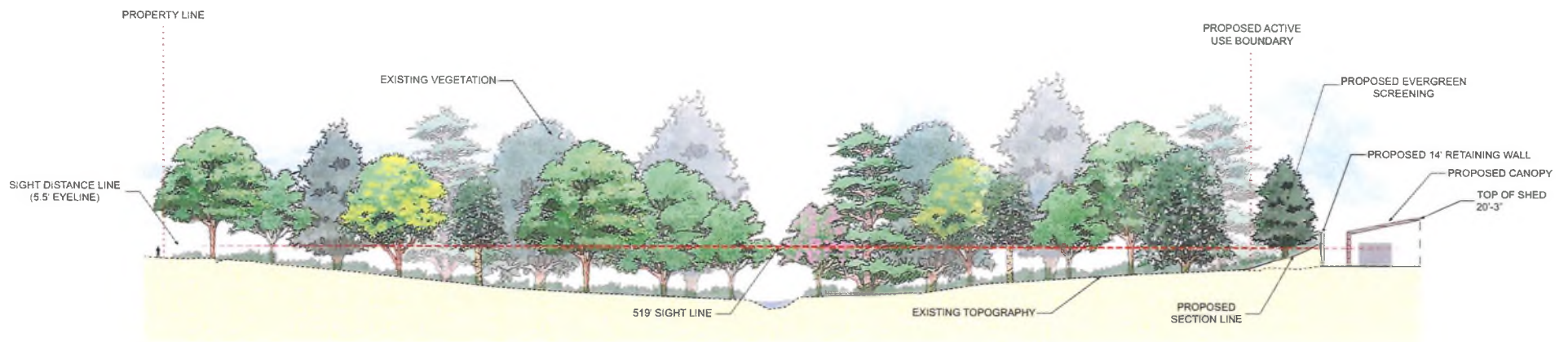
John Carmichael at (704) 377-8341 or

email John Carmichael at jcarmichael@robinsonbradshaw.com.

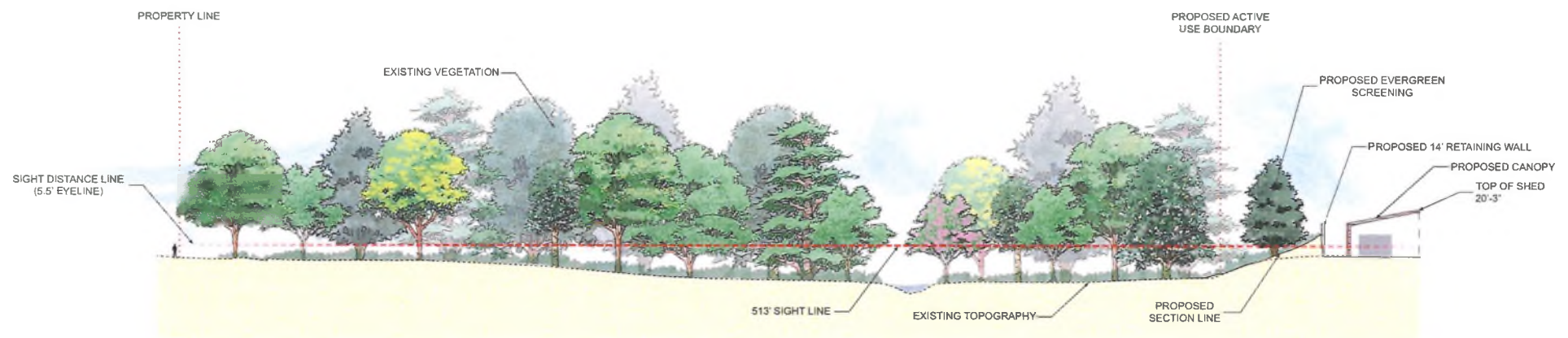
Robinson, Bradshaw & Hinson, P.A.

Date Mailed: November 23, 2021





NORTH SECTION



SOUTH SECTION



PUBLIC MEETING: North Mecklenburg Full Service Center Exp

Dec 08, 2021 06:30 PM EST

Attendee Report: 30 Registrants/22 Attendees

<u>First Name</u>	<u>Last Name</u>	<u>Email</u>	<u>Attended?</u>	<u>Joined Time</u>	<u>Duration</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>	<u>Phone</u>
Travis	Aspy	travisaspy@gmail.com	Yes	08 Dec 2021 6:23 PM	52	13303 Toka Court	Huntersville	28078	(704) 728-5259
Uni	Brown Smith	ubsmith@mindspring.com	Yes	08 Dec 2021 6:21 PM	55	13537 Toka Court	Huntersville	28078	(704) 577-8050
John	Carmichael	jcarmichael@robinsonbradshaw.com	Yes	08 Dec 2021 6:25 PM	51	101 North Tryon Street, Suite 1900	Charlotte	28246	(704) 377-8341
Catherine	Carter	ccarter@raftelis.com	Yes	08 Dec 2021 6:29 PM	47				
allison	cochrane	abcochrane13@gmail.com	Yes	08 Dec 2021 6:32 PM	44	13315 Toka Ct.	Huntersville	28078	(704) 619-7040
William	Flythe	newbern1998@gmail.com	Yes	08 Dec 2021 7:01 PM	15	13615 Damson Drive	Huntersville	28078	(252) 670-6272
Ebenezer	Gujjarlapudi	ebenezer.gujjarlapudi@mecklenburgcountync.gov	Yes	08 Dec 2021 6:29 PM	46	2145 Suttle Ave	Charlotte	28208	(980) 314-3629
Derrick	Harris	derrick.harris@mecklenburgcountync.gov	Yes	08 Dec 2021 7:00 PM	3	12300 Statesville Road	Huntersville	28078	(704) 577-2365
steve	hoffman	steve.hoffman@mecklenburgcountync.gov	Yes	08 Dec 2021 6:13 PM	64	20722 Bethel Church Rd	CORNELIUS	28031	(704) 777-1162
Linda	Hopkins	linda.hopkins2010@yahoo.com	Yes	08 Dec 2021 6:31 PM	45	13510 Damson Dr	Huntersville	28078	(252) 343-2348
Leslie	Johnson	leslie.johnson@mecklenburgcountync.gov	Yes	08 Dec 2021 6:23 PM	52				
Jacques	Martel	jacquesmartel10@gmail.com	Yes	08 Dec 2021 6:49 PM	27	13327 Toka Ct	Huntersville	28078	(561) 302-2173
Jacqueline	McNeil	jacqueline.mcneil@mecklenburgcountync.gov	Yes	08 Dec 2021 6:32 PM	44	3205 Freedom Drive	Charlotte	28208	
James	Meadows	ayeayecapn@hotmail.com	Yes	08 Dec 2021 6:46 PM	31	13310 Toka Court	Huntersville	28078	(828) 896 6111
Jeremy OBrien	OBrien	jercarobrien@hotmail.com	Yes	08 Dec 2021 6:21 PM	54	13715 Portpatrick Lane	Matthews	28105	(704) 906-7269
Elaine	Powell	Elaine.Powell@mecklenburgcountync.gov	Yes	08 Dec 2021 6:26 PM	49				
Brad	Priest	bpriest@huntersville.org	Yes	08 Dec 2021 6:26 PM	51	105 Gilead Road - Third Floor	Huntersville	28070	(704) 766-2214
Pamela	Schwarz	pamela.r.schwarz@gmail.com	Yes	08 Dec 2021 6:47 PM	23	13235 Toka Ct.	Huntersville	28078	(919) 607-0236
George	Solomon	wallst71@gmail.com	Yes	08 Dec 2021 6:28 PM	48	13600 Toka Court,	Huntersville	28078	(516) 380-6001
Erin	Stanforth	erin.stanforth@mecknc.gov	Yes	08 Dec 2021 6:57 PM	3				
Robyn	Sullivan	robyn.mcdowell@gmail.com	Yes	08 Dec 2021 6:25 PM	51	13619 DAMSON DR	HUNTERSVILLE	28078	(609) 784-2342
Michael	Whiteman	mike.whiteman@cpcc.edu	Yes	08 Dec 2021 6:29 PM	47				
Michelle	Butler	Michelle.r.butler@gmail.com	No			13321 Toka Ct	Huntersville	28078	(305) 790-1273
Catherine	Costner	chcostner@earthlink.net	No			12204 Santa Rosa Court	Huntersville	28078	(704) 604-7958
Lynn	Dowell	lynn.dowell@yahoo.com	No			13206 Sloe Way	Huntersville	28078	(704) 650-7206
Amber	Grzymiski	amber.grzymiski@mecklenburgcountync.gov	No			2145 Suttle Ave	Charlotte	28208	(980) 314-3855
Jason	Hinsch	jhinsch@carolina.rr.com	No			13525 Toka Court	Huntersville	28078	
Diane	Meadows	diane_e_reynolds@yahoo.com	No			13310 Toka Court	Huntersville		
Tramaine	Mills	Mills.tramaine@yahoo.com	No			11806 Kennon Ridge Lane	Huntersville	28078	(980) 297-1704
Gale	Wactor	Gale.wactor@gmail.com	No						





Mecklenburg County

Solid Waste Management Program

COMMUNITY MEETING

DECEMBER 8, 2021



Community Meeting Welcome

- **Virtual Facilitator:** Maitri Meyer, President, Actually Done
- **Agenda:** Presentation followed by Q&A/participant comments
- **Technology:**

- **Per County policy, this public meeting is being recorded.**
- **All attendees are on mute to minimize background noise.**

To ask a question or comment, please click on the “Q&A” button to submit for moderated verbal response after the presentation. If you prefer to verbally ask your question, please use the use the “Raise Hand” button to be unmuted.

Introductions

Mecklenburg County Staff:

-
- Jeff Smithberger, Solid Waste Director
 - Martin Sanford, Project Mgr.
 - Steve Hoffman, Manager of Field Operations
 - Derrick Harris, Site Manager-North Meck Center
- Joe Hack, Sr. Project Mgr.
Darren Steinhilber, Project Mgr.

External Support:

- Matt Edwards, Kimley-Horn
 - John Carmichael, Robinson, Bradshaw & Hinson, P.A.
- Maitri Meyer, Actually Done

Discussion Overview

- Purpose of this Meeting.
 - To discuss the Rezoning of the North Mecklenburg Recycling Center
 - What has changed since our last Community Meeting?
 - Proposed Improvements are for safety, allow greater separation of recyclables and ease of use.
- Rezoning Process
- Questions & How to Contact us
- This presentation will be recorded

North Mecklenburg Recycling Center

CPCC
Truck
Training

County Property in
Green



Statesville Rd

Chickasaw Dr

Tracy Ct

Sloe Wy



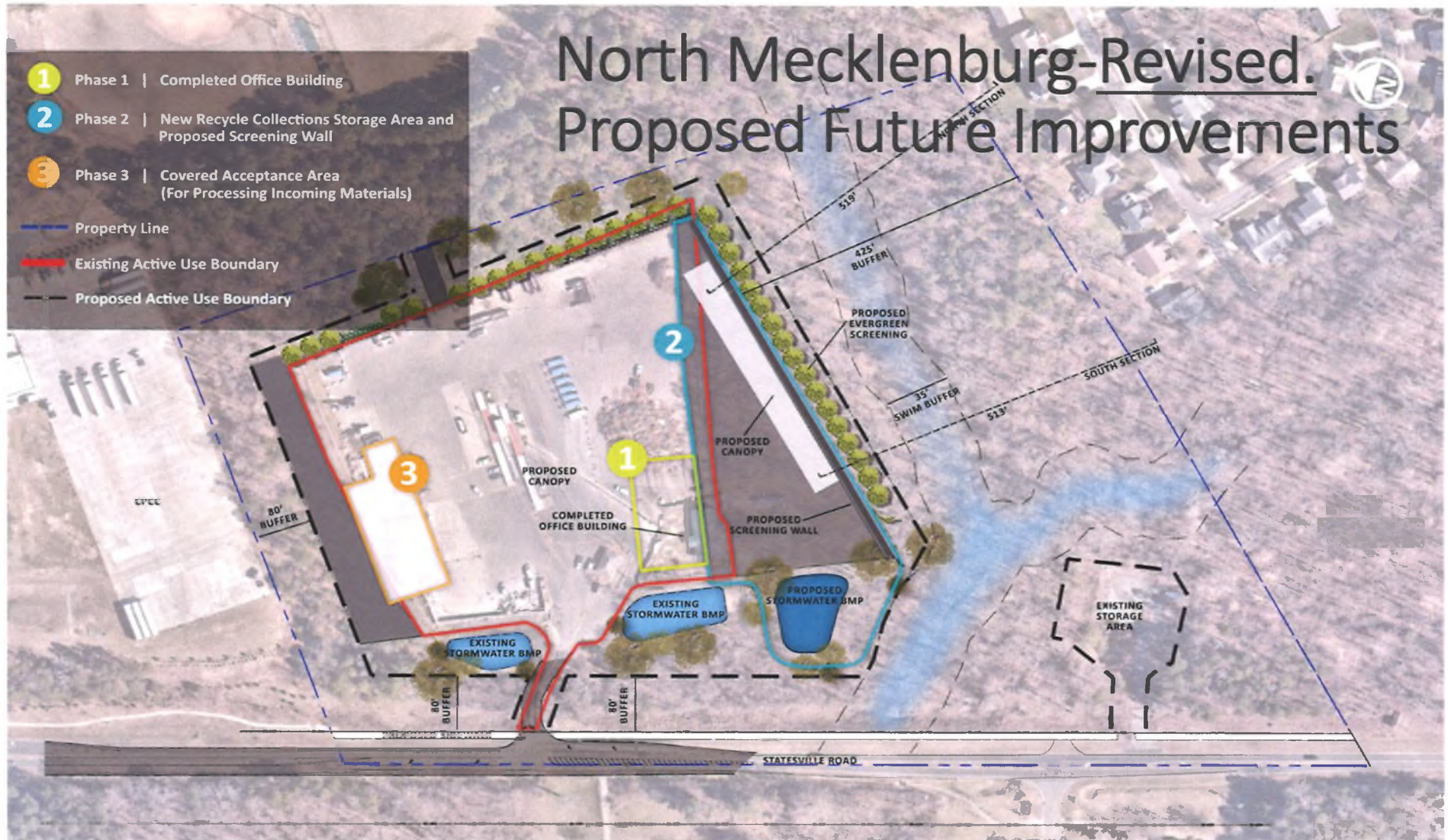
What has Changed since our Last Public Meeting?

- We reduced the original proposed expansion by an average of 125 feet, leaving 425 feet of buffer from Plum Creek neighborhood.
- We have incorporated an earth berm and noise wall with vegetative buffer after listening to your concerns.
- Added a canopy, similar to Compost Central, to the 'expansion zone', which is believed will further reduce noise.
- Eliminated driveway connecting to Verhoeff Drive
- Will be adding additional roadway improvements on Statesville Road (turnlanes).

North Mecklenburg-Revised. Proposed Future Improvements

- 1 Phase 1 | Completed Office Building
- 2 Phase 2 | New Recycle Collections Storage Area and Proposed Screening Wall
- 3 Phase 3 | Covered Acceptance Area (For Processing Incoming Materials)

— Property Line
— Existing Active Use Boundary
— Proposed Active Use Boundary



Revised Improvements North Section Site Line



Plum Creek

County Center

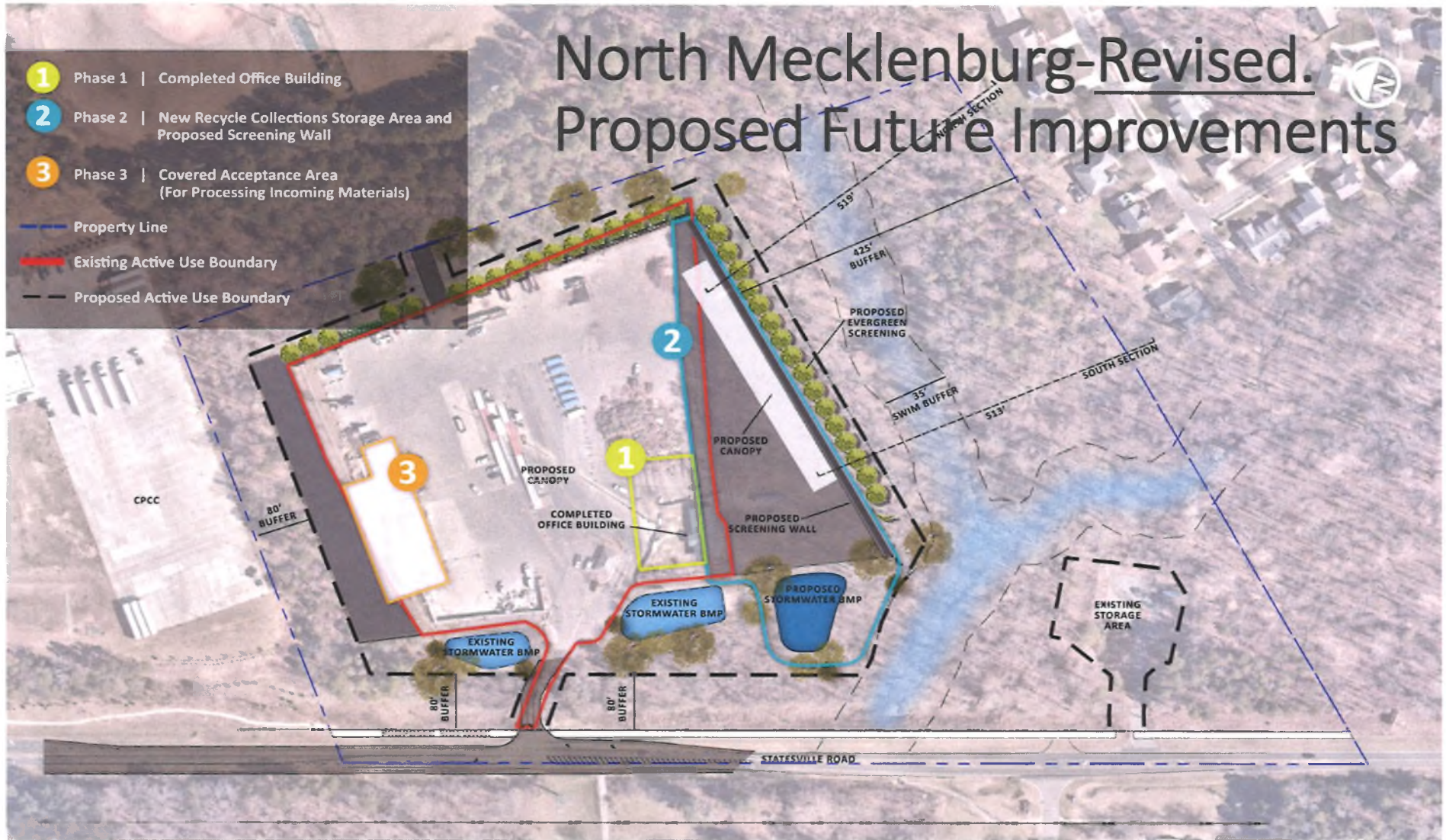
Revised Improvements South Section Section Site Line



North Mecklenburg-Revised. Proposed Future Improvements

- 1 Phase 1 | Completed Office Building
- 2 Phase 2 | New Recycle Collections Storage Area and Proposed Screening Wall
- 3 Phase 3 | Covered Acceptance Area (For Processing Incoming Materials)

Property Line
Existing Active Use Boundary
Proposed Active Use Boundary



North Mecklenburg Recycling Center- “Old” Proposed Improvements







Canopy Area

Compost Central Facility and Canopy
Area



Existing Canopy Area
North Meck will follow a similar
design

Rezoning Process

Process Type	Pre-Submittal Meeting & APFO/TIA 1	Plan Submission Deadline 2	Neighborhood Meeting 3	Call Public Hearing 4	Agenda Deadline 5	Town/Planning Joint Public Hearing 6	Planning Board Meeting 7	Town Board Final Action 8
Rezoning/Text Amend		Nov 1		Dec 6	Dec 13	Jan 3, 2022	Jan 25, 2022	Feb 21, 2022
Special Use Permit	Anytime prior to plan submission date	Nov 1					Dec 21	Jan 18, 2022
Conditional Rezoning		Nov 1	prior to Jan 3, 2022	Jan 3, 2022	Jan 18, 2022	Feb 7, 2022	Feb 22, 2022	Mar 21, 2022
Subdivision		Nov 1	prior to Dec 21				Jan 25, 2022	Feb 21, 2022

Solid Waste Future – Short and Long Term

New Office Building was completed in April 2021 at North Meck as part of Phase I to support staff at the facility with ADA Compliant facilities.

North Meck Phase II requires that we modify our Zoning Use Agreement with the Town of Huntersville. We had a Public Meeting nearly 2 years ago, and then met with the HOA in July as a re-start of this Rezoning process.

If approval is granted by the Town of Huntersville, the County will initiate work on detailed construction drawings and initiate work for the expansion area and Statesville Roadway Improvements with NC DOT. Estimated to take approximately 2 years.

The County is planning for the future needs for waste recycling/disposal at all of our staffed Drop Off Centers. The rezoning request for the North Meck facility is part of that process.

Mecklenburg County Solid Waste is Committed to be a “Good Neighbor”

Mecklenburg County Solid Waste is the **ONLY** Solid Waste Organization in the State of North Carolina to have an Environmental Management System Program (EMS) with State approval.

We have annual external audits to review our Environmental Compliance and Stewardship.

We actively research equipment & processes to have low emission footprints and our selection preference references that.

We will commit to giving you access to provide ongoing feedback to us.



Thanks for your time.

What questions can we answer?

Contact Mecklenburg County Solid Waste for assistance at:

Email us at: SolidWaste@MeckNC.gov

Jeff Smithberger, Director

Joe Hack, Sr. Project Manager

www.WipeOutWaste.com

Questions about the Rezoning Application should be addressed to:



John Carmichael at (704) 377-8341 or

email John Carmichael jcarmichael@robinsonbradshaw.com.

Robinson, Bradshaw & Hinson, P.A.



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 ~~fifty (50)~~ 100 or more peak hour vehicle trips or ~~500~~ 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: Darren Steinhilber, Mecklenburg County Solid Waste

Project Name: North Mecklenburg Recycling Center - Facility Expansion

Location: 12300 Statesville Rd, Huntersville, NC 28078

Project Description (including square footage for each proposed land use):

The existing site consists of an approximate 5.98 AC (260,488 sf) recycling facility. This project proposes to increase the active use area to ~~14.6 AC~~ 10.17ac

(635,976 sf) to allow for better accommodation of customers and safer vehicle movement on the site. A 2000 SF building is proposed as part of the Conditional Rezoning to provide ADA-compliant facilities for staff.

Applicant's Signature

Date

5/24/19

Please feel free to contact the Planning Department @ (704) 875-7000 if you have any questions.

Project file#: _____

Date Submitted: 7/22/19

Daily Trips Anticipated: 866

Peak Hour Trips Anticipated: AM 47 PM 0

TIA Required (Yes/No): NO

Date of Determination: 7/25/19

Determination made based on
daily and hourly customer data at
existing facility.



PO BOX 664 | HUNTERSVILLE NORTH CAROLINA 28070

PUBLIC HEARING

Date: February 7, 2022
Time: 6:00 pm
Location: **Virtual Meeting:** Town Hall 101 Huntersville-Concord Road
(subject to change please view meeting agenda posted prior to meeting for current COVID-19 restrictions)

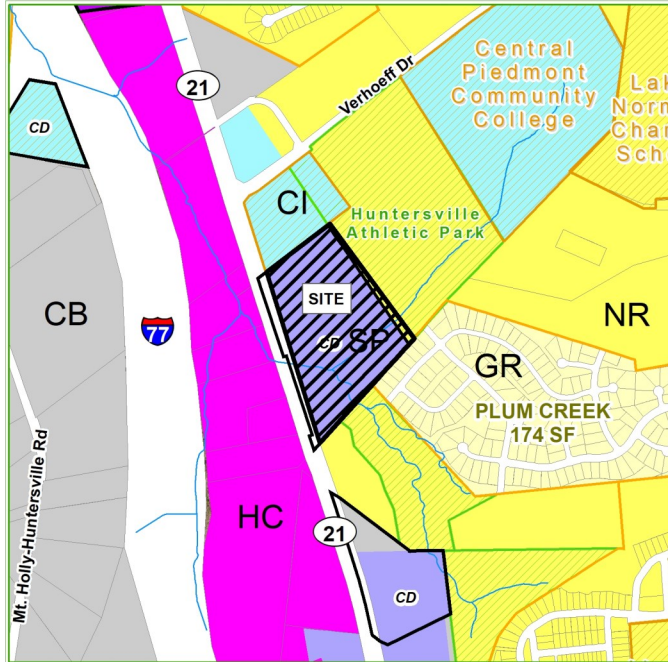
Applicant: Mecklenburg County
Project: R21-14 North Meck Recycling Center

Public Meeting Dates

Meeting Type	Purpose	Date & Time
Neighborhood Meeting	Informational	December 8, 2021
PUBLIC HEARING	Public Meeting	February 7, 2022 @ 6 pm
Planning Board	Recommendation	February 22, 2022 @ 6:30 pm
Town Board	Approval/Denial	March 21, 2022 @ 6 pm *

* Tentative—check www.huntersville.org for latest dates

PUBLIC NOTICE DATE FEBRUARY 7, 2022 | R21-14 NORTH MECK RECYCLING CENTER
NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



Zoning Map Legend:

GR = General Residential Site = Location for rezoning
CB = Corporate Business HC = Highway Commercial
NR = Neighborhood Residential CI = Campus Institutional

An application has been submitted to rezone the 'Site' at 12230 Statesville Road.

CURRENT ZONING is Special Purpose Conditional District (SP-CD)

PROPOSED ZONING is Special Purpose Conditional District (SP-CD) for the purpose of amending conditional rezoning to expand the active area of the facility.

The 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 February 7, 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 February 7, 2022. The Town Clerk may be reached by email to jpierson@huntersville.org or by phone at (704) 766-2202.

Please check the meeting agenda for all final meeting arrangements which may be adjusted to address public safety due to risks associated with COVID-19.

FOR ADDITIONAL INFORMATION

Contact: Brad Priest, Principal Planner

Phone: 704-766-2214

Email: bpriest@huntersville.org

Online: www.huntersville.org - search: **R21-14**

ownerlastn	ownerfirst	cownerfirs	cownerlast	mailaddr1	city
ASPY	TRAVIS	MARTHA	OLSTIN	13303 TOKA CT	HUNTERSVILLE
BARNETTE	B ALEX JR	LILLIAN U	BARNETTE	7218 BUD HENDERSON RD	HUNTERSVILLE
BUTLER	KEVIN	MICHELLE	BUTLER	13321 TOKA CT	HUNTERSVILLE
CFI PROPERTIES LLC			PATRICK HIGHWAY 49 LLC	267 HEMPSTEAD PLACE	CHARLOTTE
COCHRANE	ALLISON			13315 TOKA CT	HUNTERSVILLE
COLAS	JENNIFER	SEAN	COLAS	12502 CHICKASAW DR	HUNTERSVILLE
EDWARDS	RAYMOND H	ANNE S	EDWARDS	12303 STATESVILLE RD	HUNTERSVILLE
FINK	JAMES L		MARGARET W FINK	13333 TOKA CT	HUNTERSVILLE
HURD	LINDA S			12221 STATESVILLE RD	HUNTERSVILLE
LEMMOND	DAVID A			13302 TOKA CT	HUNTERSVILLE
MARTEL	JACQUES	KRISTEN	MARTEL	13327 TOKA CT	HUNTERSVILLE
MEADOWS	DIANE E	JAMES	MEADOWS	13310 TOKA CT	HUNTERSVILLE
MECKLENBURG COUNTY			C/O REAL ESTATE /FINANCE DEPT	600 E 4TH ST 11TH FLOOR	CHARLOTTE
MECKLENBURG COUNTY PARKS AND F				5841 BROOKSHIRE BLVD	CHARLOTTE
MITZEL	BEVERLY A		SONJA L AUSTIN	13326 TOKA CT	HUNTERSVILLE
MONTEITH	WILLIAM GLENN		DON REID MONTEITH	8908 CARLETO CT	CHARLOTTE
PHELAN	SEAN C	ELLEN J	PHELAN	13332 TOKA CT	HUNTERSVILLE
PLUM CREEK PROPERTY OWNERS ASS				PO BOX 87	HUNTERSVILLE
PORTER	MAURICE B		IDA JEAN PORTER	13200 SLOE WAY	HUNTERSVILLE
SCHILLER	CURTIS	KELLI	SCHILLER	13241 TOKA CT	HUNTERSVILLE
SCHWARZ	BROCK RYAN	PAMELA RUTH	SCHWARZ	13235 TOKA CT	HUNTERSVILLE
SHICK	WILLIAM R			13309 TOKA CT	HUNTERSVILLE
STEINBAUER	TROY A			12508 CHICKASAW DR	HUNTERSVILLE
SUNDANCE REAL ESTATE INVESTMEN			/O JOSEPH R LISTMAN CPA,PC	5802 STARBOARD DR	GREENSBORO
THE TRUSTEES OF CENTRAL PIEDMON				PO BOX 35009	CHARLOTTE
TUN	KYAW MIN	SU SU	HLAING	2251 PASO VERDE DRIVE	HUNTERSVILLE
VIPPERMAN HOLDINGS LLC				12125 STATESVILLE RD	HUNTERSVILLE
YOUNG	MARTHA H			5250 MASON FERRY RD	LAKE WYLIE
RESIDENTIAL HOMEOWNERS ASSOCIATION FOR MAGNOLIA WALK MECKLE			C/O MATTAMY CAROLINA CORPORA	2127 AYRSLEY TOWN BLVD	CHARLOTTE

state	zipcode
NC	28078
NC	28078
NC	28078
NC	28207
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
NC	28202
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NC	28078
NC	28078
NC	28078
NC	28078
NC	27410
NC	28235
NC	28078
NC	28078
SC	29710
NC	28273

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: Ax2S18T1AaEirDyl0uux | **Proof Updated: Jan. 20, 2022 at 12:47am EST**
Notice Name: February 7 | Publisher ID: CLM_000259

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
(704) 766-2202

FILING FOR

Charlotte Observer

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

01/24/2022: Other Public Notices Notice	31.45
01/31/2022: Other Public Notices Notice	31.45

Subtotal	\$62.90
Tax %	0.00
Processing Fee	\$6.29
Total	\$69.19

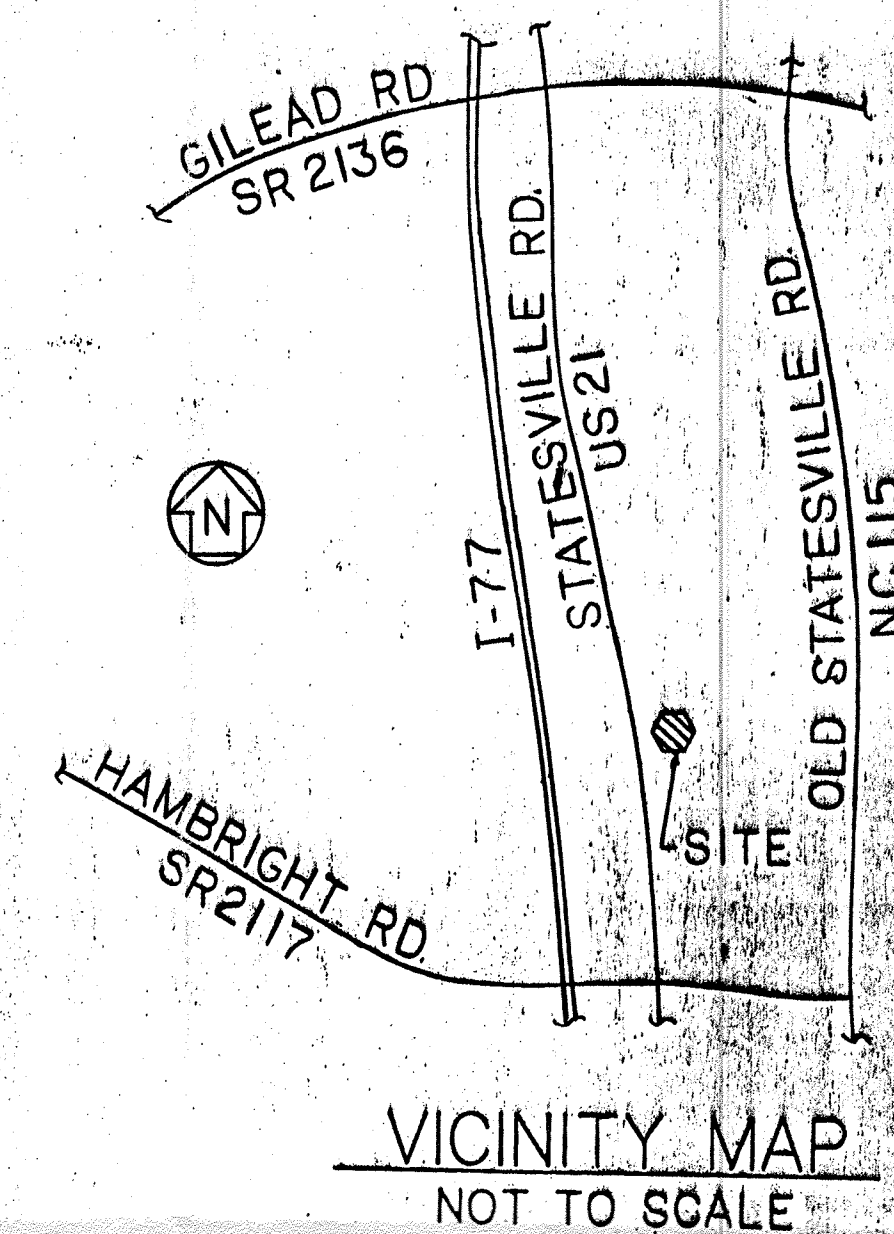
NOTICE OF PUBLIC HEARING

The public is put on notice that the Town of Huntersville will hold a public hearing on Monday, February 7, 2022 at 6PM on the following petitions. This public hearing will be held in person or virtually at Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. Please confirm the meeting format and how to participate in public comments, if you so choose, on the published meeting agenda one week prior to the meeting. COVID-19 protocols will be in place for an in-person meeting. R21-14, a request by Mecklenburg County to amend the SP-GD rezoning plan for their facility at 12230 Statesville Road (tax ID 01720403) to expand the boundaries of the active area of the facility. R21-16, a request by Mosaic Development Group to rezone (+/- 9.8 acres) 9102 Beatties Ford Rd from Rural District (R) to Neighborhood Residential Conditional District (NR-CD) for age restricted multifamily housing. 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.

CLM_000259

Published Jan 24 and 31, 2022

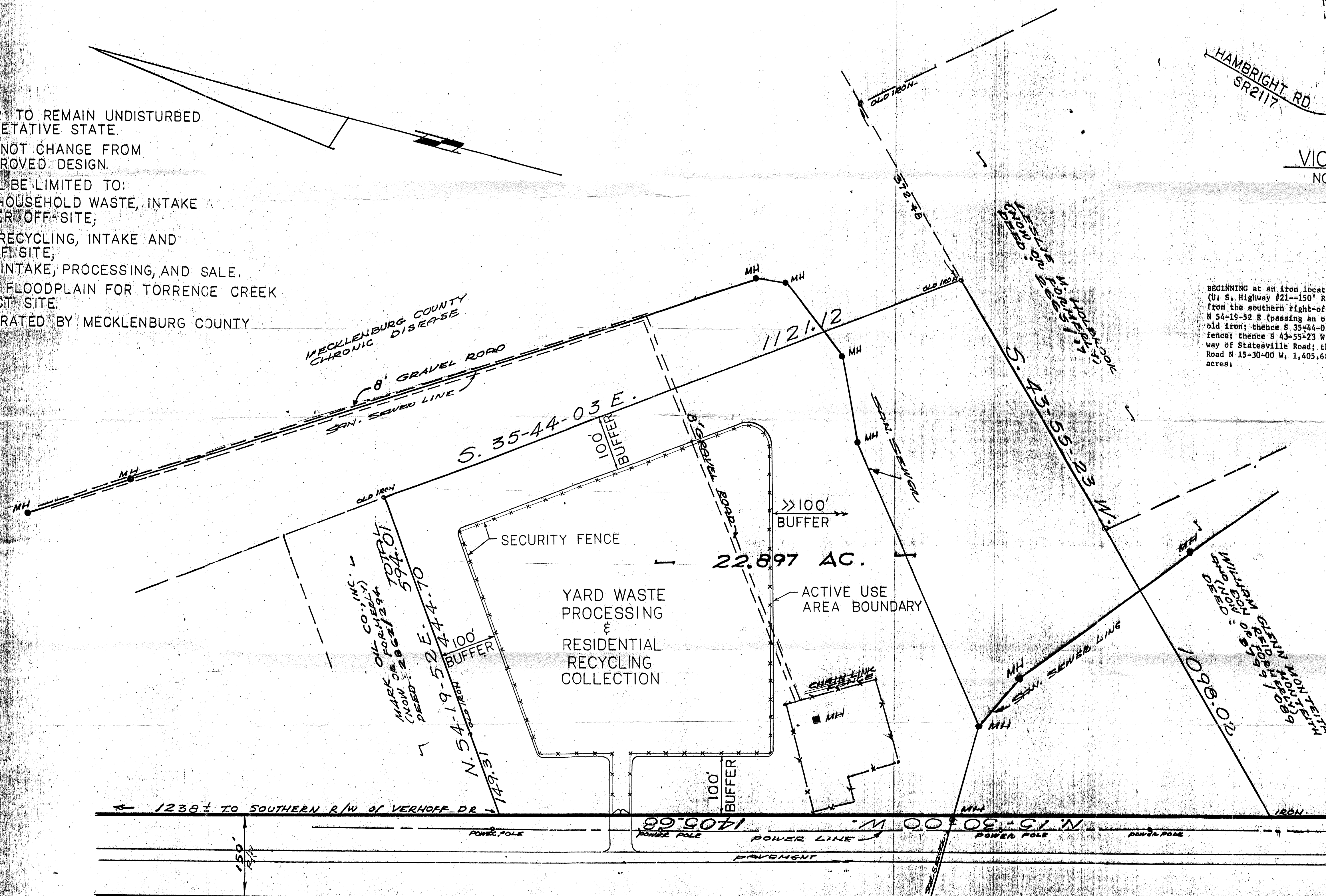
MECKLENBURG COUNTY REZONING PLAN
FOR
YARD WASTE AND RESIDENTIAL RECYCLING
US21 NORTH



1. EXISTING BUFFER TO REMAIN UNDISTURBED IN NATURAL VEGETATIVE STATE.
2. DRIVEWAY WILL NOT CHANGE FROM PREVIOUSLY APPROVED DESIGN.
3. ACTIVITIES WILL BE LIMITED TO:
 - RESIDENTIAL HOUSEHOLD WASTE, INTAKE AND TRANSFER OFF-SITE;
 - RESIDENTIAL RECYCLING, INTAKE AND TRANSFER OFF-SITE;
 - YARD WASTE, INTAKE, PROCESSING, AND SALE.
4. THE REGULATED FLOODPLAIN FOR TORRENCE CREEK DOES NOT IMPACT SITE.
5. OWNED AND OPERATED BY MECKLENBURG COUNTY GOVERNMENT.

LEGAL DESCRIPTION

BEGINNING at an iron located on the eastern right-of-way of Stateville Road (U. S. Highway #21-50' R/W); add iron also located approximately 1428' east from the southern right-of-way of Verhoff Drive; thence from said BEGINNING point N 54-19-52 E (passing an old iron at 149.11 feet) to the POINT OF BEGINNING of an old iron; thence S 35-44-03 E, 1121.11 feet to an old iron; thence S 43-45-23 E, 1,098.02 feet to a new iron on the eastern right-of-way of Stateville Road; thence with said eastern right-of-way of Stateville Road N 15-30-00 W, 1,405.68 feet to the POINT OF BEGINNING; containing 221,857 ACRES.



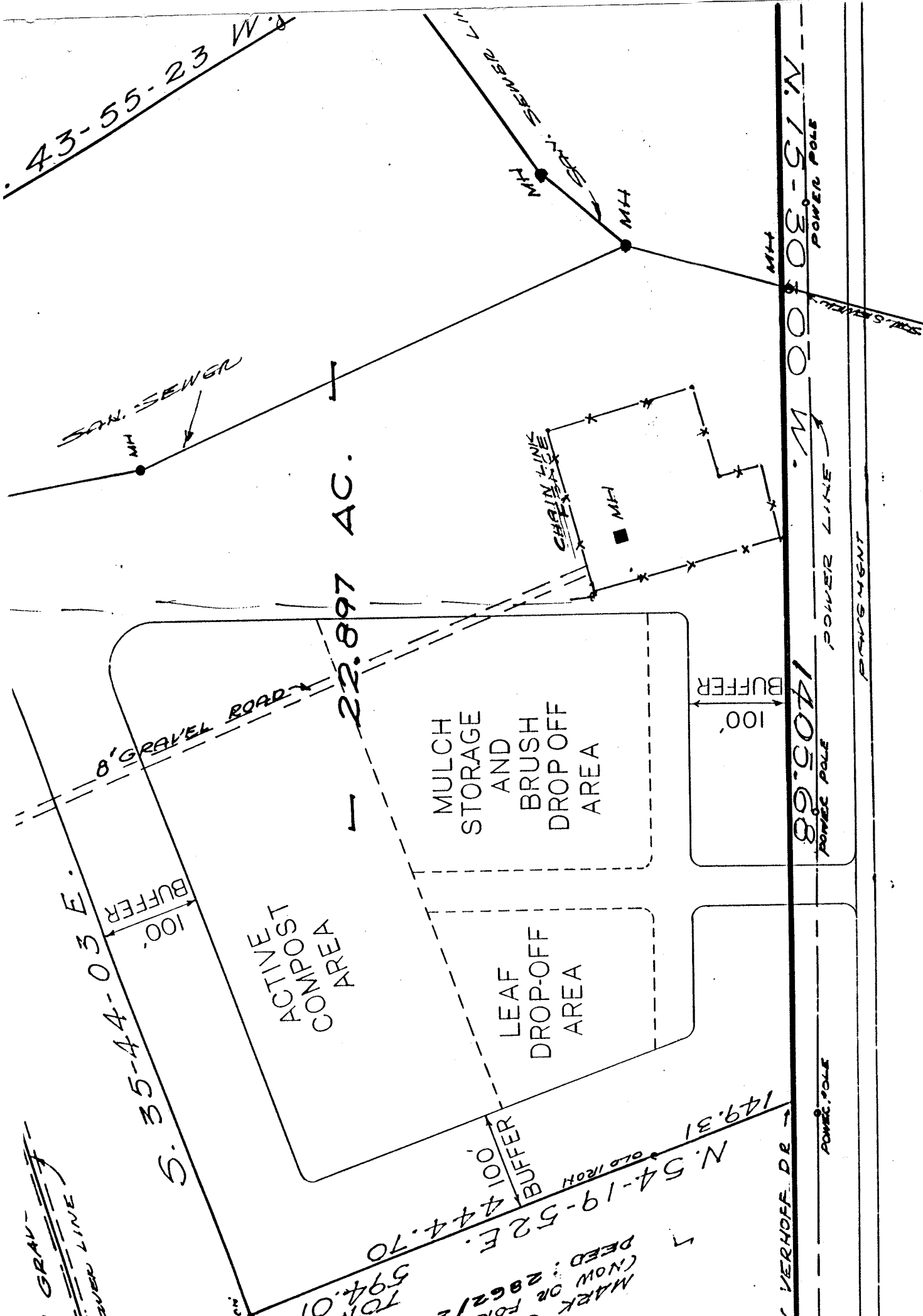
STATESVILLE RD
U.S. HWY. #21

Approved: Henters 5/16
Board of Commissioners
5/17/94 An Ha
Hanner

DATE APPROVED: _____
REVISION 1 : 4-22-94

NORTH MECKLENBURG
YARD WASTE PROCESSING
&
RESIDENTIAL RECYCLING
FACILITY
SITE PLAN

McKENNENBURG COUNTY
NORTH CAROLINA
ENGINEERING DEPARTMENT

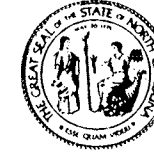


TOWN OF HUNTERSVILLE

P.O. BOX 664

PHONE 875-6541

HUNTERSVILLE, NORTH CAROLINA 28078



March 1, 1989

Mr. Alan Giles
Mecklenburg County Engineering
700 N. Tryon Street
Charlotte, NC 28202

Dear Mr. Giles:

This is to confirm that on February 21, 1989 the Board of Commissioners of the Town of Huntersville approved rezoning of Tax Parcel 017-061-03 from Highway Business to Heavy Industrial, with a conditional use permit to allow Mecklenburg County to establish a yard waste processing center.

The approval was for the original site plan submitted with Mecklenburg County's rezoning application (partial photo copy attached). In addition, the following conditions were placed upon the property to ensure its compatibility with adjoining properties and minimize any adverse impacts:

- development to be restricted to the development area shown on the site plan, submitted by Mecklenburg County as a part of this petition;
- 100 foot buffer surrounding the site to remain undisturbed, except for access road illustrated on the site plan;
- security fence to surround the active site, adjacent to U.S. 21, fence to be screened from U.S. 21 by placement east of the 100 foot buffer area.

If you have any questions or need additional information about this decision, please do not hesitate to call.

Very truly yours,

Ann Hammond
Town Planner

STATEVILLE RD.

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. If you are applying for two (2) actions, provide a separate application for each action. **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
- ☐ REVISION to _____
- ☐ SPECIAL USE PERMIT
- ☐ Other _____

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- ☐ SKETCH PLAN
- ☐ PRELIMINARY PLAN
- ☐ FINAL PLAT (includes minor and exempt plats)
- ☐ FINAL PLAT REVISION
- ☐ FARMHOUSE CLUSTER

2. Project Data

Date of Application August 1, 2019

Name of Project North Mecklenburg Recycling Center - Safety Improvements Phase # (if subdivision) _____

Location 2300 Statesville Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 017-204-03

Current Zoning District SP (CD) Proposed District (for rezonings only) SP (CD)

Property Size (acres) 25.3612 Street Frontage (feet) 1,408

Current Land Use Recycling Facility

Proposed Land Use(s) Recycling Facility

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

This project proposes to increase the active use area for future facility improvements.

4. Site Plan Submittals

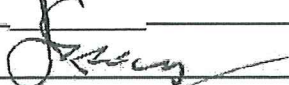
Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

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. Signatures

*Applicant's Signature  Printed Name Ebenezer Gujjarlapudi

Address of Applicant 2145 Suttle Avenue, Charlotte, NC 28208

Email ebenezer.gujjarlapudi@MeckNC.gov

Property Owner's Signature (if different than applicant) _____

Printed Name _____

Property Owner's Address _____ Email _____

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

Development Firm	Name of contact	Phone	Email
Kimley-Horn	Matt Edwards	704-954-7493	matt.edwards@kimley-horn.com
Design Firm	Name of contact	Phone	Email

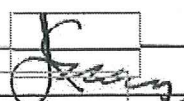
If Applying for a General Rezoning:

Please provide the name and Address of owner(s) of fee simple title of each parcel that is included in this rezoning petition. If additional space is needed for signatures, attach an addendum to this application.

If Applying for a Conditional Rezoning:

Every owner of each parcel included in this rezoning petition, or the owner (s) duly authorized agent, must sign this petition. If signed by an agent, this petition MUST be accompanied by a statement signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in filing this petition. 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 PETITION. **If additional space is needed for signatures, attach an addendum to this application.**

Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

	Mecklenburg County	Email: ebenezer.gujjarlapudi@MeckNC.gov
Ebenezer Gujjarlapudi	2145 Suttle Avenue	
	Charlotte, NC 28208	Phone: 980-314-3628

If Applying for a Subdivision:

By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall **only** occur under sworn testimony at the public hearing.

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

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Jack Simoneau, Director

Date: February 7, 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 2 7 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:

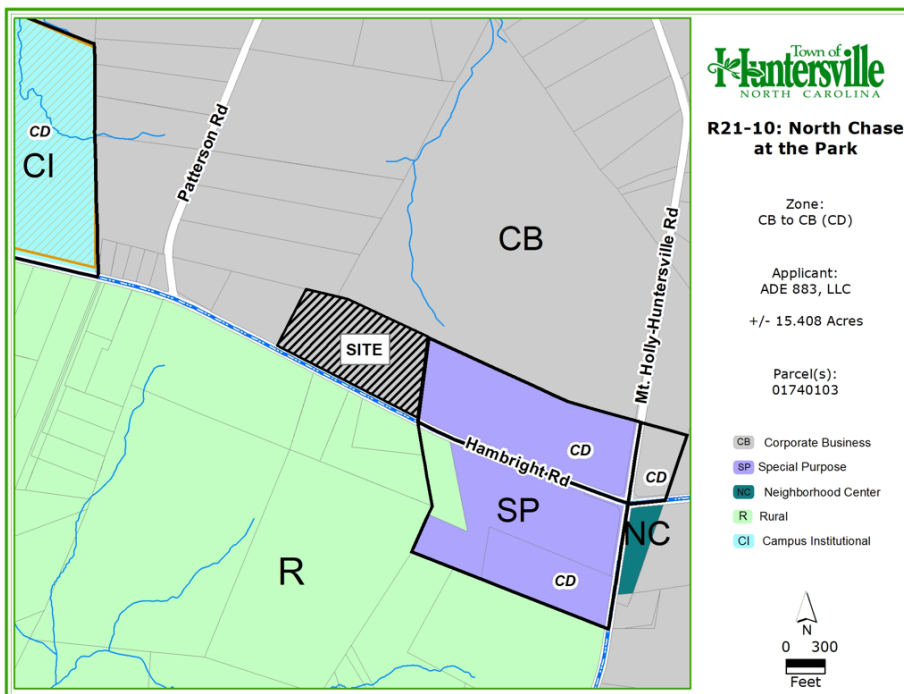
01740103

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 40 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 40 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

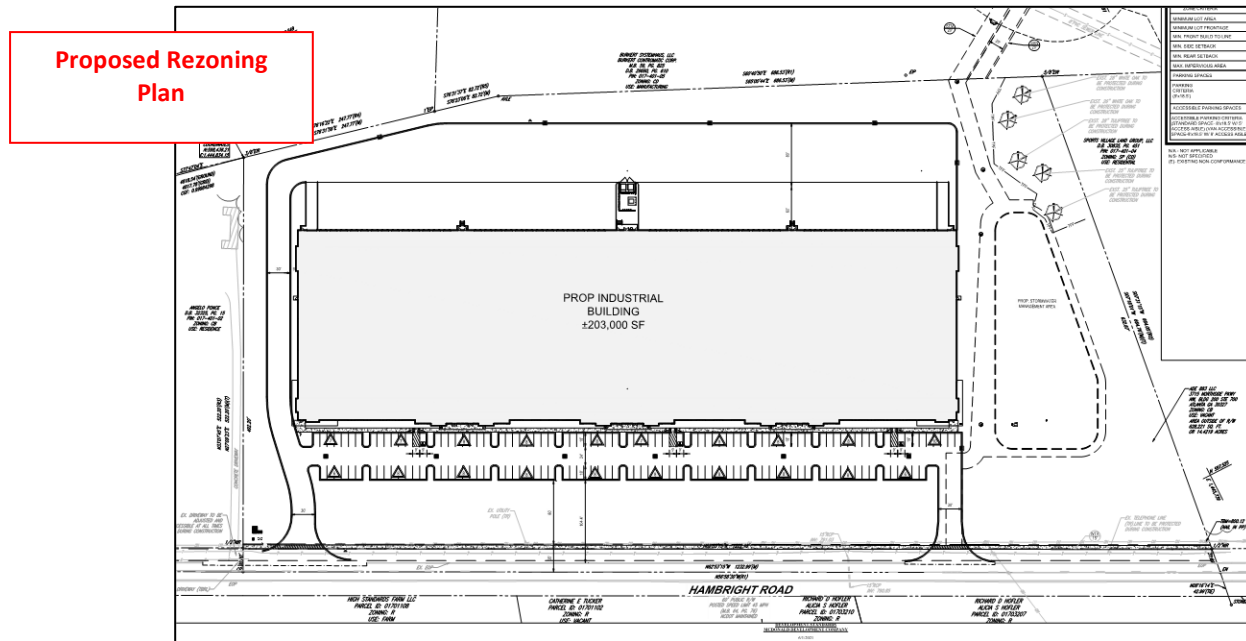
- Buffer Modification – Along New Public Street: Article 7.5 of the Zoning Ordinance requires CB uses establish an 40 foot buffer along public streets unless the building architecturally fronts the street per Article 4. The proposed buildings will not meet Article 4 of the ordinance therefore an 40 foot 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:
 - o Disturbing the 40 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.
 - o 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 40 foot buffer is not proposed at this time.
 - The TA21-10 CB Buffer Flexibility text amendment was approved and has altered 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 is required (rather than the 80 previously required). The 40 foot buffer reduces 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 and what the applicant is currently proposing.
 - Staff recommends 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 on the site plan, the plantings would be further spread out and a functional buffer may not be achieved.
 - o 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.
 - o Article 7.5.1 of the Zoning Ordinance states that the objective of the required buffers is to "exclude visual contact, create spatial separation and to minimize any adverse impacts on adjacent properties". Article 7.5.3 states that the buffer yard shall "function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered".
 - o Article 11.4.7 K allows the Town Board to modify the requirements of the ordinance "provided the spirit of the ordinance is maintained".
 - o Staff currently does not support the proposed rezoning plan as the modifications requested would not create a visual barrier between the use and Hambright Road per the intent of the ordinance. Staff could support a reduction in planting, but one that keeps the intent of the buffer ordinance.

Planting Requirements – Article 7.5.3 (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 Hambricht Road and the parking lot on the plan, this potential modification would be feasible.

PART 4: REZONING CRITERIA

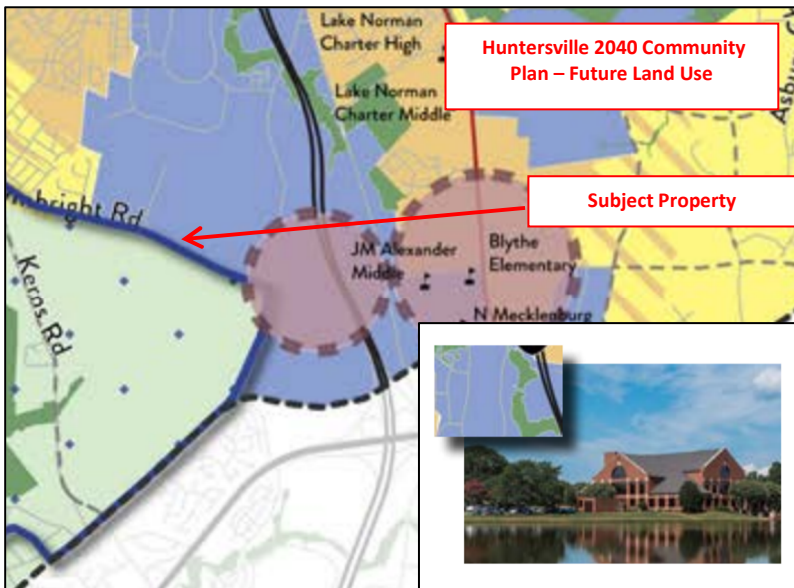
Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to,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

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]

REZONING DOCUMENTS

— FOR —

MCDONALD DEVELOPMENT

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



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

DEVELOPER

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

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

PREPARED BY

BOHLER //

SURVEYOR
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

REVISIONS

[illegible]

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

PROJECT:

NORTH CHASE AT THE PARK BUILDING 100

FOR

MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT
LAMBRIGHT ROAD
INTERSVILLE, NC

BOHLER //
CHLER ENGINEERING NC, PLLC
 NCBELS P-1132

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

URG. DATE - 3/13/2019

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

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHOULD BEGIN 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 INITIATION OF CONSTRUCTION. THE CONTRACTOR'S FAILURE 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 APPLICABLE REGULATIONS AND CODES.

LEGAL DESCRIPTION

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

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

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

MEASURED & RECORDED BEARINGS

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

FIDELITY NATIONAL TITLE INSURANCE COMPANY

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

SCHEDULE B - II (EXCEPTIONS)

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

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

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

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

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

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

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

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

LEGEND:

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

UTILITIES:

POWER
DUKE POWER ENERGY
1-800-777-9898

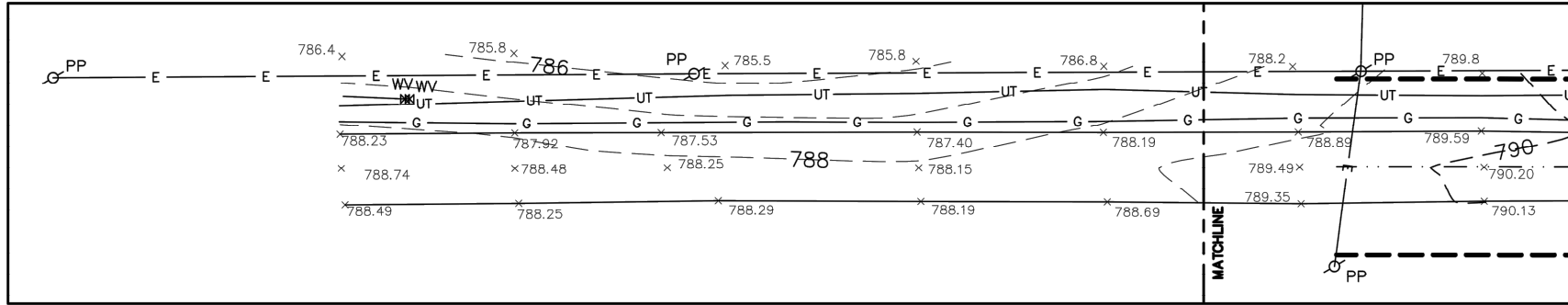
TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-257-6500

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

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



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GRAPHIC SCALE

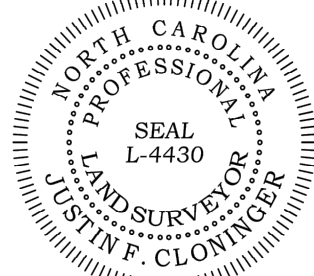
(IN FEET)
1 inch = 60 ft.

FLOOD CERTIFICATION

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

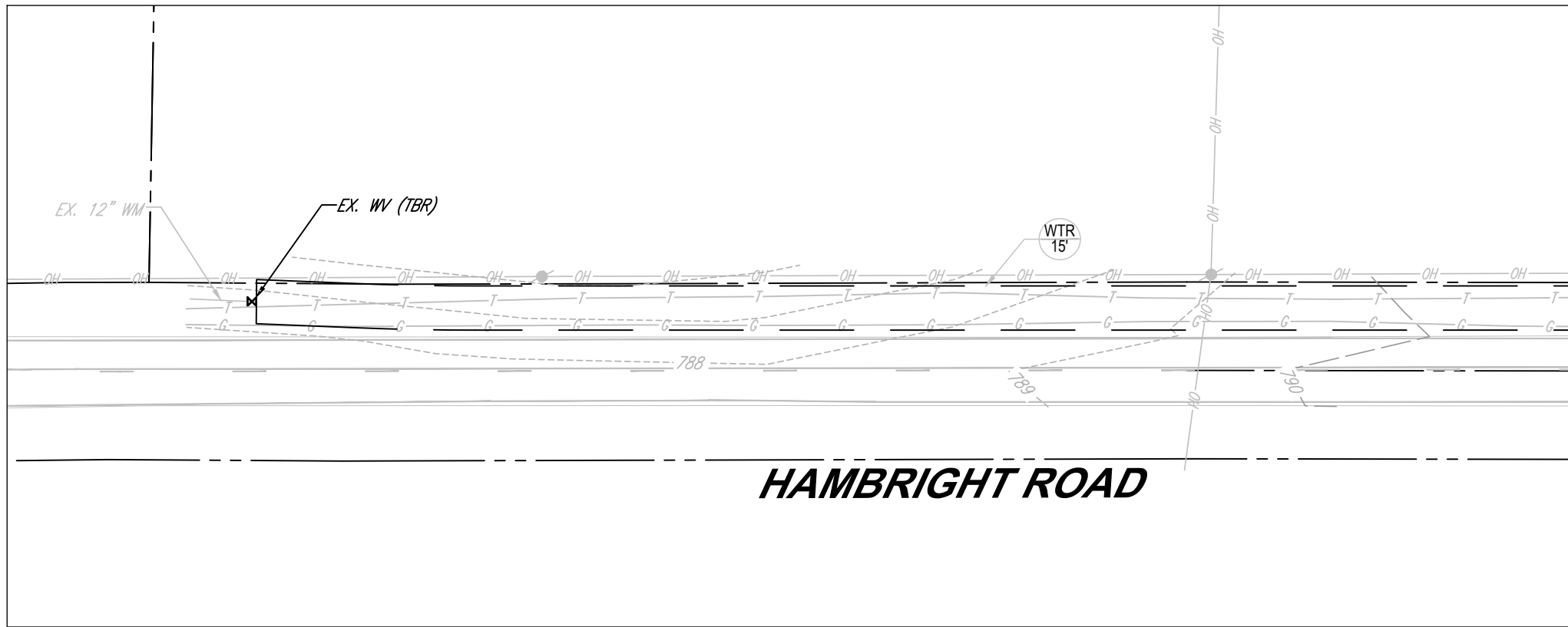
THIS IS TO CERTIFY THAT ON THE 26TH DAY OF MARCH 20 20, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA,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

SIGNED Justin F. Cloninger



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

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



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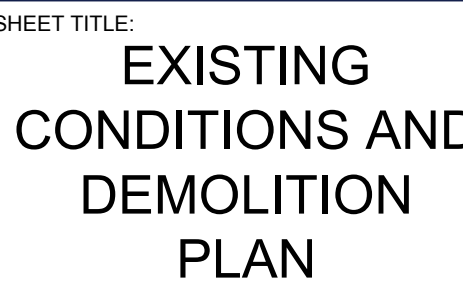
[illegible]

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PROJECT:

HAMBRIGHT ROAD
HUNTERSVILLE, NC

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



SHEET NUMBER

RZ - 1

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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CAD I.D.:	RSP - 0

PROJECT:

- FOF

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERSVILLE, NC



SHEET NUMBER

RZ - 2

ORG. DATE - 3/13/2019

- SITE DEVELOPMENT DATA:**

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

I. GENERAL PROVISIONS

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

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

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

II. PERMITTED USES AND MAXIMUM DEVELOPMENT

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

III. TRANSPORTATION

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

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

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

IV. ARCHITECTURAL STANDARDS

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

V. BUFFERING, SCREENING, AND LANDSCAPING

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

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

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

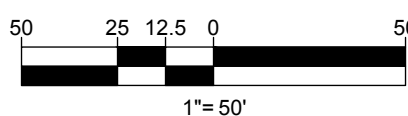
VI. ENVIRONMENTAL FEATURES

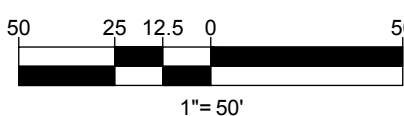
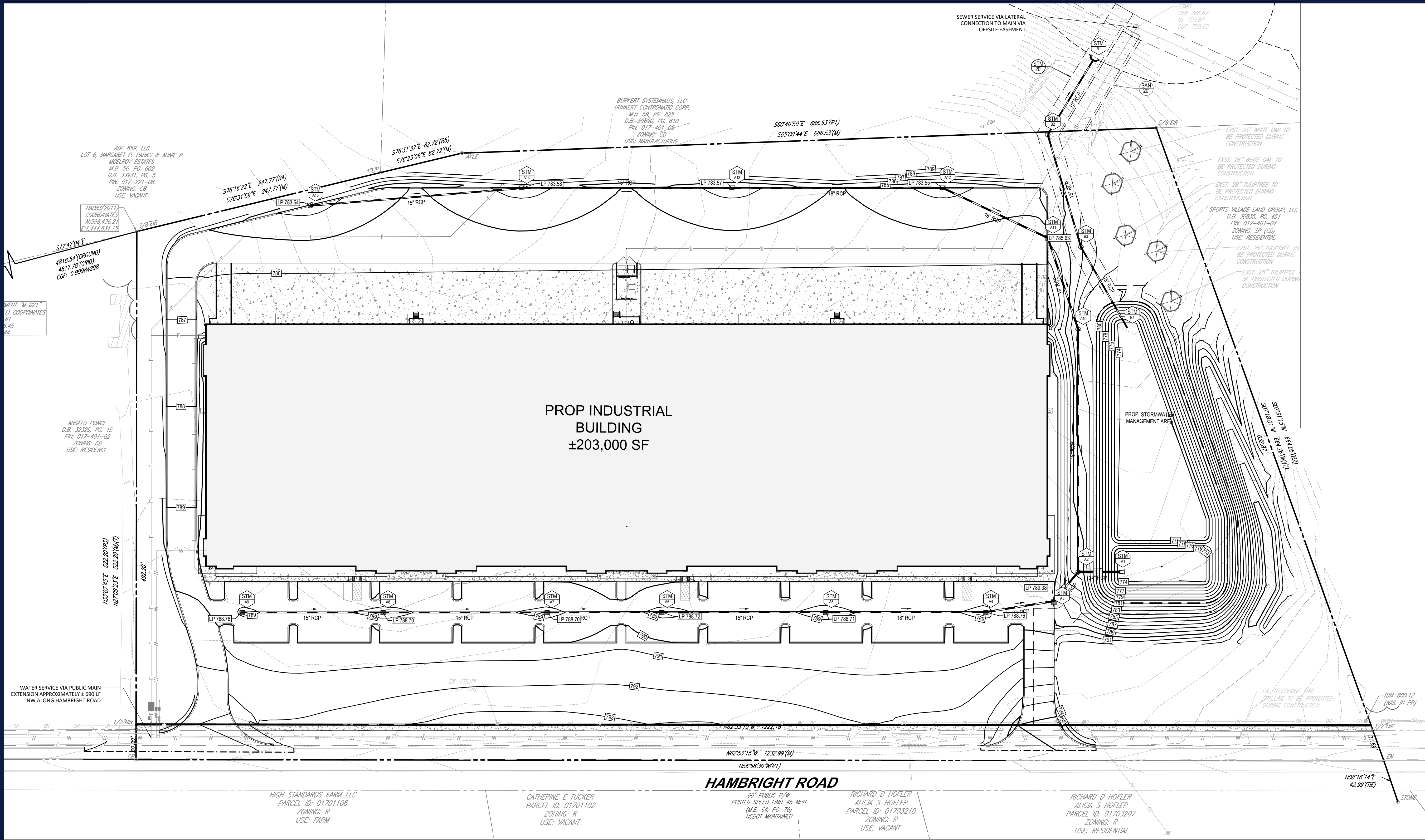
a. THE PETITIONER SHALL SATISFY THE STORMWATER REQUIREMENTS FOR A MAXIMUM OF 70% BUILT-UPON AREA.

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

VII. BINDING EFFECT OF THE REZONING DOCUMENTS

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





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

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	

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

PROJECT:
NORTH CHASE AT THE PARK BUILDING 100
FOR

MCDONALD DEVELOPMENT

PROPOSED DEVELOPMENT
HAMBRIGHT ROAD
HUNTERSVILLE, NC

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

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

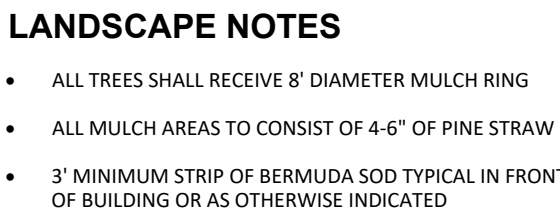
SHEET TITLE:

GRADING PLAN

SHEET NUMBER:

RZ - 3

ORG. DATE - 3/13/2019



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SITE CIVIL AND CONSULTING ENGINEERING

LAND SURVEYING

PROGRAM MANAGEMENT

LANDSCAPE ARCHITECTURE

SUSTAINABLE DESIGN

PERMITTING SERVICES

TRANSPORTATION SERVICES

THE DESIGN AND CONSTRUCTION OF THE ROAD AND HIGHWAYS AND BRIDGES ARE THE RESPONSIBILITY OF ANY PARTICIPANT WITHOUT THEIR WRITTEN AUTHORIZATION FROM PRACTICE OR, APPROVED BY THE BOARD OF DIRECTORS. THE DESIGN SHALL BE VALID FOR CONSTRUCTION PURPOSES.

REVISIONS

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DRAWN BY:	RE
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DATE:	3/13/2019
CAD I.D.:	RLP - 0

PROJECT:

**NORTH CHASE
AT THE PARK
BUILDING 100**

_____ FOR

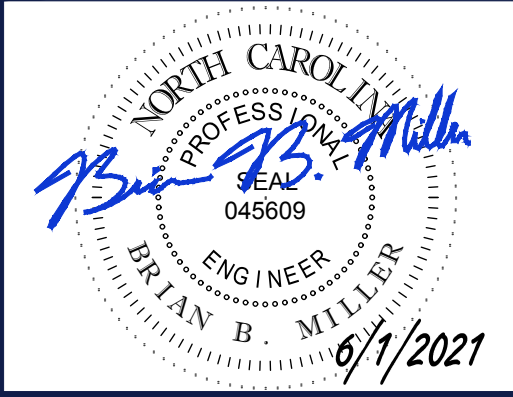
MCDONALD
DEVELOPMENT

PROPOSED
DEVELOPMENT

HAMBRIGHT ROAD
HUNTERVILLE, 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

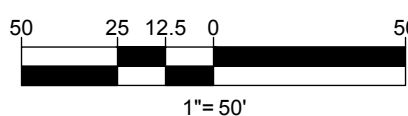
SHEET NUMBER

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 80 FEET ON CENTER. TREE PLANTING STRIPS AT PERMETER OF LOTS SHALL BE A MINIMUM OF 10 FEET IN WIDTH.	PROVIDED REQUIRED TREES: 23 CALCULATION: 897/4024.4 PROVIDED: TREES: 23 REQUIRED SHRUBS: 225 CALCULATION: 897/4+225.3 PROVIDED: SHRUBS: 225
ARTICLE 7.5 BUFFER YARDS	ANY PROPERTY ZONED C1, C8, OR SP ABUTTING STREET RIGHT-OF-WAY AND PROPERTY LINES.	SEE PLANS
ARTICLE 12 STREET TREES/INTERIOR LANDSCAPING	SPACING AND LOCATION OF STREET TREES STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7 FOOT PLANTING STRIP LOCATED BETWEEN THE EXISTING STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS: (A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40 FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS. (B) SMALL MATURING "CANOPY" TYPE TREES SHALL BE PLANTED 30 FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES. (C) FOR PROPERTY LOCATED ON A MAJOR OR MINOR THOROUGHFARE, EXCLUDING THE TOWN CENTER TO ZONING DISTRICT, AN ADDITIONAL ROW OF STREET TREES ARE REQUIRED TO BE LOCATED BEHIND THE PROPOSED SIDEWALK IN A 10-FOOT LANDSCAPE EASEMENT TO BE RECORDED ON A PLAN OF RECORD PRIOR TO ISSUANCE OF A BUILDING PERMITS. THE INTERIOR ROW OF TREES SHALL BE STAGGERED FROM THE TREES PROVIDED WITHIN THE RIGHT-OF-WAY.	INTERNAL LANDSCAPING REQUIRED TREES: 48 CALCULATION: 1908/40+47 PROVIDED: INTERIOR TREES: 53 PROVIDED: STREET TREES: 53
ARTICLE 14 TREE PRESERVATION, PROTECTION & REMOVAL	30% SPECIMEN TREE SAVE REQUIRED PER TABLE 7.2(a) OF ARTICLE 7.4	EXISTING SPECIMEN TREES = 16 15 + 3 = 18 SPECIMEN TREES REQUIRED 5 TREES PROVIDED

LANDSCAPE SCHEDULE							
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.	SIZE	Remarks
OVERSTORY TREES							
	GTPL	47	<i>Clodia incanthos</i>	Thomson Honey Locust	2.5" CAL	B+B	12-14 HT Full Central Leader
	QJPA	95	<i>Quercus pilulifera</i>	Pin Oak	2.5" CAL	B+B	12-14 HT Full Central Leader
SUBTOTAL:		137					
UNDERSTORY TREES							
	CO2P	23	<i>Cornus canadensis 'Forest Pantry'</i>	Forest Pantry Dogwood	2" CAL	B+B	8-10 HT Full
	LIST	27	<i>Liquidambar styraciflua 'Tussock'</i>	Tussock Tree	1" CANES	B+B	8-10 HT Full 3-5 canes
SUBTOTAL:		50					
EVERGREEN TREES							
	CSJA	6	<i>Cryptomeria japonica</i>	Cryptomeria	2" CAL	B+B	8 HT Full
	ILMS	3	<i>Ilex x 'Nellie R. Stevens'</i>	Nellie Stevens Holly	2" CAL	B+B	8 HT Full TO GROUND
SUBTOTAL:		9					
SHRUBS							
	HPLL	10	<i>Hydrangea paniculata 'Little Lime'</i>	Little Lime Hydrangea	N/A	3 GAL	24" HT Full
	ILGS	10	<i>Ilex glabra 'Shamrock'</i>	Shamrock Holly	N/A	3 GAL	18" HT Full
	LJAP	111	<i>Ligustrum japonicum</i>	Washed Ligustrum	N/A	3 GAL	24" HT Multi Trunk
	LOCR	112	<i>Loquatium chinensis 'Ruby'</i>	Ruby Loquat	N/A	3 GAL	24" HT Full
	RKEN	142	<i>Rhododendron x 'Encom'</i>	Encom Azalea Variety	N/A	3 GAL	32" HT Full
SUBTOTAL:		385					



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SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

NORTH CHASE AT THE PARK
BUILDING 100
HUNTERVILLE, NORTH CAROLINA



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

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

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

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

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

DATE, TIME AND FORMAT OF MEETING:

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

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

MEETING PARTICIPATION:

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

SUMMARY OF PRESENTATION/DISCUSSION:

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted this 23th day of July 2021.

cc: Brad Priest, Huntersville Planning Department

Exhibit A

PARCEL_ID	OWNER_N	MAILING_	CITY	STATE	ZIP_CODE	PROPERTY_Zoning
01740105	BURKERT S	11425	HUNTERSV	NC	28078	11425 MT CB
01701108	HIGH STAN	10204	HUNTERSV	NC	28078	10204 HAN R
01740104	SPORTS VII	16930 W	CORNELIU	NC	28031	10701 HAN SP(CD)
01740103	ADE 883 LL	3715	ATLANTA	GA	30327	HAMBRIGI CB
01722108	ADE 859 LL	3535	MARIETTA	GA	30062	PATTERSO CB
01740102	PONCE, AN	10325	HUNTERSV	NC	28078	10325 HAN CB
01703207	HOFER, RI	136 TWIN	NEWPORT	VA	23608	10516 HAN R
01703210	HOFER, 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	HOFER, RI	136 TWIN	NEWPORT	VA	23608	10516 HAN	NA	6503	270	3.89 AC
01703210	HOFER, 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 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

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

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

HOA From Staff Compared to 2000 Feet Buffer Deed CSV Results

TBD by Brittany

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

Exhibit B

June 29, 2021

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

VIA US MAIL

NOTICE TO INTERESTED PARTIES OF REZONING COMMUNITY MEETING

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

Dear Huntersville Neighbor:

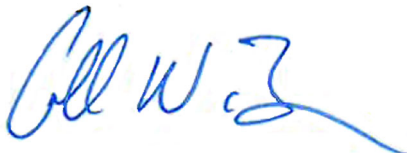
Our firm represents McDonald Development Company (the "Petitioner") in their evaluation of a potential rezoning request to modify the buffer requirements with alternative landscape plantings along Hambright Road as related to a warehouse/distribution development project. The alternative proposal would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

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

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

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

Sincerely,



Collin W. Brown

Exhibit C

Participants (17)

Find a participant

Brittany Lins (Host, me)



CB

Collin Brown



CB

Collin Brown (audio)



TW

Tracy White



AH

A Hofler



AP

Angelo Ponce



BM

Bob McLeod



BM

Bob McLeod



BP

Brad Priest



CG

Catherine Graffy



DB

Dan Boone



DN

Diann Norwood



FG

Frank Gammon



LT

Lisa Tucker



NW

Nick Walsh



RH

Richard Hofler



LT

Lisa Tucker



Exhibit D



REZONING PETITION #R21-10

NORTH CHASE AT THE PARK

MCDONALD DEVELOPMENT CO.

Official Community Meeting
July 19, 2021

Alexander
Ricks
PLLC

MEETING AGENDA

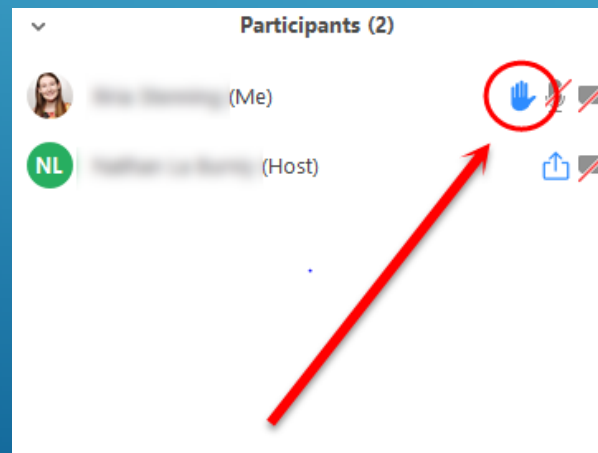
- **Introductions**
 - **Property Location**
 - **Development Considerations**
 - **Current Zoning**
 - **Proposed Adjustment**
 - **Example Rendering**
 - **Potential Rezoning Timeline**
 - **Questions/Discussion**
- 
- A series of several thin, white, parallel diagonal lines extending from the middle-right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

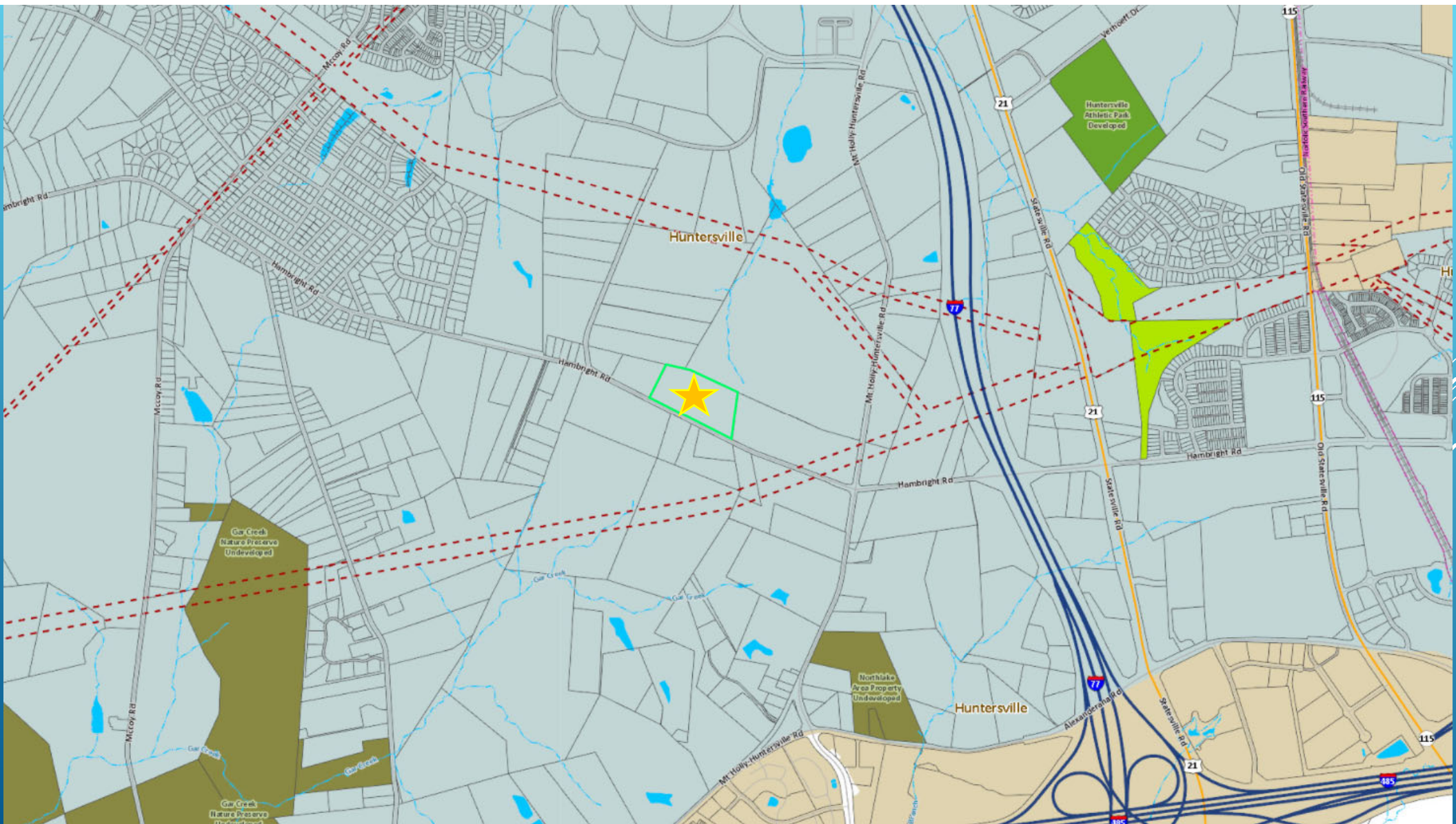


Brian Miller,
Steven Singleton

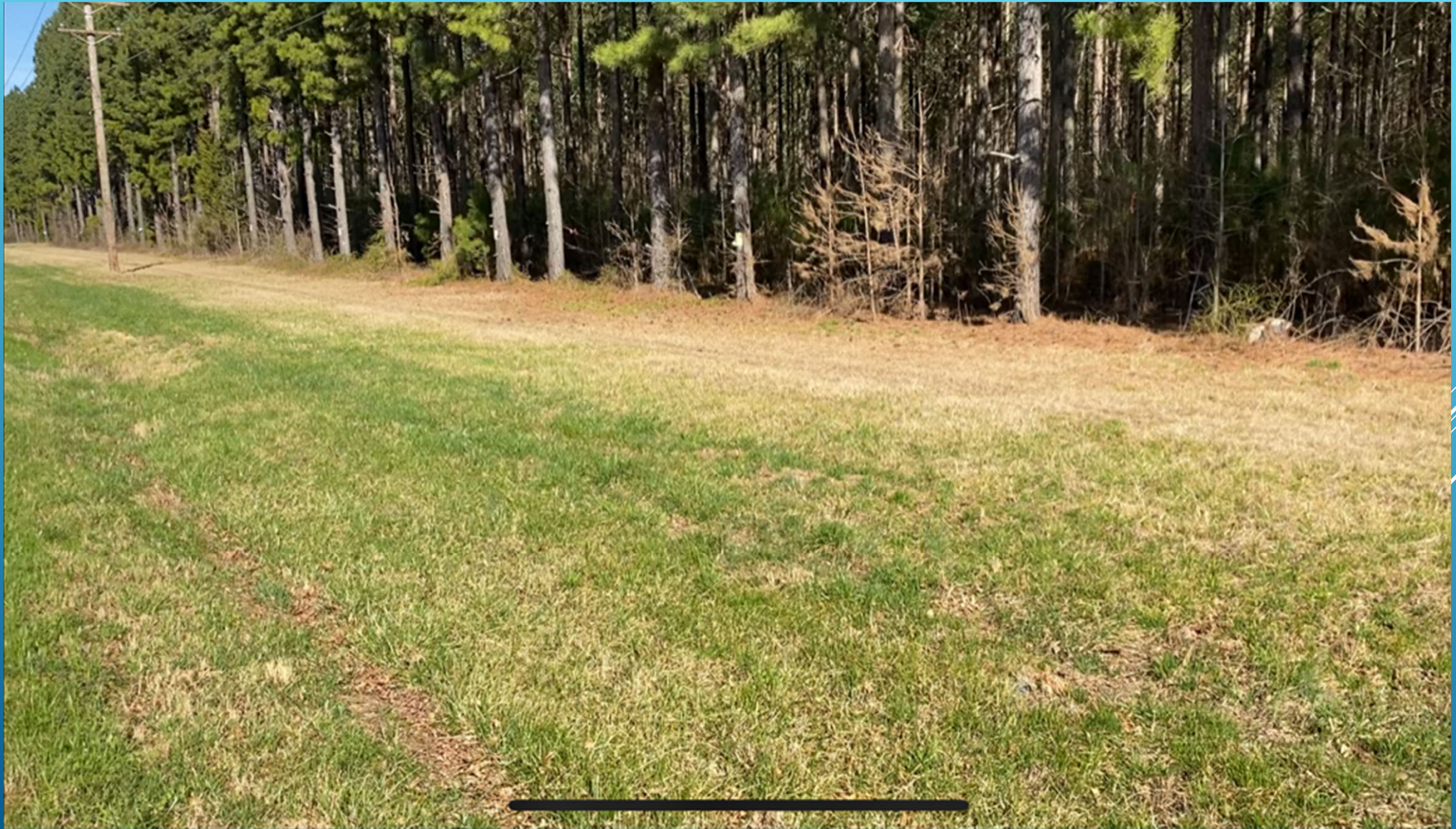


Collin Brown,
Brittany Lins, &
Lisa Tucker

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

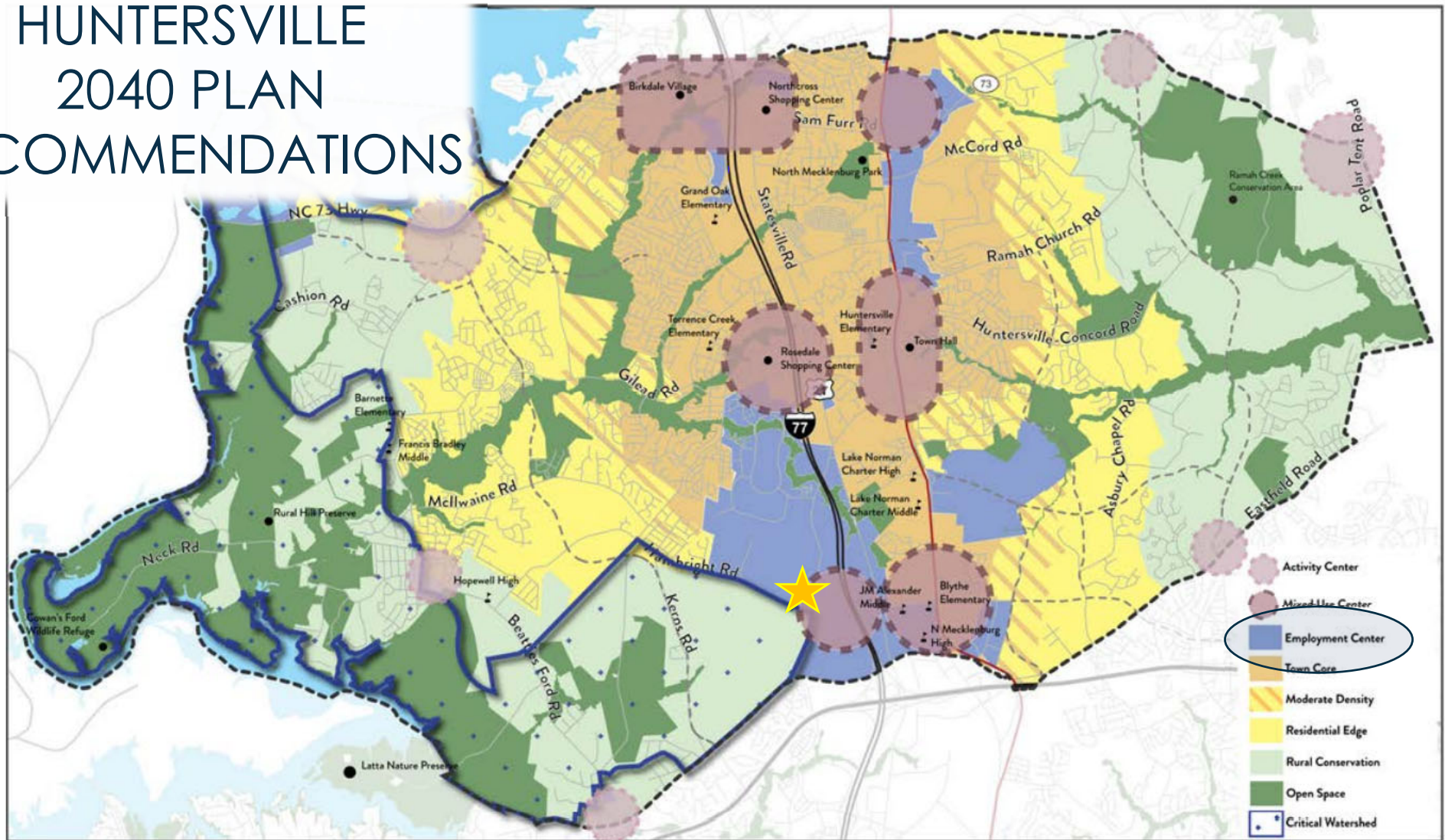


CURRENT ZONING

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

TOWN OF HUNTERSVILLE FUTURE LAND USE MAP

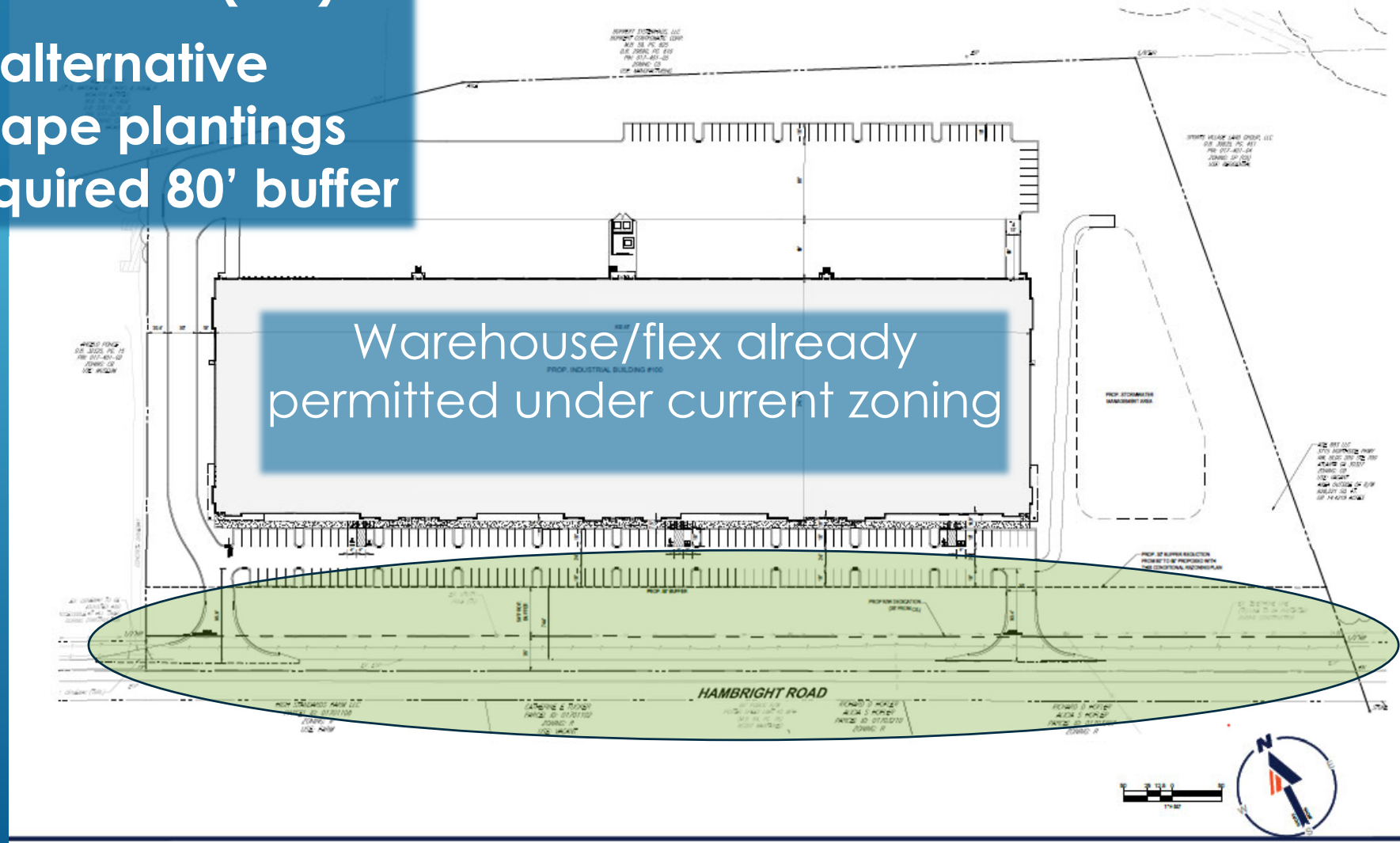
HUNTERSVILLE 2040 PLAN RECOMMENDATIONS



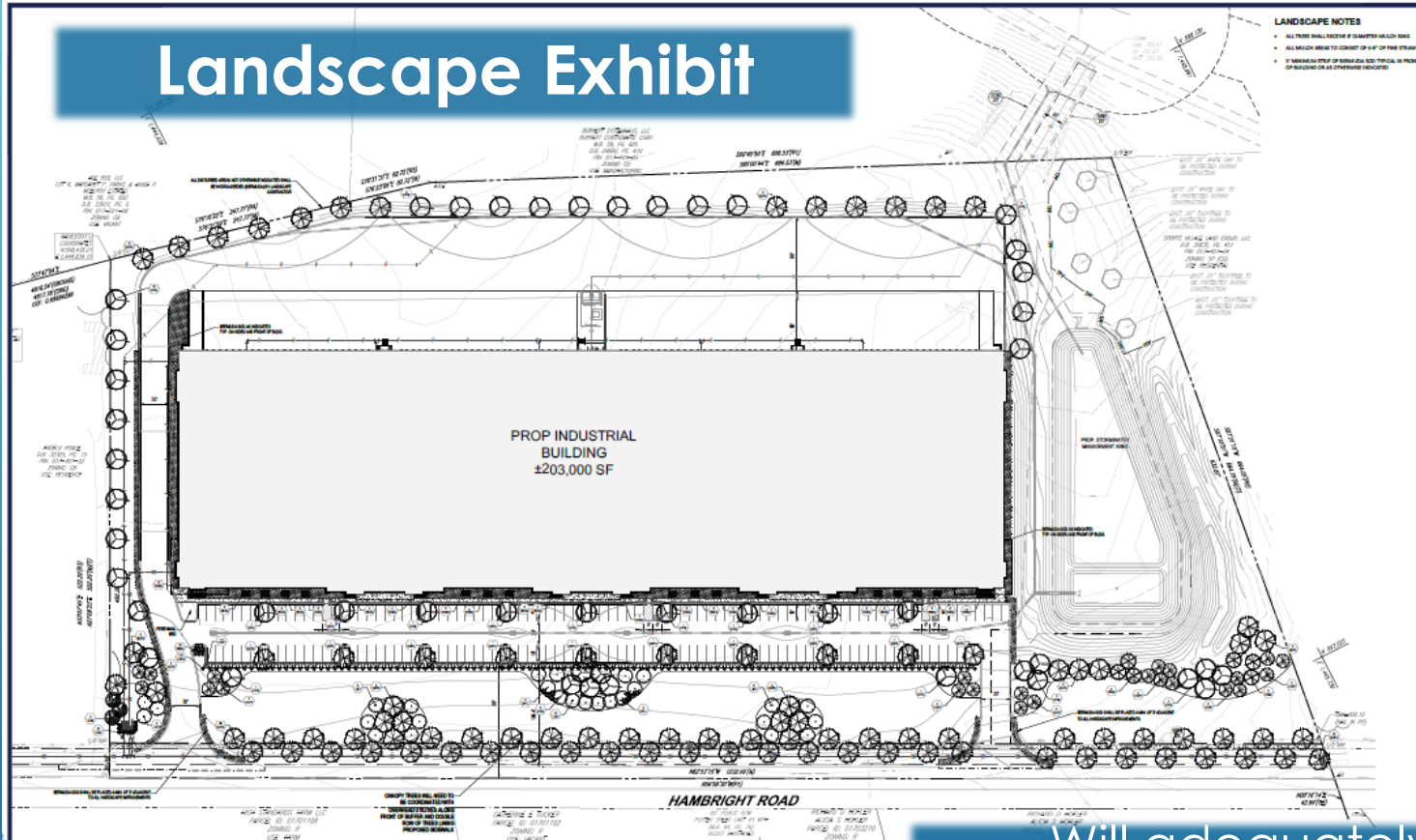
REZONING REQUEST

Conditional CB(CD)

For alternative
landscape plantings
within required 80' buffer



Landscape Exhibit



LANDSCAPE NOTES

- ALL TREES SHALL RECEIVE 8" DIAMETER MULCH BARS
- ALL MULCH BARS TO CONSIST OF 4" OF PINE STRAW
- IF REMOVAL OF EXISTING TREES IS NECESSARY, THE REMOVAL SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

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

REVISIONS			
REV	DATE	COMMENTS	BY

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

ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT No.: 180200000000000000
DESIGNED BY: CH
DATE: 01/15/2019
CITY: HUNTERVILLE, IN

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

FOR: **MCDONALD DEVELOPMENT**

PROPOSED DEVELOPMENT
HAMBRIGHT ROAD
HUNTERVILLE, IN

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

SEAL
NORTH CAROLINA
Professional Engineer
No. 180200000000000000
J. L. S. MALL
6/16/2020

SHEET TITLE

LANDSCAPE PLAN

SHEET NUMBER

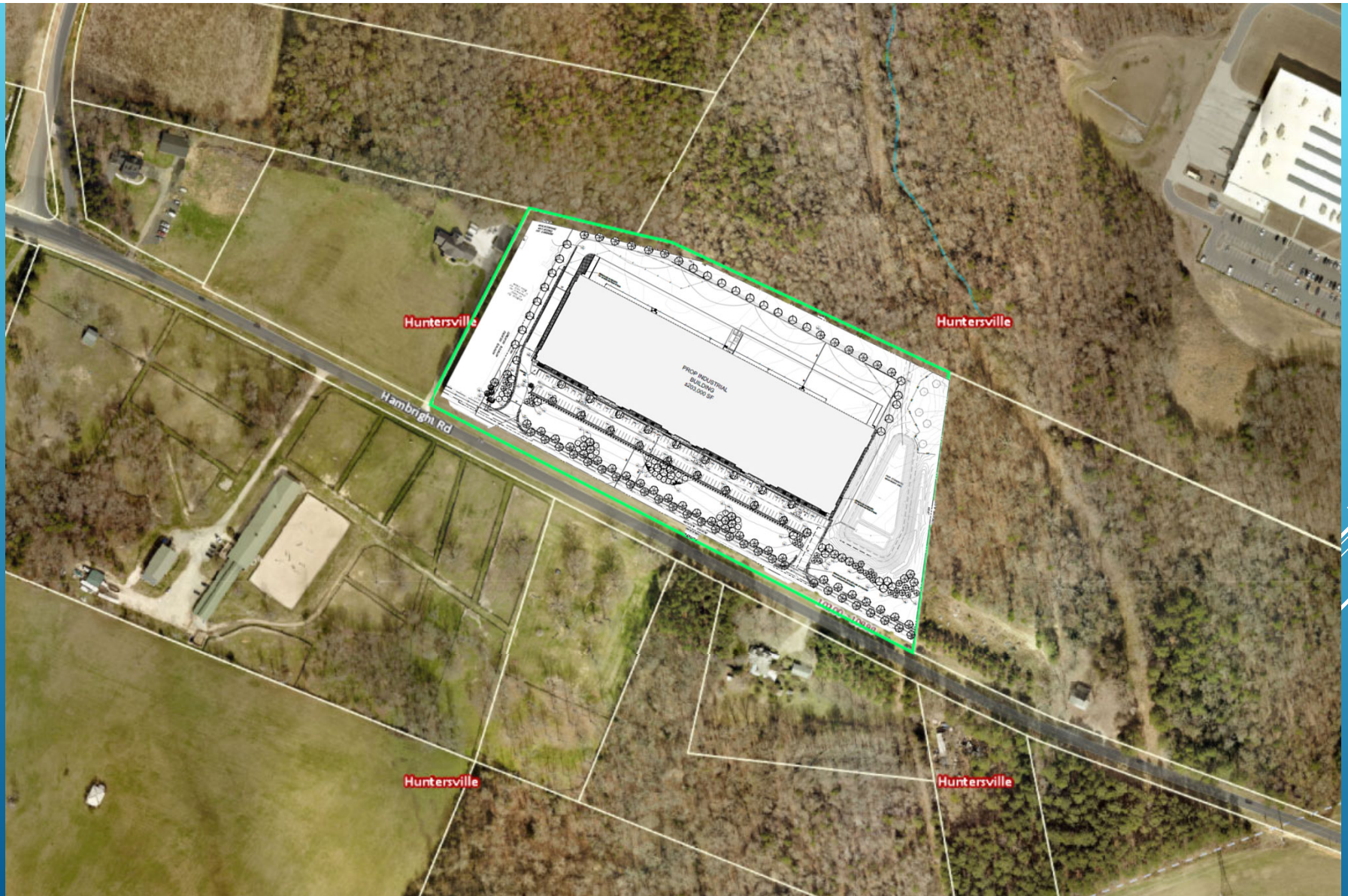
RZ - 4

ORG. DATE - 3/1/2019

LANDSCAPE SCHEDULE			
SYM	QTY	SYMBOL NAME	COMMON NAME
101	1	Small Tree	Small Tree
102	1	Medium Tree	Medium Tree
103	1	Large Tree	Large Tree
104	1	Shrub	Shrub
105	1	Flowering Shrub	Flowering Shrub
106	1	Groundcover	Groundcover
107	1	Grass	Grass
108	1	Water Feature	Water Feature
109	1	Lighting	Lighting
110	1	Signage	Signage

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

TOWN OF HUNTERVILLE LANDSCAPE REQUIREMENTS		
SECTION	REQUIREMENTS	COMMENTS/NOTES
1. GENERAL	ALL LANDSCAPING SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS: ALL PLANTINGS SHALL BE PROVIDED WITH MULCH BARS AND MULCH. MULCH BARS SHALL BE 8" IN DIAMETER AND 4' LONG. MULCH SHALL BE 4" DEEP. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG.	
2. PLANTINGS	ALL PLANTINGS SHALL BE PROVIDED WITH MULCH BARS AND MULCH. MULCH BARS SHALL BE 8" IN DIAMETER AND 4' LONG. MULCH SHALL BE 4" DEEP. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. PLANTINGS SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG.	
3. WATER FEATURES	ALL WATER FEATURES SHALL BE PROVIDED WITH MULCH BARS AND MULCH. MULCH BARS SHALL BE 8" IN DIAMETER AND 4' LONG. MULCH SHALL BE 4" DEEP. WATER FEATURES SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. WATER FEATURES SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. WATER FEATURES SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG.	
4. LIGHTING	ALL LIGHTING SHALL BE PROVIDED WITH MULCH BARS AND MULCH. MULCH BARS SHALL BE 8" IN DIAMETER AND 4' LONG. MULCH SHALL BE 4" DEEP. LIGHTING SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. LIGHTING SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. LIGHTING SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG.	
5. SIGNAGE	ALL SIGNAGE SHALL BE PROVIDED WITH MULCH BARS AND MULCH. MULCH BARS SHALL BE 8" IN DIAMETER AND 4' LONG. MULCH SHALL BE 4" DEEP. SIGNAGE SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. SIGNAGE SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG. SIGNAGE SHALL BE PROVIDED WITH 1" DIAMETER STAKES AND 4' LONG.	



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

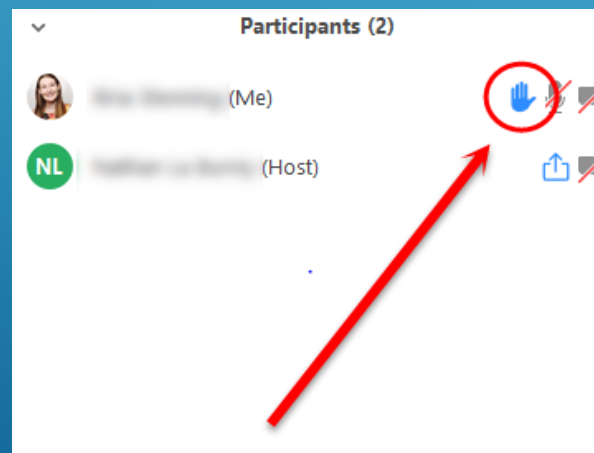
- Filed Application: June 1st
 - Community Meeting: TODAY
 - Earliest Possible Public Hearing: September 7th
 - Planning Board Meeting: September 28th
 - Earliest Possible Decision: October 18th
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner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

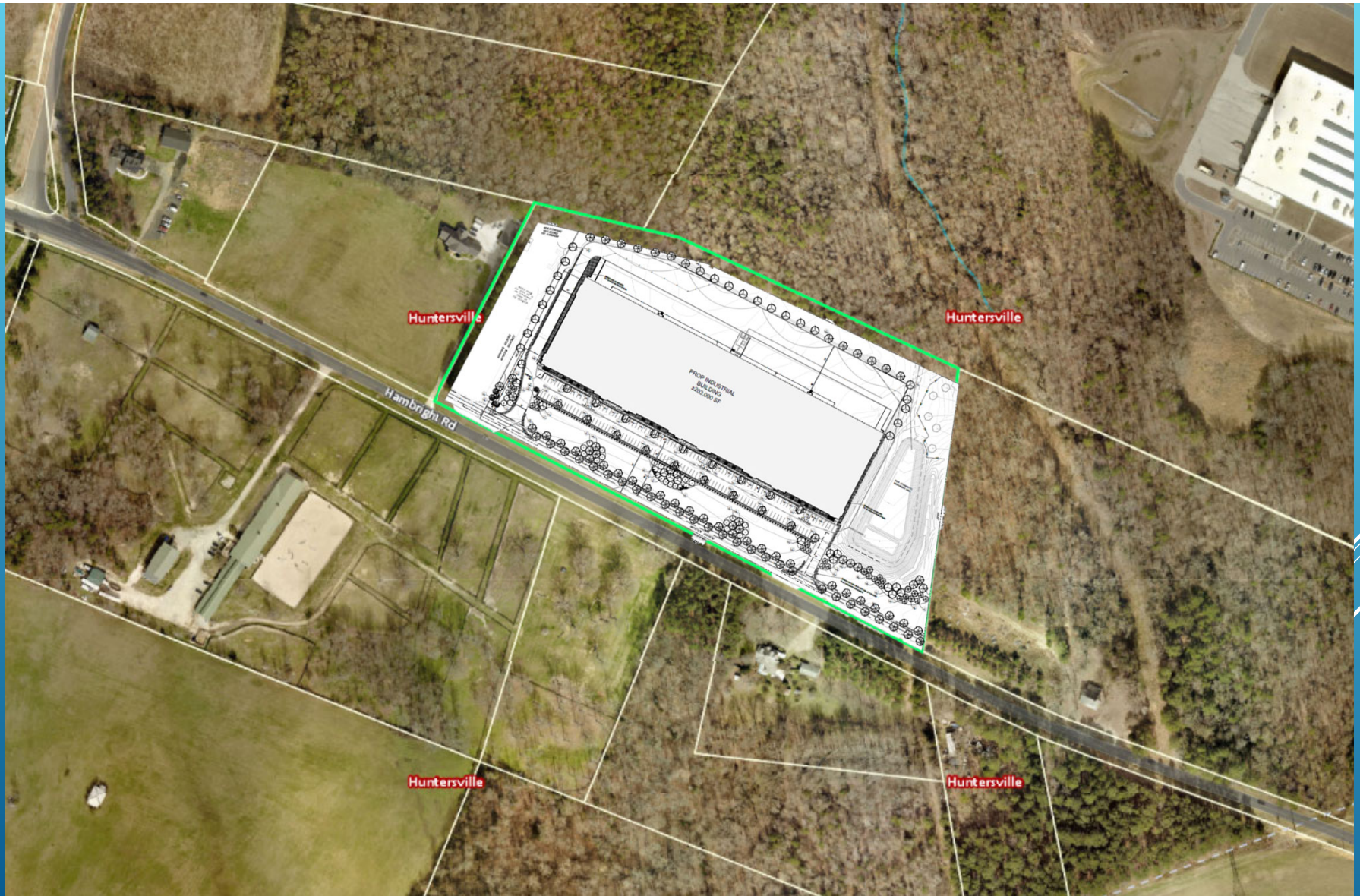
QUESTIONS & DISCUSSION

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: _____

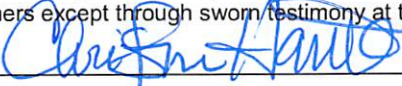
Title _____ Email _____

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
February 7, 2022**

To: Town Board

From: Bobby Williams

Date: February 7, 2022

Subject: Interlocal Tax Collection Agreement with Cabarrus County

EXPLAIN REQUEST:

This item is an interlocal agreement, similar to the one we have with Mecklenburg County, for the collection of taxes for Huntersville parcels in Cabarrus County. The Town will compensate Cabarrus County a fixed rate of \$2.00 for each Town bill generated by the County. The recently approved R21-03 Skybrook Billings rezoning will add approximately 19 parcels to the Town within Cabarrus County. Cabarrus County commissioners will be voting on this interlocal this month.

ACTION RECOMMENDED:

Consider Adopting Interlocal Agreement

FINANCIAL IMPLICATIONS:

A rate of \$2 per tax bill to Cabarrus County for the collection of revenue from taxes associated with development of recently annexed Town parcels located in Cabarrus County.

ATTACHMENTS:

1. Interlocal Tax Collection Agreement Eff 7-1-2021-FINAL
2. Map - Area in Yellow Annexed from Cabarrus County

**STATE OF NORTH CAROLINA
COUNTY OF CABARRUS**

**INTERLOCAL TAX
COLLECTION AGREEMENT**

This **INTERLOCAL TAX COLLECTION AGREEMENT** ("Agreement"), is made and entered into by and between the **TOWN OF HUNTERSVILLE** ("Town") and **CABARRUS COUNTY** ("County") for the collection of certain of the Town's tax revenues by the County.

RECITALS

1. Pursuant to Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes and N.C. Gen. Stat. § 153A-445(a)(1), the Town and County are permitted to enter into an undertaking for the exercise by one unit of local government of the tax collection function of another unit of local government.

2. The Town Council and the County Board of Commissioners have found and determined that it is in the public benefit and interest to have the County Tax Administration Department undertake to collect certain of the Town's tax revenues on the Town's behalf.

3. The Town Council and the County Board of Commissioners have by separate duly enacted resolutions made the above determination and have authorized the provisions and execution of this Agreement.

In consideration of the above Recitals and the Provisions contained below, which the parties agree constitute sufficient consideration to make this Agreement legally binding and enforceable, the parties agree as follows.

PROVISIONS

1. Listings, Assessing, Billing and Collections of Town Taxes Fees and Assessments: The County shall serve as the tax collector for the Town in the listing, assessing, billing and collection of ad valorem taxes, including any liens statutorily authorized to be collected in the manner of ad valorem taxes, special assessments and special district levies beginning with the fiscal year which commences on July 1, 2021. The County shall also be responsible for the collection of any delinquent taxes including any liens statutorily authorized to be collected in the manner of ad valorem taxes, special assessments and special district levies for any years prior to the commencement date of this Agreement, except for any foreclosures filed prior to July 1, 2021, which will continue to be handled by the Town until completed. The Town agrees to fully cooperate with the County in the listing, assessing, billing and collection process, including assistance in determining situs issues and in discovering property which should have been listed for taxation pursuant to N.C. Gen. Stat. § 105-312.

2. Existing Payment Agreements to be Honored: The County agrees to honor and abide by the terms all existing Payment Agreements entered into by and between the Town and any taxpayer.

3. Motor Vehicle Taxes and Other Obligations: The County shall not be responsible for collection of Town motor vehicle taxes and fees, unless requested by the Town for collection

of such taxes which are past due and arose prior to the present State collection system tied to registration of the motor vehicle.

4. County Authority: The County shall have all of the authority as set forth in the Machinery Act (N.C. Gen. Stat. §§ 105-271 through 395.1) and other statutory provisions in the process of listing, assessing, billing and collecting Town taxes including any liens statutorily authorized to be collected in the manner of ad valorem taxes, fees and assessments. The Town hereby appoints the County Tax Administrator as its Tax Collector for portions of Huntersville located in Cabarrus County pursuant to the provisions of N.C. Gen. Stat. § 105-349, for so long as this Agreement is in full force and effect. The Town shall pay the cost of the premium for any additional bond required of the County Tax Administrator for the performance of these duties for the Town. The County Tax Administrator shall take the oath prescribed in N.C. Gen. Stat. § 105-349 and a signed copy shall be filed with the Town Clerk before any tax collection duties are undertaken under this Agreement.

5. Allocation of Receipts: At the end of each calendar month, the County will analyze the month's deposit of funds collected to determine the dollar amount of taxes, including prepaid taxes, which are allocable to the Town. On or before the fifteenth (15th) day of the next month, the County will transfer to the Town the Town's estimated share of the ad valorem taxes, including prepaid taxes. Upon the ultimate determination of the correct amount of taxes which have been prepaid, any excess prepaid taxes shall be immediately paid to the Taxpayer by the County from the prepaid account, and the balance of such taxes will be paid to the Town on the next deposit date. For fees and assessments other than ad valorem taxes, the County will transfer those collections to the Town on or before the 15th day of the next month after collection.

6. Priority of Allocation for Partial Payments: If a partial payment of a tax bill is made, the County will apply that payment in accordance with its standard priority schedule, unless the taxpayer specially directs that a partial payment be specifically applied. The standard priority schedule requires that out of pocket expenses of collection be satisfied first from the payment proceeds, then the interest and taxes be paid pro-rata based on the amounts owed to the Town and County. Any tax due to the Town after applying the priority schedule shall be deposited to the benefit of the Town in accordance with Paragraph 5.

7. Fees to be Paid by the Town to the County: The Town will compensate the County for the services provided in this Agreement on a fixed rate equal to Two and 00/100 Dollars (\$2.00) for each Town bill generated by the County, as of the date of such bill. If a separate bill is created for special assessments, the County will be entitled to be compensated in the amount of \$3.50 for each such bill generated by the County. The fee will be reviewed on or about January 1 of each year, beginning with January 1, 2023. The Town will be notified of the findings of each review and any change in the fee will be negotiated on an annual basis, beginning with the fiscal year commencing on July 1, 2023. All fees collected by the County for additional services such as garnishment, advertising and returned checks, shall be retained by the County. The County will bill the Town for all collection fees annually on or about September 1, beginning in the year 2022. All fees billed by the County will be paid by the Town before October 1, following the billing in September.

8. Allocation of Foreclosure Fees and Expenses. The Town retains the option to pursue separate tax foreclosure actions. If it utilizes the County to pursue tax foreclosure, the

parties shall split the court and service costs of the action equally and the attorney's fees of the County's foreclosure attorney. Such amounts shall either be billed or deducted from any payment or sale proceeds from the property.

9. Town Annexation: In the event the Town annexes property at any time other than July 1 of any year, the County will be responsible for collecting prorated taxes resulting from the annexation. The Town shall be responsible for notifying the County a reasonable time prior to any annexation in order to allow the County sufficient time to assess and bill the taxes resulting from the annexation and use its best efforts to not just annex a portion of an existing real property parcel.

10. Termination: The Town or the County shall have the right to terminate this Agreement effective July 1 of each year, beginning with July 1, 2022. The decision to terminate shall be made by the respective governing bodies of the Town and the County. Notice to terminate must be given in writing no later than March 31st or the obligations imposed on the parties under this Agreement shall remain in effect for another fiscal year.

11. Miscellaneous:

(a) All decisions involving exemptions and exclusions, refunds and releases, bankruptcies, discoveries, garnishments, attachments, and other collection proceedings are delegated by the Town to the County, although the County will reasonably consider any particular requests from the Town. The County agrees to use its best efforts in accurately listing, assessing, billing, and collecting the Town taxes, fees and assessments. The County will not be held to a higher standard for collection than it has for collecting County taxes.

(b) The Town shall adopt a resolution directing the Cabarrus County Tax Administrator to—

(1) Not collect the combined taxes and fees of the Town due on a tax receipt prepared pursuant to N.C. Gen. Stat. § 105-320 with a total original principal amount up to \$5.00, as authorized by N.C. Gen. Stat. § 105-321(f);

(2) Treat small underpayments of \$1.00 or less as fully paid and not to refund small overpayments of \$1.00 or less unless the taxpayer requests a refund of the overpayment before the end of the fiscal year in which the small overpayment is made, as authorized under N.C. Gen. Stat. § 105-357(c); and

(3) Not mail a refund of any overpayment if the refund is less than \$15.00 unless requested by the taxpayer, as authorized by N.C. Gen. Stat. § 105-321(g).

(c) This Agreement may be amended in writing at any time by mutual agreement of the parties.

IN WITNESS, the Town and County have duly approved this Agreement and authorized their respective officials to execute the same, as indicated below.

TOWN OF HUNTERSVILLE

By: _____
Mayor

ATTEST:

By: _____
Town Clerk

Date of Execution: _____

Approved as to Form

By: _____
Town Attorney

CABARRUS COUNTY

By: _____
Chair, Board of Commissioners

ATTEST:

By: _____
Clerk to the Board

Date of Execution: _____

Approved as to Form

By: _____
County Attorney

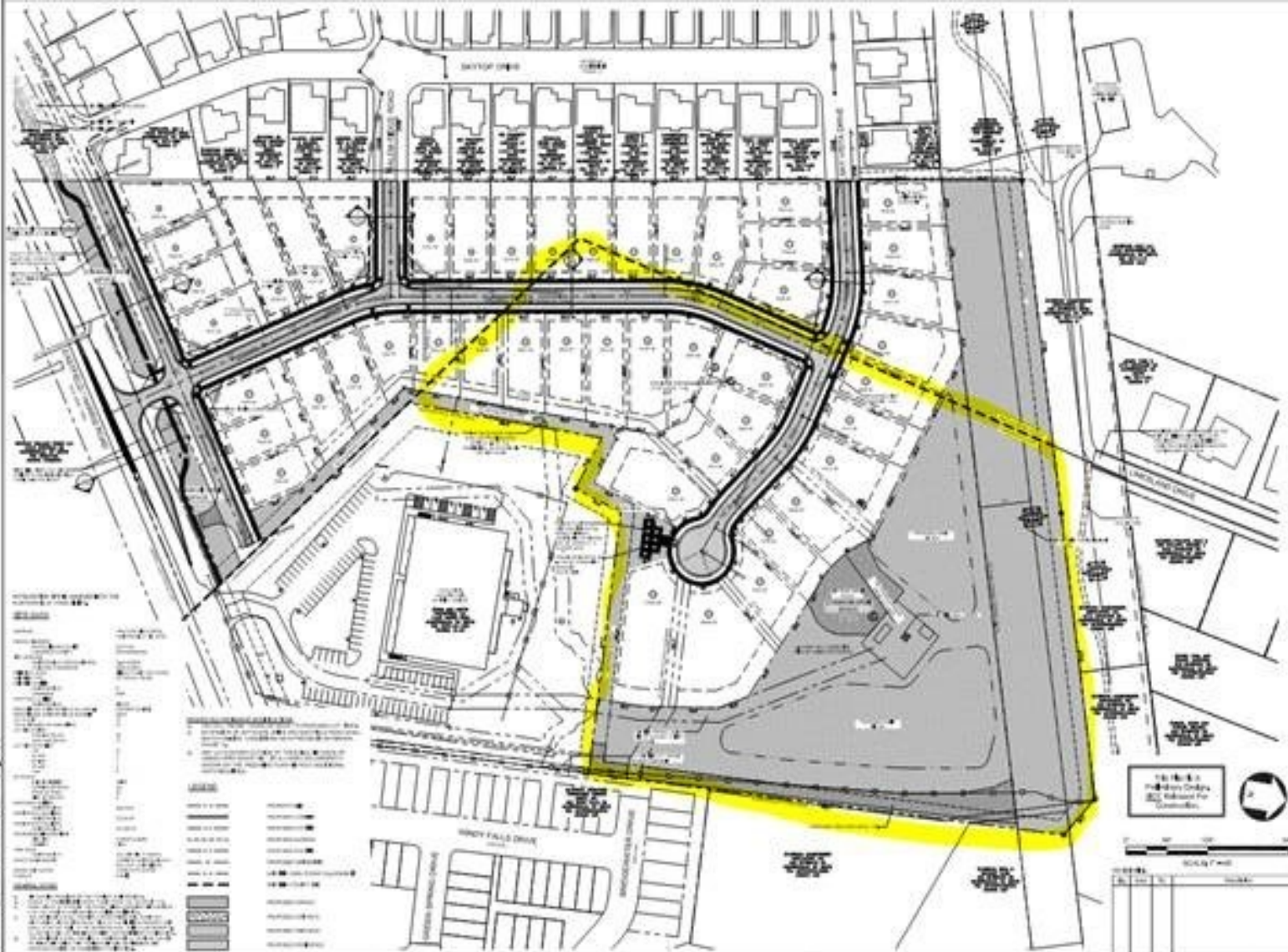
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
Town Finance Director

Date: _____

By: _____
County Finance Director

Date: _____



**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Bobby Williams

Date: February 7, 2022

Subject: Resolution Not to Bill or Collect Minimal Taxes

EXPLAIN REQUEST:

As mentioned in the interlocal agreement for tax collection from Huntersville parcels within Cabarrus County, this resolution states the Town's desire for the Tax Administrator of Cabarrus County not to collect taxes for which the cost of collection exceeds the amount collected.

ACTION RECOMMENDED:

Consider Adopting Resolution

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R-2022-06 Resolution Not to Bill or Collect Minimal Taxes



RESOLUTION NOT TO BILL OR COLLECT MINIMAL TAXES

WHEREAS, by resolution of the governing board, N.C.G.S § 105-321(f) authorizes the Tax Administrator to not to collect combined taxes and fees due on a tax receipt prepared pursuant to N.C.G.S. § 105-320 with a total original principal amount up to five dollars (\$5.00); and

WHEREAS, by resolution of the governing board, N.C.G.S. § 105-357(c) authorizes the Tax Administrator treat small underpayments of \$1.00 or less as fully paid and not to refund small overpayments of \$1.00 or less unless the taxpayer requests a refund of the overpayment before the end of the fiscal year in which the small overpayment is made; and

WHEREAS, by resolution of the governing board, N.C.G.S. § 105-321(g) authorizes the Tax Administrator to not mail a refund of any overpayment if the refund is less than \$15.00, unless requested by the taxpayer; and

WHEREAS, when collecting taxes on behalf of the Town of Huntersville (the "Town") pursuant to that Interlocal Tax Collection Agreement between the Town and Cabarrus County (the "County"), the Town of Huntersville Board of Commissioners (the "Town Board") desires to direct the County Tax Administrator not to collect taxes for which the cost of collection exceeds the amount collected.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In accordance with N.C.G.S § 105-321(f), the Town Board directs the County Tax Administrator to not to collect combined taxes and fees due on a tax receipt prepared pursuant to N.C.G.S. § 105-320 with a total original principal amount up to five dollars (\$5.00). This Order shall be recorded in the Mecklenburg County Register of Deeds.
2. In accordance with N.C.G.S. § 105-357(c), the Town Board directs the County Tax Administrator to treat small underpayments of \$1.00 or less as fully paid and not to refund small overpayments of \$1.00 or less unless the taxpayer requests a refund of the overpayment before the end of the fiscal year in which the small overpayment is made.
3. In accordance with N.C.G.S. § 105-321(g), the Town Board directs the County Tax Administrator to not mail a refund of any overpayment if the refund is less than \$15.00, unless requested by the taxpayer.

Ordered this 7th day of February, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Don Mitchell

Date: February 7, 2022

Subject: Declare Surplus Equipment

EXPLAIN REQUEST:

Request the board declare the existing 30/40/50 MVA transformer at the Town's delivery #3 substation as surplus and allow bids to be obtained to sell the transformer to the highest bidder.

ACTION RECOMMENDED:

Approve resolution declaring the transformer as surplus equipment.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. R-2022-05 Resolution to Declare Tranformer at Delivery #3 Substaiton Surplus



RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS AUTHORIZING SEALED BID SALE OF SURPLUS PROPERTY

WHEREAS, the Town of Huntersville owns a 30/40/50 MVA liquid filled, three-phase power transformer (the "Transformer"); and

WHEREAS, the Transformer is surplus property which the Town desires to sell; and

WHEREAS, N.C.G.S. § 160A-268 permits the Town to sell personal property by advertisement for sealed bids; and

WHEREAS, the Town of Huntersville Board of Commissioners (the "Town Board") now desires to authorize the sale of the Transformer by advertisement for sealed bids.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby declares the Transformer surplus property authorizes the sale of the Transformer pursuant to N.C.G.S. § 160A-268.
2. The Town will accept sealed bids for the property until 2:00 P.M., Tuesday, March 1, 2022. Bids shall be delivered to Southeastern Consulting Engineers, Inc., 600 Minuet Lane, Charlotte, North Carolina 28217, Attention: Mr. A.J. Molnar.
3. At 2:00 P.M., Tuesday, March 1, 2022, all bids received shall be opened in public and the amount of each bid recorded. The highest, responsive, responsible bidder shall be reported to the Town Board at their regular meeting on Monday, March 21, 2022.
4. The Town Board will award the purchase contract to the highest, responsive, responsible bidder at its regular meeting on March 21, 2022.
5. To be responsible a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid. A bid deposit may take the form of cash, a cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until sale of the Transformer is closed; if that bidder refuses at any time to close the sale, the deposit will be forfeited to the Town. The deposits of other bidders will be returned at the time the Town Board awards the property to the highest, responsive, responsible bidder.
6. This Resolution shall be published a minimum of seven (7) days prior to the opening of the bids in a newspaper of general circulation in the Town.
7. The Town reserves the right to withdraw the Transformer from sale at any time and the right to reject all bids.

Ordered this 7th day of February, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Brian Richards

Date: February 7, 2022

Subject: Call for Public Hearing - Petition #R21-17, Gilead Road Mixed-use

EXPLAIN REQUEST:

Consider calling a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #R21-17, a request by HFH Partners, LLC to rezone (+/- 3.8 acres) 202, 204, 206, 208 Gilead Rd from Neighborhood Residential District to Traditional Neighborhood Development Urban Conditional District for a mixed-use development (Parcel #s 01712112, 01712111, 01712110, 01712109).

ACTION RECOMMENDED:

Call for Public Hearing

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Kayleigh Mielenz

Date: February 7, 2022

Subject: Petition #TA21-15, Rooftop Amenity Spaces & Exceedance of Building Height

EXPLAIN REQUEST:

Call a public hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA21-15, a request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 8.7 Height Limitation, 12.2.1 General Definitions, 4 Apartment Building Type & Shopfront Building Type, 7.10 Open Space, and 7.11 Urban, Agricultural, Common, Natural, & Recreational Open Space to allow and place standards for Rooftop Amenity Spaces to exceed the maximum building height.

ACTION RECOMMENDED:

Call Public Hearing.

FINANCIAL IMPLICATIONS:

n/a

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Kayleigh Mielenz

Date: February 7, 2022

Subject: Call for Public Hearing - Petition #TA22-01, Down-Zoning

EXPLAIN REQUEST:

Call a Public Hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA22-01 Down-Zoning, a request by the Town of Huntersville Planning Department to amend Articles 11.4.3(a) Initiation, 11.4.9 When Development Not Begun Within 3 Years, and 12.2.1 General Definitions of the Zoning Ordinance to clarify the Down-Zoning definition and initiation of the process.

ACTION RECOMMENDED:

Call for Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Jack Simoneau

Date: February 7, 2022

Subject: Call for Public Hearing - Petition #TA 22-02, Limit Attached Housing at Transit Stations

EXPLAIN REQUEST:

Call a Public Hearing for Monday, March 7, 2022 at 6:00 p.m. at Huntersville Town Hall or virtually on Petition #TA22-02, a request by the Town of Huntersville Town Board to amend Zoning Ordinance Articles 3.2.4(d)(4) , 3.2.5(d)(4), 3.2.6(d)(4) and 3.2.7(d)(4) to remove a provision allowing over 30% attached housing at designated transit stations in the Neighborhood Residential, Neighborhood Commercial, Town Center, and Highway Commercial zoning districts.

ACTION RECOMMENDED:

Call public hearing.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 7, 2022**

To: Town Board

From: Janet Pierson

Date: February 7, 2022

Subject: Approval of Minutes - January 18, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the January 18, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. 011822DraftForBoard

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 18, 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, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the pre-meeting to order.

Update and Discussion – Quasi-judicial Process. Jack Simoneau, Planning Director, presented PowerPoint presentation on reducing quasi-judicial decisions. *PowerPoint attached hereto as Exhibit No. 1.* If the Board wants to do the text amendment, it is already drafted.

Mayor Bales said is one of the reasons that you are recommending it just go to staff approval is because it's kind of black and white, it either meets the criteria or it doesn't.

Mr. Simoneau said that's correct, and that's consistent with what the School of Government recommends, but in the statutes it does say in 160D-803, the final decision of a subdivision plat is administrative, but the decision may be assigned.

Mayor Bales said if we were to leave it where the decision was made by the Town Board, it would be just a regular decision, it would no longer be quasi-judicial, correct?

Mr. Simoneau said correct.

Mayor Bales said is there still the opportunity to have any conversation about modifications at that point?

Mr. Simoneau said all the requirements would be black and white.

Commissioner Boone said if you will go to the slide that says Sample. Number 2, the second sentence, "the entire neighboring area." What does that exactly mean? Who's measuring that area?

Mr. Simoneau said it's not specific. In this particular case of this example, we didn't just say just the adjoining property owner, we were kind of looking at this whole area. Anybody around in here doesn't have to be immediately adjacent, so that's how I would answer your question. It doesn't have to be adjacent, but it has to be in proximity to it and that's part of that subjectivity standards that the state says when you've got something like that you need to go into the quasi-judicial process.

Commissioner Boone said my second question is if somebody wants a block length waiver, staff makes that decision now?

Mr. Simoneau said the answer would be no. What we would do is we would recommend that the Town Board still maintain the power for modification of the traffic impact or if somebody wants a modification of a block length. Today we'd just call it a modification of the block length and the Town Board specifically authorized what we would probably do is say if you don't meet the block length, you've got to get a variance through the Town Board. That could be up for discussion, but that would be our recommendation. If somebody doesn't meet the black and white standards, we would recommend coming through this process to the Town Board.

Commissioner Boone said my final question is concerning the neighborhood meetings. Could a commissioner be involved in that and talk to the residents and citizens and developers?

Mr. Simoneau said absolutely. If the Town Board makes a decision on it, it's administrative. When you go to a neighborhood meeting, if we go to all objective standards and the Town Board is the final decision maker, the Town Board can speak with anyone at any time. There is absolutely no prohibition of talking to anybody about anything, if we do the all objective standards.

Commissioner Kidwell said some things you did answer. I was concerned who gave direction on this goal. You told me it was the previous board. I think that puts the newest board members at a disadvantage. None of this information was in our packet. When I emailed the Town Clerk about it, she said none of this information was given in the packet and the fact that we've been, as a Town, working on this for over a year and no information was disseminated to us to review prior to this pre-meeting is a disadvantage. This is the second meeting in a row where we've had stuff not out with our packets and it's not right. We cannot be expected to have good communication without having all the information presented to us prior to our review over the weekend. You have some things that you brought up here that I can't get behind. The words recommend, may, should, optional, I think this is putting more power into staff's hands, taking more out of the Town Board's hands. We were elected to make these decisions. We were elected to listen to the citizens, and I think this started last year by a different board who may or may not have had the intention of getting the heat off their shoulders for neighborhoods and for any type of adjustments to a neighborhood, but I cannot get behind this. What does this do to the Board of Adjustment because they handle most of the quasi-judicial? Is this eliminating them? Is this kicking them out?

Mr. Simoneau said this does in no way, shape or form affect the Board of Adjustment. In Huntersville, the Board of Adjustment still hears appeals, interpretations, and variances from the Zoning Ordinance in a quasi-judicial setting. In the Town of Huntersville for subdivisions, the Town Board stands in quasi-judicial hearing for any subdivision approval and also any appeals, variances, interpretations with the Subdivision Ordinance. If this change occurred, our Board of Adjustment would not be affected in any way, shape or form. They will still have the duties that they have always had. With respect to the information not getting it ahead of the meeting, I absolutely concur. There's a lot of information here and so it would be my hope that we could possibly talk about this at the retreat and I believe somebody did put this in there so we could provide you with this PowerPoint, as well as the entire proposed subdivision text amendment for discussion. This is a lot of information and you haven't even seen the text amendments and the language that's being proposed, so I concur with that. I think, and I'll let the other existing Board members that have been previous Board members, speak in terms of why this was a priority. I think that there was frustration that no Board member can talk to a citizen, staff or an

applicant about subdivisions unless it was under sworn testimony, even though people want to talk to you, and I think that was part of the frustration. I think that the Board members that are sitting Board members might be surprised that the text amendment, being administrative in nature, is being proposed to just be staff approval, because I don't believe they were trying to not have ultimate decision making, but I will say that they have expressed frustration for a number of years of not being able to talk to people about these projects.

Mayor Bales said I would also say, I don't necessarily see our new Board members at a disadvantage. This is the first time any of us are seeing it. That being said, I think this is the first step in wading through and seeing what changes do we want to make or do we not. Do we want to leave it alone? I do believe that Mr. Simoneau is correct, there has been a lot of frustration on behalf of the boards for a number of years over not being able to talk with anyone in regards to a quasi-judicial matter that's coming before the Board, but we can't have any dialogue amongst each other, can't have dialogue with any staff, any member of the community until members are sworn in and so I think that was kind of the lay of the land in what has brought us to this point. I don't necessarily see anyone at a disadvantage because we are all kind of getting this information together at the same time.

Commissioner Kovacs said I just kind of need more time with all of this information and while I love the idea of being able to speak to residents, I also don't want to lose the ability to vote on it to be able to so. I just want to be able to look at this more and have more time. I like the idea of talking about it at retreat.

Mayor Bales said I agree with you as well. I think that this is going to be an item that we do need to spend some time on at retreat.

Commissioner Munger said do developers have a preference on a sketch plan versus a preliminary plan? I know sometimes the feedback we get takes a long time to get things done, so they may be in favor of preliminary plan. I'm just curious if they had any feedback specific.

Mr. Simoneau said I'm not a developer, but I'm going to tell you, I suspect if you asked 100 developers would you want to do a sketch plan then preliminary or just go right to preliminary, they'd prefer to go to preliminary because it alleviates a step. As I say in the advantages and disadvantages, and I've worked in a community where we went right to preliminary plat, and when the staff is handed a stack of plans that are fully engineered and something doesn't meet something, to un-do that I have found it to be quite contentious because it cost a lot of money to go through that process, so that's when you saw these other communities that even though it's an administrative approval, they still have the developer go through a subdivision sketch plan process with the exception of Charlotte that recommends it and Concord that just lets somebody go right to preliminary.

Commissioner Munger said on the preliminary plan, the expense is on the developer, it's not on staff or the Town in any way. Is that correct?

Mr. Simoneau said that's correct.

Commissioner Munger said you had mentioned no room for quality choices or discretion, and I believe you kind of clarified that. Does it meet the standard yes or no? If it's yes, we must vote yes. Is that pretty much what you are saying there?

Mr. Simoneau said yes, that's correct.

Commissioner Munger said one of the issues I always have with quasi-judicial is a lot of times, and I'll use the block length waiver specifically, when we have a quasi-judicial on a block length waiver there are a variety of things going on and everyone has an opinion about this aspect or that aspect of the development. The only thing we get to decide is whether or not there will be a block length waiver and that is my source of frustration. I can't look at anything else that anyone wants to talk about. It's block length waiver or not, yes or no, and that's the nature of quasi-judicial that frustrates me.

Commissioner Partee said as you know I previously sat on the Planning Board and I sometimes wondered why certain sketch plans that have been fully engineered or fully examined by your staff, of course you are the engineers that we hire to monitor and also to look over these plans that come before us. Why does the Planning Board have to sort of check your work? I think in the interest of trying to speed up the process, there are certain plans that can just go directly to the Town Board and not through the Planning Board, but here again I'm looking forward to discussing more and learning more as we go into our retreat.

Commissioner Phillips said the reason that this was a thing is quasi-judicial has been a massive pain over the last two years for me. There was around this time last year a situation where a mother tried to speak and she was told that she was not an expert on her children's safety, which I thought was ridiculous. Another situation that bothered me was over Hope House. I recused myself because I have preconceived feelings, ideas and notions about homelessness, however the time went on and then it hit me, I was like if somebody has donated to a cause about homelessness, technically they too have a perceived feeling about the situation. There are other places and ones that just felt really ridiculous because who are we to tell someone in quasi-judicial that how they feel about something isn't actually a valid concern, so that was kind of the process and the starting. I think everybody on the previous board, we all had our own opinions and feelings about it, and how we got there it all kind of came to quasi-judicial is not really the right path, however I don't think any of us should be making decisions until we read the 50 plus pages, because there may be things in there that sneak up and concern each individual and I think all of our valid concerns should be taken into account while doing this, even if it is extra homework, that's what we are here to do. My two questions are how expensive are the changes for preliminary plans?

Mr. Simoneau said it just depends. When we get a preliminary plan drawing where a sketch plan might be 7 or 8 pages long, a preliminary plan can be 50-60 pages long with detailed designs on where the road is going and the steepness of the road and the construction of the road and the drainage of the road. If there's adjustments that have to be made, then basically all the work that's gone to show the slope and the construction etc. has to be put by the side and reengineered, so unfortunately I can't just say it's 10 percent or 50 percent of the cost or 12 percent of the cost. I was sharing with you an experience that I had when I worked in Greenville NC when there was a developer that goes through just preliminary plans and we saw it and it didn't meet standards, it was very difficult to get them to make changes because they had spent the money on the engineering work to be done and so they tried to look for ways to get around that and so unfortunately I'm not able to answer your question directly, but again it's just a function of what has to change to comply with the rules and it gets expensive when you make changes. If you look at the other communities, you will see that most of the other communities do the sketch plan and it's a great way to try to flush out any of the issues.

Commissioner Phillips said my second question is have we shared the 50 plus pages with any of the developers who have done projects like that in the last five years? I wonder if there is room to share

this with them to get their input, especially people who have done projects in multiple towns in our area so that way we kind of learn the best practices for everybody involved, not just for the Board.

Mr. Simoneau said to answer your question, no, the amendment has not gone out to anybody. The first people that will get it will be the Town Board. It will be public record and it makes total sense to talk to the development community. They have to be involved. We will have to have a public hearing. It is a 3-1/2 month process to do amendments, but I concur with you there needs to be a lot of communication with the development community about the changes that are happening because they are the ones that are affected by that.

Commissioner Phillips said yes, and I don't know if this is even possible, but could we include people who may have wanted to come to Huntersville for a project and then said the heck with you guys, I'm out, and went somewhere else, because I think learning from our mistakes is critical in this situation as well.

Mr. Simoneau said I haven't come across many that have just walked away, but I'm game for anything to share with whoever and you can learn from folks whether they have developed here or not developed here, they might have worked in other places that they have a great idea and so it needs to be open to everybody. I don't have a list of folks who have walked away, but I would certainly ask anybody that I know through the development community if there have been folks like that.

Mayor Bales said as we continue this conversation and we are talking sketch plan versus preliminary plan, I heard very loud and clear that the disadvantage is if a developer comes in and provides a preliminary plan and then this Board wants to go and negotiate with them to get something better, we may not have that option as a negotiating tool because they have spent the money. That's what I heard and you tell me if I'm off base.

Mr. Simoneau said I want to be clear on this, when you have objective standards, they will have to meet those standards. If we go right to a preliminary plan and not have a sketch plan, if it's not compliant, they would have to fix it and it will be their cost, so they have to comply with the rules. Why I put this up here was I wanted to share with you other communities. It would have been not correct for me to say you have to do a sketch plan because we've always done it, because if you look, most other communities are doing sketch plans, but you will notice in Charlotte they don't require it, but they recommend it, and in Concord they don't require it, and then again Cornelius is doing conditional rezonings, so it's a different process. I just want to be clear when we talk about go right to a preliminary plan and not have the sketch plan, they will have to comply, it will be the cost of the developer to make the change, but you don't have the ability to negotiate, because if they meet the black and white standards, they meet the black and white standards.

Mayor Bales said are there any other questions because if not, we do have another item on the agenda. We have about 15 minutes. I want to see if we could take a quick pause – do we want to go into closed session or if there's any other questions regarding this first. Let's wrap this one up first.

Commissioner Boone said I have some additional questions, but I can hold them until retreat because going back on my Planning Board experience, a sketch plan comes in by a developer and Town staff ends up doing the work for them and that's a whole different end to this conversation.

Mayor Bales said Mr. Roberts, 15 minutes, do we have enough time to cover our closed session or no.

Mr. Roberts said that may be tough and the only reason I say that is because we have to get off this, send you an email to log back in again and I don't know if Stephen is up and ready and we could get it done in literally 10 minutes because then we've got to get you back off and get back on the other call.

Mayor Bales said with that, Commissioner Phillips I think you can take care of making the changes to the agenda so that we can still have closed session at the end of the meeting.

Commissioner Phillips said I have the motion ready.

There being no further business, the pre-meeting as 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 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales, Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Bales

- Expressed appreciation to Town staff for their work during the snowstorm.
- Next Metropolitan Transit Commission meeting is January 26.
- Shared quotes from Martin Luther King, Jr.

Commissioner Boone

- Expressed appreciation to Town staff for their work during the snowstorm.

Commissioner Kidwell

- Next Charlotte Regional Transportation Planning Organization meeting is January 26. CRTPO opened public comment period for the Draft 2050 Metropolitan Transportation Plan, Revised 2020-2029 Transportation Improvement Program, 2045 MTP Amendments, and Draft Air Quality Conformity Determination Report.
- Communication Meeting is scheduled for January 24.
- Attended Huntersville Family Fitness & Aquatics meeting.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Munger

- Read yesterday that Martin Luther King, Jr. had an approval rating of 25 percent at the time of his passing. What that should tell us is that doing the right thing is not a popularity contest, but over time if you stay true to your principles, history will look favorably upon you.
- Next Huntersville Ordinances Advisory Board is January 26.
- Provided update from January 12 Public Arts Commission meeting.
- Provided information on where citizens can order at-home Covid testing kits.
- Consider supporting local non-profits.

Commissioner Partee

- Shared his experience seeing Martin Luther King, Jr.
- Next meeting of the Greenway, Trail and Bikeway Commission is January 19.
- Next meeting of the Parks & Recreation Commission is January 19.
- Expressed importance of gun safety. Huntersville Police Department has free child safety locks available.
- Consider supporting Cool Kids Clubhouse.

Commissioner Phillips

- Provided update from Ada Jenkins.
- Provided update from Visit Lake Norman.
- Charlotte Animal Care and Control is getting to critical level and are asking people to adopt or provide a staycation.
- Expressed appreciation to Town staff for their work during the snowstorm.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Tim Sandborn and Maria Reese provided update from the Greenway, Trails and Bikeway Commission. Refer to PowerPoint attached hereto as Exhibit No. 2.

Mayor Bales proclaimed February 2022 as Black History Month.

Town of Huntersville Proclamation

WHEREAS, Black History Month has been officially celebrated in the United States since the 1976 bicentennial with the objective to promote the many cultural, economic, political, and social contributions made by African Americans that helped to build this great nation; and

WHEREAS, Black History Month also serves as an opportunity to celebrate the positive and lasting difference, as well as the legacy African Americans have made on behalf of our nation's cultural and political life; and

WHEREAS, this observance acknowledges both past and present African and African American icons whose inspiring courage, sacrifices, and relentless efforts have sought to improve the quality of life for all in the name of justice, honor, and freedom for all; and

WHEREAS, the Town of Huntersville, North Carolina takes great pride in the members of our Black community and honors organizations, families, and individuals of African American descent in appreciation of their invaluable contributions in many professions and fields, including education, law, government, business, science, sports, the arts, and brave service in the United States Armed Forces that continue to enrich the history and culture of our Town while continuing to unite and sustain us as a community; and

WHEREAS, the Town of Huntersville recognizes the national theme for 2022 - "Black Health and Wellness" as we acknowledge the legacy of not only Black scholars and medical practitioners in medicine, but also others like birthworkers, doulas, midwives, naturopaths, healers, etc.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, on behalf of the citizens, do hereby proclaim the month of February 2022 as **"Black History Month."**

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 18th day of January 2022.

Lee Hallman, 119 Gilead Road, said thank you for allowing me to speak tonight. I see that Other Business includes a discussion on the Transit Oriented Development district, something I believe I can add to, especially as it relates to downtown where I live.

Some time back, during the fervor over the remote possibility of rail transit on the O-line in Huntersville, the then board adopted a resolution that defined where those rail stations would be, one of which was on the corner of Gilead and Main Street. A text amendment was inserted into the Zoning Ordinance for each district that reads "Notwithstanding above, in any portion of major subdivision located within ¼ mile of the designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville." With no rail transit possibility in the distant future, as confirmed by Norfolk Southern and accepted by CATS and STIP, we now have a flawed assumption built into our ordinances that exposes our most precious resource, property within ¼ mile radius of the Town core, exposes it to misuse. I would like to thank Commissioners Kidwell and Kovacs for bringing this to the forefront now rather than defer to a retreat for further delays. The train isn't coming, but the barndoor is wide open. An example, a developer could buy the property for sale behind the Town Hall tomorrow and, by right, submit plans for a four-story apartment complex of up to 200 units. Property that we should be considering for civic purposes, by the way. There are those that agree that the train isn't coming, but that high density housing is right for downtown. I would refer those to Page 41 of the 2040 Community Plan where only 4 percent of those surveyed chose apartments as a good fit for downtown.

Also remember this unlimited density resolution was tied to having an alternate transportation solution to the car, a train. With no alternative we are putting more cars in downtown making it less walkable and less safe for pedestrians. And to those that still believe in the train, let's just say Norfolk Southern agrees to talk tomorrow, we are still 25 to 30 years away from a passenger train ever pulling into downtown. What's Bryton going to look like in 30 years. What's the transportation going to look like in 30 years. Is Huntersville still a bedroom community for Charlotte then. Do people still commute. I do not argue that density allowed in the General Requirements for the Town Center. Those higher densities have been satisfied as it relates to the area within ¼ mile of the Town Core. North State's Town Center project has 134 apartments and Vermillion Village will add another 292.

I ask you to look very closely at what properties this would adversely affect. Look at the properties within ¼ mile radius of the Town Core. We are currently looking for a location for a new town hall. One day we will be looking for a location for a police department, or HVFD Station 1, possibly a courthouse or a magistrate's office or civic auditorium or art center. Beyond all these considerations, it's simply an embarrassment for the town to have such an unlikely futuristic idea into our governance, you may as well address hovercraft and parking in rooftop amenities. The earth isn't flat. The moon landing wasn't staged. Science is real. The election wasn't stolen. The train is not coming.

Written copy of comments attached hereto as Exhibit No. 3.

AGENDA CHANGES

Commissioner Phillips made a motion to move closed session pursuant to NCGS 143-318.11(a)(5) to after the Consent Agenda and before Closing Comments.

Commissioner Munger seconded motion.

Commissioner Boone said I believe we have to have a reason to go into closed session.

Mayor Bales said Commissioner Phillips, if you would I guess read the pursuant to.

Commissioner Boone said if you could add property acquisition, that would probably make it a little clearer.

Commissioner Phillips said closed session pursuant to NCGS 143-318.11(a)(5) for property acquisition.

Commissioner Munger seconded amended motion.

Commissioner Kidwell said will this closed session impact anything that's on the agenda down the line before we get to it.

Mayor Bales said it's not my understanding.

Mayor Bales called for the roll call vote.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

Commissioner Munger made a motion to move Item 9.J. (Adopt Resolution accepting dedication of public right-of-way for the Tannin Street connection) to the Consent Agenda as Item 10.B.

Commissioner Boone said I'm going to second this to get this discussion going. We've gone through this the last couple of meetings, and we need to hash this out. I'd like to hear Commissioner Munger's motion.

Commissioner Kidwell said I moved this up from Consent Agenda because I believe in being more transparent. Last meeting when I wasn't there because I was in the hospital, this Board just chose to move everything back to the Consent Agenda that I had moved up. I find that very childish since I wasn't there to defend it. I do thank Commissioner Kovacs for supporting not doing that last time. Is your purpose of moving it to the Consent Agenda so you don't have to let the public know what we are voting on, what's going on here.

Commissioner Munger said on this particular one, and similar to the ones during the last meeting, I find it childish for putting it on Other Business because for this particular one, and I did ask our Town Attorney whether or not we could actually vote no against this, and we technically can, but we really shouldn't. This is simply something we put on Consent Agenda so that people are aware that these things are happening and they can look at it from that standpoint. It's not to try and hide it or make it mysteriously disappear or anything like that. There is no good reason why this should be on the regular agenda. One of the things that I know staff is working very hard to do, and I appreciate the fact that they do it every day, is they are trying to make us more efficient because the common refrain I hear from people in general is that government is highly inefficient and to that end what I'm trying to do is move things to the Consent Agenda to make us that much more efficient. I'm trying to lead by example. That's why I'm trying to move it to Consent.

Commissioner Kidwell said I find the example to be poor, because you are definitely skirting the issue here. You are putting things so you can bury them. For instance, we have this whole Social Media Policy that was on the Consent Agenda that we were just going to vote right in and not even talk about it. I'm not going to support the motion. I hope my fellow commissioners don't in the point of being transparent and actually having discussions about things.

Mayor Bales said I have a motion and I have a second. We are going to do a roll call vote. The motion, just to be clear, is to move Item 9.J. to Item 10.B. under Consent Agenda.

Commissioner Boone – Oppose

Commissioner Kidwell – Oppose

Commissioner Kovacs – Oppose

Commissioner Munger – Approve

Commissioner Partee – Approve

Commissioner Phillips – I'm going to abstain. I'm not getting into that pettiness. (An abstention is recorded as an affirmative vote).

Mayor Bales said I was going to ask the Town Attorney, an abstention is a vote in the affirmative, correct.

Emily Sloop, Town Attorney, said correct in this instance.

Mayor Bales said so that would be a 3 to 3 split, correct.

Ms. Sloop said correct, and you would need to vote to break the tie.

Mayor Bales said Item 9.J. is to adopt a Resolution accepting dedication of a public right-of-way for Tannin Street Connection. In the 10 years that I have been on the Board, these types of resolutions have always been on Consent for the sheer fact that there's no reason for anyone to ever vote no to something like this on the Consent Agenda. While I applaud Commissioner Kidwell wanting to make sure that we are being as transparent as possible with the citizens of our community, we are doing previews and my understanding is that the preview did go out last week getting the information out. We send the agenda out to I'm not even sure how many hundreds, if not thousands, of citizens each Board meeting. To adopt a resolution accepting dedication of a public right-of-way is not controversial in any way, shape or form. With that said, I cannot believe I'm doing this, but I am going to vote in the affirmative, yes, to put this on Consent. There is no reason that this should be taking up additional time

and yet we've just taken up a lot of time discussing it this evening. I'm going to challenge this Board moving forward, we've got to figure out how we are going to work together because three/three like this, especially on something that is not controversial, we shouldn't be discussing. This should not be happening, so we are going to have to continue to work on that. With that, mine is a yes and we will move Item 9.J. to 10.B.

Commissioner Partee said it's not an agenda change, I just have a question about the minutes from January 3, hasn't been approved or do we get minutes for January 3.....

Mayor Bales said those have not been presented to us as of yet. They will be put on the agenda when they are ready.

Mayor Bales said do I have a motion to adopt the agenda as amended.

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

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote.

Commissioner Boone – Approve
Commissioner Kidwell – Oppose
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Mayor Bales called for a 5-minute recess.

The Board reconvened following 5-minute recess.

PUBLIC HEARINGS

Right-of-way Abandonments. Mayor Bales called to order continuation of public hearing on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development.

Mayor Bales requested Kim Strickland, Public Information Officer, read public comment received via email into the record.

Anthony Roberts, Town Manager, said maybe Bobby can read it, I don't see Kim online.

Mayor Bales said Stephen, why don't we go ahead and you start and then we will give them time to log back in.

Stephen Trott, Director of Engineering, said I'm here to talk to you about a right-of-way abandonment for Birkdale Commons Parkway within the Birkdale Village redevelopment. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

The petitioner, DDRTC Birkdale Village, LLC, has requested the Town to abandon three areas along Birkdale Commons Parkway, more specifically between Townley Road and Lindholm Drive, as generally shown on the image on the screen. There's three separate areas there that are non-contiguous that they are requesting abandonment. This abandonment is related to the rezoning that was approved back on October 18 of last year for redevelopment of a portion of the Birkdale Village development. As you can see, here's the sketch plan that was approved. The same sketch plan, but zoomed down a little bit, again showing those three areas that are requested to be abandoned.

Mayor Bales said maybe we have someone on staff who can read the comment we received into record.

Kim Strickland, PIO, said we received this comment today.

Good evening, first a big thank you to the public works department and the amazing work they have done to keep our town safe, especially roads that the state holds responsibility of conducting. I live in the Birkglenn portion of Birkdale, 15682 Birkdale Commons Parkway, Huntersville, NC. Birkdale has come a long way since ground was broken in 2000 for Birkdale Village. And then 20 years later for Birkdale Landing. However, one thing that has not changed is access. Highway 73 going from Birkdale leading west into Lincoln County has not been touched. The infrastructure only holds one way, each way, and it's been that way before Birkdale Village was built. Now we got to hear the word connectivity. I am all for that but however only when the one issue of expanding Highway 73 is resolved. I watched the portion of Birkdale Commons Parkway get extended to Babe Stilwell Farm Road and it brings people speeding down that road, refusal to lower speed limits or put speed bumps, and no one conducting speed checks. Now the current plan will only alter a community by bringing more traffic related nightmares. I don't think people bought into a community to have Highway 73 come through their front lawn just because you want to move traffic to a business district. How about we consider the residents that live in Birkdale and put those traffic alteration plans in a box, put a bow on it and send it to the incompetent NCDOT and Governor and tell them to get to work on Highway 73. Millions choose North Carolina as home each year. That brings tax dollars. They have the money in Raleigh to fix 73. You can do your own homework on how the state failed with politicizing infrastructure construction. All I ask is quit doing the state's bidding and picking up the slack which is what this plan does and does not solve any problems. Thank you and have a great evening. Dominick Cianchetti Jr.

Refer to written comment attached hereto as Exhibit No. 5.

Mayor Bales said we have now read the public comment into the record.

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

OTHER BUSINESS

Abandon and Close Portion of Birkdale Commons Parkway. Right-of-way Abandonment Petition: Birkdale Commons Parkway is a request by DDRTC Birkdale Village, LLC to abandon public right-of-way within Birkdale Village (approved sketch plan). The requested abandonment includes three areas.

NCGS 160A-299 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 that owns property nearby of reasonable means of ingress and egress to their property; and is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

Stephen Trott, Director of Engineering, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.*

Commissioner Kovacs made a motion to approve to abandon and close a portion of Birkdale Commons Parkway.

Commissioner Boone seconded motion.

Mayor Bales called for the roll call vote.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

Right-of way Abandonment attached hereto as Exhibit No. 7.

Petition #R21-10. Petition #R21-10 is a request by ADE 883, LLC to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District. The purpose of the rezoning is to reduce the planting requirements of the 40' CB buffer. The property is located east of the intersection of Patterson Road and Hambright Road.

Brad Priest, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

This is the location here on Hambright Road, near the corner of Mt. Holly-Huntersville and Hambright. The property is currently zoned Corporate Business and the proposed rezoning would stay Corporate Business.

The application is to just modify the buffer standards of the ordinance. The use is permitted, so there is no intensification of the use, only a modification of the landscaping. Currently the ordinance requires that buffers along the street be completely opaque, meaning you can't see through them, and simply the applicant, because of the architecture of their building and the higher quality aesthetic value that they have in the building, they want to have visibility from Hambright Road, so they are looking to put view corridors into that buffer. That's the application.

Last month the Planning Board did consider the application. With a 5 to 3 vote, they recommended to approve the application with conditions and the conditions were that the architecture of the building was generally kept and that screening of the parking area be achieved with planting shrubs in the front that would eventually reach 7' in height within three years.

Staff does not recommend approval of the application at this time because of the intent of the buffer ordinance and also the existing surrounding property to the south is rural low intensity, critical area of the watershed, that will most likely for perpetuity stay low intensity. Therefore, a full opaque buffer makes a very nice fitting separation between commercial use and low intensity residential use, so therefore that is Staff's recommendation.

Tracy White, McDonald Development and Collin Brown, Alexander Ricks Law Firm, addressed the Board. *Refer to PowerPoint attached hereto as Exhibit No. 9.*

Mr. Brown said I appreciate that overview from Brad. He hit the key points. As you will recall from the public hearing, this zoning is about nothing but the plantings between the building and the street and so we are pleased to report that the Planning Board recommended approval. I know that staff is not supportive. I think they are a little bit hamstrung by the ordinance, so we understand their position.

The ordinance specifically says that the buffer should be opaque, so that you do not see a building. The struggle here and what the Planning Board recognized is that this is an attractive building. This is not a typical industrial building that you are trying to hide. I think that they felt that this was reasonable and in the public interest.

They asked the McDonald team to go back and consider some modifications to the plantings, so that when you are viewing this from the street, the real concern that we were hearing, and I'll remind you, if we did not have any parking between the building and the street, we would be not required to have this buffer, so we do have parking and the goal of the plantings that the Planning Board asked us to agree to was to make sure that is screened and so we have enhanced those plantings, committed to some different species to make sure they are getting as high as possible within three years so that is screened, but there was from the Planning Board an appreciation for this building and some comments on the positives of it and the best direction we would like to go. I know that you guys are looking at the corridor, you are concerned about setting precedence, but again we feel like this is reasonable and in the public interest and because of the architectural commitment that had been made by the development team, this is reasonable, and so we hope you will support it.

Mr. White said we appreciate Brad's presentation of staff's position. We are eager to get started developing the seven buildings that we have planned for NorthChase at the Park – six buildings on Patterson and this one building on Hambright. We are looking forward to developing several multi-million dollar buildings in Huntersville and we would appreciate your consideration on this request.

Commissioner Munger said I know that on this particular development we have not received a TIA and there was some back and forth whether or not we actually need to receive a TIA at this time. Can you just kind of clarify on that?

Mr. Priest said basically the rezoning process is going through here. The rezoning itself is, as mentioned, completely in regard to landscaping, so we've been just focusing on that, focusing on the design, focusing on what's going on, so the traffic impact analysis is going to have to be done when they come in through the permitting process, so that would come in after this rezoning. Whatever landscaping is approved, they will have to come in for the land development portion of the process and they would go through the traffic impact analysis process administratively with staff.

Commissioner Munger said the Planning Board voted one way, Planning staff is leaning another way, and it's kind of an intention of trying to figure out what makes sense. To me, the Zoning Ordinance intent is for an opaque buffer. That is the ordinance. There might be situations where it makes sense to move that back and forth a little bit depending on what's your surroundings. What I look at on this particular property is it's Rural to the south. It's basically going to be very low density housing and due to the fact of being in a critical watershed, it most likely will stay that way. I'm leaning towards not approving this simply because I understand what they are talking about beauty and the old saying beauty is in the eye of the beholder. People driving by, people in commercial, that are used to more higher density or commercial are like yeah, it's a beautiful building. People who have a farm or a house sitting on an acre or multiple acres might look across that street and say that's not beautiful. For me,

I'm leaning towards making the stand on the Zoning Ordinance intent is for opaque buffer and we should stick to that.

Commissioner Boone said I think everybody needs to take a look at Patterson Road. That's where we want all our light industrial to be at and this building, I hope that everybody looked at the drawings, this is a nice-looking building and the design of it is angle view from the road. The only time you are going to see this building is when you look at an angle from the road. If you are from across the street, three years once the trees are mature, you won't see this building from across the street. This project is so important to Huntersville. This is the front door to Patterson Road. I'm going to wait to hear the motion and I will be supporting this.

Commissioner Partee made a motion 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 the following policies in the Huntersville 2040 Community Plan: Policy LU 11.1 and LU 11.2, Buffer Requirements, and recommends that the Zoning Ordinance give consideration to buffer height requirements for the building type with employee and customer parking in the front and requirements for rear loading docks. The Town Board considers a condition of approval requires 100 percent screening of all automobiles on the street side by shrubs and trees with a minimum of 7' to 8' in height that mature in a period of 3 years or less to meet the intent of 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 and aesthetic improvements of this building and in keeping the purpose of the ordinance regarding what should and should not be visible. Also, that all recommendations are contingent upon the increased architectural standards as modeled on the rendering provided will be met with the subjective opinion of the staff as to the reason for granting the exception.

I also want to just add that as the Town of Huntersville grows, we are going to need an increasing commercial tax and business tax revenue to offset raising taxes on Huntersville homeowners. This Board will eventually need to evaluate how to pay for salaries of Town employees, Fire, Police personnel. This Town Board previously discussed raising commissioner and mayor salaries. The cost of equipment and utilities to provide services has increased. The US inflation rate increased 6.8 percent in 2021. The food inflation rate increased 6.3 percent. The US Department of Agriculture Economic Research Services Food Outlook for 2021 posted in the CPI, which is the Consumer Price Index, the following increases: beef and veal prices increased 0.6 percent, pork prices increased 0.6 percent, fish and seafood prices increased 1.0 percent, poultry prices increased 0.8 percent. I believe it is within our duty to set the bar and to have the foresight to keep increasing revenues to pay for our services which will come from commercial and business taxes that we can generate. That's my reasoning for supporting this amendment.

Commissioner Boone said I'm going to second the motion, but I just don't know when the motion stopped. Is it the last part where the staff's final.....

Commissioner Partee said granting the exception.

Commissioner Boone said this is a great example of the applicant not getting everything they want, the Town is not getting everything they want, but in the spirit of the ordinance this thing is going to work. I'm asking my fellow commissioners to support this. I think this is going to be good for the Town of Huntersville.

Mayor Bales called for the roll call vote to approve Petition #R21-10.

Commissioner Boone – Approve
Commissioner Kidwell – Oppose
Commissioner Kovacs – Oppose
Commissioner Munger – Oppose
Commissioner Partee – Approve
Commissioner Phillips – Oppose

Motion failed by 2 to 4 vote (Commissioners Boone and Partee in favor; Commissioners Kidwell, Kovacs, Munger and Phillips opposed).

Petition #TA21-11. Petition #TA21-11 is 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, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

This text amendment addresses two items. The first item is an amendment to the Zoning Ordinance regarding Special Use Permit requirements. The purpose of the amendment is to incorporate the general standards found under 15 individual uses that require SUPs in Article 9 into the comprehensive standards for all SUPs. It will also delete repetitive standards from uses that require an SUP in Article 9. Sections 1 through 16 of the ordinance for adoption pertain to the SUP requirements item.

The second item is an amendment to the Zoning Ordinance regarding the definition of major and minor watershed variances and the findings of fact required for watershed variances. The amendment is to comply with updates to the NC Administrative Code. Sections 17 through 19 of the ordinance for adoption pertain to the watershed variance item.

The Huntersville Ordinances Advisory Board and the Planning Board recommended approval of the proposed text amendment. Planning staff recommends approval of the proposed text amendment as well.

Commissioner Boone made a motion to approve 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, 9.41, 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 repetition standards and (2) amend definitions of major and minor variances from the watershed regulations to be consistent with the North Carolina Administrative Code, the Town Board recommends approval based on the amendment being consistent with Policies EV1.4, LU-4, EOS-4 and EOS-5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it improves efficiency of land development reviews, supports protection of water

quality and drinking quality watersheds and establishes a greater consistency with North Carolina Administrative Code.

Commissioner Kovacs seconded motion.

Mayor Bales called for the roll call vote to approve Petition #TA21-11.

Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Boone – Approve

Motion carried unanimously.

Petition #TA21-16. Petition #TA21-16 is a request by 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, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

This text amendment addresses two State legislature bills. Senate Bill 300 requires the removal of criminal penalty from ordinances adopted under Article 18 of GS 153A or 160D, except those ordinances related to unsafe buildings. Sections 1 through 17 of the ordinance for adoption pertain to Senate Bill 300.

House Bill 218 clarifies stormwater run-off requirements applicable to pre-existing development in water supply watersheds. This allows an applicant to exceed the allowable density under the water supply watershed rules if all statutory requirements are met. Sections 17 through 23 of the ordinance for adoption pertain to House Bill 218.

The Huntersville Ordinances Advisory Board and Planning Board recommended approval of the proposed text amendment. Planning staff also recommends approval of the proposed text amendment.

Commissioner Kidwell said reading through this in our packet, I noticed that the Huntersville Ordinances Advisory Board on SB 300, it was a 5 to 4 vote. Four members had expressed concern that they had not had enough time to review this. I think it's proper to give that board due diligence to go back through and read this and make sure it's the right thing. The way it's presented to us is that we see that the Planning Board voted 8-0, but we don't see anything about the Huntersville Ordinances Advisory Board on this, but it was a 5-4 vote. It says 8-0 here. I think it was on one of the text amendments, but not on both. Commissioner Munger was at the meeting. He made the motion for approval at the Huntersville Ordinances Advisory Board meeting. Maybe he can weigh in on that a little bit.

Ms. Mielenz said I would also just like to say that SB 300 was a last minute add on to the October HOAB agenda and so they did receive the documents maybe a day or two before the meeting and you are correct, some of the members did express that they did not feel like they had enough time to review it and that's why they did not vote in favor. I did try to include, I can't speak to past ones because I don't have them in front of me right now, but at least in this Staff Report, the votes of both of them which are shown right here 5 to 4 and 8 to 0.

Commissioner Munger said I can't add much more to it than that. It was definitely something that came in last minute and we had a day or two to look it over. I do believe I did my due diligence to read it over. Some of the members expressed that they didn't feel they had enough time to fully vet what was put in front of them.

Commissioner Boone made a motion in considering the proposed amendment TA21-16, the Town Board recommends approval based on the amendment complying with the State Legislature Senate Bill 300 and House Bill 218 as stated in Part 1 of the Staff Report. 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.

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote to approve Petition #TA21-16.

Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Oppose
Commissioner Boone – Approve

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Resolution – ROW Beatties Ford/Hambright Project. Staff requests the Board 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, Director of Engineering, said the resolution before you this evening is to acquire property, as needed, for the Beatties Ford at Hambright project. There are seven (7) parcels that are on the list to have partial acquisitions.

Commissioner Boone said did you put your Staff Report into the record?

Mr. Trott said I only have a resolution, I do not have a Staff Report.

Commissioner Boone said does it need to go into the minutes?

Mr. Trott you can certainly add this image into the record. *Resolution attached hereto as Exhibit No. 12.*

Commissioner Kidwell said I've got no questions, just a comment. In reading over the resolution to acquire the right-of-way, the one thing that jumps out at me that I'm not comfortable with for anybody making a motion, that's Item No. 2 to begin the eminent domain process, if resolution for Item No. 1 does not pan out. I think it would be advisable for the Board to have it to come back to them for further discussion if the initial negotiations are not able to be met.

Commissioner Kovacs said I echo the same sentiment. I would like for it to come back to us if it were something that we were going to have to invoke eminent domain.

Commissioner Munger made a motion to approve a 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, with the understanding that if a need for eminent domain is needed, that it come back to the Board and I am open to having that altered in whatever way necessary.

Commissioner Phillips seconded motion.

Mayor Bales said Ms. Sloop, do you have any advice there in regards to that motion and wordsmithing.

Emily Sloop, Town Attorney, said I would just note that this item, as well as the two items following, are going to be the subject of the closed session with regards to providing instructions to staff on how to negotiate the acquisition of real property. What this resolution is essentially doing is saying that if the negotiations fail as instructed and provided by you all tonight in the closed session, that's when we would move to eminent domain authority and not until those negotiations have failed.

Mayor Bales said I was under the understanding that there was nothing on the agenda that correlated with the closed session. Now I'm finding that there potentially is.

Ms. Sloop said the closed session is only to provide instructions on the negotiation if we are to purchase the property outright, therefore the order of the closed session coming before or after does not affect the approval or disapproval of the resolution.

Commissioner Munger said can I clarify one thing then. If I just made the regular motion without any additional, then what we decide in closed session would handle the issue at hand. Does that sound fair.

Ms. Sloop said if you make the motion to approve the Resolution as drafted, it would give the Town Manager the authority to attempt to purchase the parcels outright as needed for the project based on instructions provided in closed session. Only if those negotiations fail would we then move towards eminent domain authority. However, as drafted, we would not need to come back before the Board prior to moving forward with eminent domain authority.

Commissioner Munger said I'm going to leave my motion as is then.

Mayor Bales said that motion includes coming back if we get to that point in regards to eminent domain, correct.

Commissioner Munger said that was my intent.

Mayor Bales called for the roll call vote to approve Resolution.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

Resolution – ROW for Gibson Park Drive Phase 2 Project. Staff requests the Board consider adopting a Resolution to acquire right-of-way and easements necessary to the construction of the adopted and funded Gibson Park Drive Phase 2 project.

Stephen Trott, Director of Engineering, said the request is for a Resolution to acquire property as needed for the Gibson Park Drive project. *Resolution attached hereto as Exhibit No. 13.*

Commissioner Kovacs said how much land are we trying to acquire from these properties.

Mr. Trott said it varies. The last one, this one and the next one, it's right-of-way acquisition along the property frontage. No homes are proposed to be acquired as part of this and only the property needed for the project is proposed to be acquired. On several of the parcels, there may only be temporary construction easements that are required.

Commissioner Kidwell said wasn't there a construction recently done down Gibson Park Drive.

Mr. Trott said yes, the Town recently had a project between Main Street and NC 115 for a project. This Gibson Park Drive Phase 2 project goes between S. Church Street and the next street that's on the edge of the map here just to the east. They are completely separate projects and those projects do not overlap.

Commissioner Munger made a motion to approve 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, with the understanding that if negotiations fail and the need for eminent domain becomes necessary, the matter will return to the Board.

Commissioner Kovacs seconded motion.

Mayor Bales called for the roll call vote to approve Resolution.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

Resolution – ROW for Seagle Street/Fourth Street Project. Staff requests the Board consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Seagle Street/Fourth Street Project.

Stephen Trott, Director of Engineering, said the request is the same as the last two. *Resolution attached hereto as Exhibit No. 14.*

Commissioner Munger made a motion to approve 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/Fourth Street Project, with the understanding that if negotiations fail and the need for eminent domain is necessary, the matter will return to the Board.

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote to approve Resolution.

Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Boone – Approve

Motion carried unanimously.

LNCS Synthetic Turf Agreement at HAP. Michael Jaycocks, Parks & Recreation Director, said in front of you tonight is a Turf and Field Usage Agreement with Lake Norman Charter School. Just a quick overview just to give you a visual of what's currently at Huntersville Athletic Park. *Staff PowerPoint attached hereto as Exhibit No. 15.*

We have four baseball fields. The two fields to the right that have darker looking orange, those are the ones that currently have infield turf, synthetic turf, that have been around for about 13 years. We are in the process of now needing to replace those and then the two larger fields to the left are currently clay and grass that currently is the site for Lake Norman Charter School's home baseball games and practices for both middle school and high school.

Currently we are showing \$750,000 in FY 23 for this project. When we started looking at this project, we looked at who are the predominant users of some of the fields and how we could get them to participate in helping fund this project. Like I mentioned before, the existing two turf infields, the smaller field, are 13 years old, it's time for replacement and then at the same time we thought it would be good to go ahead and add turf to the other two infields, the two larger fields. Like I mentioned before, Lake Norman Charter School currently uses the two larger fields for middle school and high school baseball teams and as part of our joint use agreement with Lake Norman Charter School, we use their three gyms and in exchange they get access to baseball fields and tennis courts.

This new agreement will allow them to host a few playoff games if they make the playoffs and if they are the higher seed then they will be the home team. This happens from time to time and really currently we've been accommodating that pretty much anyway.

There would be very little impact to other user groups. Lake Norman Charter School will pay the Town \$150,000 over 10 years. The Parks & Recreation Commission has approved this agreement unanimously at its December 15 meeting.

We did talk about another agreement with Lake Norman Little League who was going to pay \$350,000 over 10 years. They would get priority usage at all four fields over the other two youth baseball groups. The Parks & Recreation Commission did not approve that agreement. We looked at other opportunities to come up with that additional funding, and we came up with an option to generate the same amount of money over 10 years by raising the fees for those three youth groups to use those fields. All the groups agreed that was a good option, that they would be willing and able to pay the additional fee for more quality fields.

Between the Lake Norman Charter School agreement and the fee adjustment, which you are just voting on the Lake Norman Charter School agreement tonight, \$500,000 of this \$750,000 for the project would be covered by the new user fee, as well as the agreement with Lake Norman Charter School.

Commissioner Kidwell said you told me in an email, I just want to make sure that the rest of the Board heard you say it, turf on our fields – soccer, baseball, whatnot, they last roughly 12 to 13 years.

Mr. Jaycocks said 12 or 13 years is what we are seeing. You might have to do a little bit of patch work like the two fields at HAP right now, we had to do some patchwork last year, but you are only talking about a few thousand dollars, not very much money. Other than that, you will get 12 to 13 years out of it.

Commissioner Kovacs made a motion to approve the Lake Norman Charter School Synthetic Turf Agreement at the Huntersville Athletic Park.

Commissioner Phillips seconded motion.

Mayor Bales called for the roll call vote to approve agreement.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 16.

Social Media Policy. Emily Sloop, Town Attorney, said you have in your agenda packet the updated Social Media Policy that is being proposed for Town maintained social media sites including Facebook Twitter, etc., as well as rules for those Town employees that are posting to our sites.

We had a pretty lengthy discussion about this during the pre-meeting at our last Town Board meeting, so I won't rehash everything that's in the policy, but I'm happy to answer any questions that you might have.

Commissioner Kidwell said who directed or asked that we look into creating this policy for the Town.

Ms. Sloop said this has been an ongoing goal for the Town. It was something that the Mayor had brought up, as well as some discussions that we had with our PIO for keeping our Town-maintained media sites free from things such as obscenities, sexual or pornography being posted on our sites. Pretty much just kind of no-brainers that the UNC School of Government suggest that we adopt as rules of use.

Commissioner Kidwell said has there been an issue with that type of behavior on our sites?

Ms. Sloop said I can't speak to the number of incidents that we've seen as Kim, our PIO, monitors it, but she did feel that there was a need for this policy to be put in place. We are just looking to adopt rules of use across all of our Town-maintained social media platforms and some of them are things that the platforms themselves contain as rules. For example, Facebook will filter out obscene language as part of their own rules of use, so we are just trying to be consistent with those rules as well. Again, this policy has been vetted by the School of Government. They suggested a model rules of use and policy.

Commissioner Kidwell said how does this affect Town employees with their own private and personal Facebooks and social media sites.

Ms. Sloop said it's more aimed at having a set standard for Town employees that are posting on Town-maintained sites, as well as comments that are coming from the public on our Town-maintained sites. We did include some generic language about if you are a Town employee and posting on your own social media platforms or accounts on your own that you should not post out there essentially promoting opinions that are not necessarily the opinions of the Town or the stance of the Town, rather you should make it clear that it's your own personal opinion rather than that you are acting in official capacity for the Town.

Commissioner Kidwell said fellow Board members, I understand these policies go into effect for certain companies and School of Government may recommend things, but the government recommends things all the time and it doesn't mean it's right. I think this is the first step into what could be an overreach into affecting our Town employees' personal freedom of speech on their own sites. I personally know several members of the Town staff and City staff in Charlotte that have purposely had to change their names on their social media sites. Their families have done the same, because of unwarranted attacks by individuals in the community who just felt that they didn't agree with an individual, so they would turn them into not our Town Board, but the County Commission or City Council. I think we have other pressing issues to work on than to start going down that rabbit hole of wondering what Town employees are posting on their own personal page because that language is in there. Furthermore, I appreciate Kim asking for this policy, but working for companies like I have, we entrust individuals to maintain our websites, our social media websites for appearances or influences and we put people in charge who are adults and they know when to handle that and as you said there are opportunities within some social media sites to control the language, control what people post and what people see. I think this is the beginning to a massive big brother oversight overstep and I just cannot get behind it.

Mayor Bales said Commissioner Boone, if you wouldn't mind, I would like to jump in before you do. I personally think this is something that is important that we do adopt. I think that looking at other communities, that was discussed at the last meeting or the last premeeting. I think it keeps us out of hot water. I think it protects our community. It protects our employees and I think this is something

that is just the next step in what has become a social media community and environment. I think that this is something that's going to be very important moving forward for not only our organization, but all organizations as social media continues to permeate every aspect of our lives. I applaud staff for being proactive and forthright. I thank you for working on this. I know this is just one piece to that puzzle. I think that there's a lot of conversation that needs to happen with the other pieces but this one should be a no brainer in my opinion.

Commissioner Boone said I've got one question. Who is going to monitor these websites and who is going to decide if something is right or wrong. Is that one person, two or three people. Can you explain to me how it works.

Ms. Sloop said that is our PIO's primary role. There may be some that are delegated a similar responsibility in other departments, but our PIO does shoulder the brunt of it. Also, as I mentioned before, some of it is done by the platform itself. If the platform has obscenity filters, they are going to filter it out regardless of whether we do or not. But for the most part, it is going to be Kim that's taking a look at it and also I would just also note I failed to mention earlier during the discussion that this policy is really to remind people that when they do post on our sites, that we are a moderated governmental forum rather than an open forum and also that anything that they post there is going to be public record. There is an educational aspect to the policy as well.

Commissioner Boone said so Monday morning the PIO comes in and says we had three or four violations and we need to take what kind of action on this employee. What happens then.

Ms. Sloop said as far as the employee action, that would be for the Town Manager. As far as looking at the comments and determining whether or not someone from the public posted a comment that does not meet our standards, that would be the PIO's function. If it is with regards to any disciplinary action regarding a specific Town employee, that would be taken up with the Town Manager.

Anthony Roberts, Town Manager, said I have a question for Emily. Everybody knows how much I love social media. I don't use it, so it doesn't affect me one bit at all. My question though for Emily is let's say I want to see if this policy addresses this because we have had this come up. If I want to post stuff and I say bad stuff about Dan Boone on the Town website, or people say all sorts of stuff about me, and I'm talking crazy, and we've had this, not on me, can we take that down. The last thing I want to do is someone post pornography or says John Doe is a whatever and all this stuff is false and kids can see this stuff, so I'm just trying to figure out how that works. Do we have to have this policy to do that.

Ms. Sloop said we need to have standards rules of use that indicate that all Town maintained social media platforms are moderated governmental forums and that they are not open forums allowing you to post whatever you choose. If someone were to post something in violation of the rules of use including pornography, discriminatory or defamatory language, things that contain obscenity, then it would be removed.

Mr. Roberts said that's the key. I want to make sure we are able to address that. I don't do social media, so I'm not worried about it, but if there are things out there that people can post, I want to make sure we pull those down if that is false, pornography, whatever it may be. And I don't know how we address that. If this is the policy that does that, then we need to make sure we can do that, because that has occurred before.

Commissioner Phillips said are these the same guidelines online that we use when people speak at public forums. I ask that because what feels like a lifetime ago, somebody took their time during a public meeting and just talked massive trash about me, and I sat there and took it. It was a lot of false claims. However, that's their right and so for me it's frustrating that someone can come to a Board meeting and say one thing, but then if they act a certain way on social media then they get reprimanded and there's like some kind of, I don't know how we fix that, how it works, but I mean, that's people's right to bash us and I don't want to take that away because it's online and it's in writing.

Ms. Sloop said I would just say for clarification, again this is distinct about posting things on our Town maintained sites, so if someone post something on your commissioner page, that's a little bit different. You are correct in that there are certain rules with regards to the language that may refer to a commissioner in general, but I would remind you that last year we did adopt a public comment and public hearing policy with conduct standards for our meetings which was not previously in place and we do prohibit personal attacks during the public comment and public hearings as you may recall from that policy that we adopted which is allowed by NC General Statutes.

Commissioner Partee said to answer the Town Manager's concerns, having worked in government for over 35 years specifically in law enforcement and having major cases which I worked then directly with PIO on all my cases, a lot of departments have filters so their employees cannot sign on.....this is a policy for Town employees. Employees cannot go on certain websites such as pornography. You can block them from YouTube, Twitter and so forth. That would be the way to monitor or just completely filter out employees wandering onto all these sites that are not their purpose. When they come to work, they come to work to provide a service. They go through an ethics course also, knowing that they can only conduct themselves in a certain manner and that applies to social media also.

Commissioner Kovacs said I just wanted to say while I do think that having a Social Media Policy for our Town social media sites does make complete sense, I did notice and I have a little bit of the same concerns as Commissioner Kidwell just when it comes to the personal use of social media by Town employees, which is kind of funny coming from me because I'm a teacher and I have a similar policy, but it doesn't mean that I'm a fan of telling the employees what they can do on their personal sites. I think it's just kind of subjective to what the Town would perceive as if it seems like they are speaking on behalf of the Town or not, or if it sounds like they are saying something against it. I'm not talking about an employee coming out and saying Huntersville is the worst town in the world and the worst employer ever. Obviously, I would like to say that isn't appropriate, but I also think they should be allowed to voice their opinion about things and just because they are employees it shouldn't be taken away, so all the aspects about the Town sites I am completely behind, those are our sites. If we are allowing them access to post on there, I think it's appropriate. But when it comes to their personal usage of their personal pages is where I kind of am uncomfortable.

Ms. Sloop said I would just point out that again really where it comes down to personal use, it is with regards to trying to express an opinion other than their own. I just wanted to make that point of clarification that we did include as a general guideline that no employee using their own social media account should make it a point to say that they are portraying an opinion of the town. There's nothing in the policy that would disallow them to express their own opinion, they just should not attempt to make statements that seem as if they are acting in official capacity on behalf of the Town or expressing the Town's opinion. There's nothing to prohibit them from expressing their own opinion.

Commissioner Kovacs said the section that I personally was referring to is employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social

media sites. Just because they work for the Town, they might still live here and might have a differing opinion is where I was coming from.

Mayor Bales said I would think that regardless, I'm curious to know if something similar outside of social media is part of our personnel policy in regards to that, because I certainly know when I worked it was very important, it's always been communicated that you are not necessarily taking stabs at your employer. I wouldn't think that would be a positive in any realm regardless of whether it's social media or not. That's just my thoughts on that.

Commissioner Phillips said I can see that we kind of are not all jiving with this and that's okay. Maybe we can adopt this policy with the removal to revisit the personal use of social media by Town employees and then that way we can revisit that, but this at least helps set boundaries, parameters, whatever needs to be done with the actual day-to-day business of the website and social media, but we can revisit how our employees are treated with this, because how I felt going into this and how I feel coming out of it after listening to Rob, I mean it did open my eyes, so I feel like maybe whatever you guys are comfortable with. I'm just trying to put something out there so we can get some kind of resolution going.

Mayor Bales said Commissioner Phillips, what are you referring to. What are you talking about removing.

Commissioner Phillips said removing to revisit the personal use of social media by Town employees in the printed agenda, it would be Page 3 of Item 9.I., that top portion.

Commissioner Munger said I hear what everyone is saying and I appreciate what Commissioner Phillips is saying. I would like to make a slightly smaller adjustment. What if we just eliminated the passage that Commissioner Kovacs just mentioned, "Employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social media sites." I look at the other three bullet points and the one refers specifically to the Town's personnel policy, which all employees have to agree with to be employed, and then the first one is so that they are not speaking on behalf of the Town, which I would argue is absolutely something that we should have in place. The other one has to do with criminal offense as it pertains to civil liability to the Town. Those three bullet points I would argue are very valid and should be in place. I also acknowledge the fact that the third bullet point, I'm probably okay with, but it gets a little fuzzy and it certainly caused some consternation on the Board. If we pull just that, I'd feel like we are acknowledging everyone in the room and knowing that we need to move forward and refine that perhaps a little bit.

Commissioner Boone said it seems like we've got a lot of opinions on this matter. Any chance of us going ahead and not making a motion on this to give us a couple of more weeks to look into this, or were you looking for action tonight.

Mayor Bales said I believe they were looking for action tonight, but I don't know that there would be any consternation to push this off to the next Board meeting. I hear what everyone is saying. I guess if I were hiring employees, I would expect them to use sound judgment. I probably lean toward Commissioner Munger on that one.

Commissioner Kovacs said I was going to say I do appreciate what Commissioner Munger said and that, obviously since I quoted it, is what bothered me the most, so I would be okay with what he was discussing.

Mayor Bales said is there any heartburn in removing that piece. Any legal ease that we need to consider.

Ms. Sloop said we can approve the policy without that bullet.

Commissioner Munger made a motion to approve the Social Media Policy for Town Employees and Town Social Media sites with the exception of under the Personal Use of Social Media by Town Employees, bullet point #3, "Employees should exercise sound judgment and discretion so as to not reflect adversely on the Town when contributing to social media sites" be removed at this time and given further consideration.

Commissioner Kovacs seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Phillips – Approve
Commissioner Partee – Oppose
Commissioner Munger – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Oppose
Commissioner Boone – Oppose

Mayor Bales said I firmly believe we need a Social Media Policy. I think that is going to keep us out of trouble, so I will support the motion.

Motion carried 4 to 3 (Commissioners Phillips, Munger, Kovacs and Mayor Bales in favor; Commissioners Partee, Kidwell and Boone opposed).

Transit Oriented Development District. Commissioner Kovacs said I figured my fellow commissioners saw this email, but to better explain to the public for transparency sake, this will kind of help explain where I was coming from.

Commissioner Kidwell discussed and asked how I felt because he knew that I was interested in the removal of Transit Oriented Development and on an email chain we were asked our reasoning and so my following response was:

My first questions that I would like to clarify: Does this need to be a text amendment, since it was a simple Board Resolution that created it?

Could we do an FOIA for the resolution that was signed that allows for density exception within a 1/4 mile of a transit center. Because I can't find it online.

If you want high density in downtown other than transit center or a train, then let's talk about that, but leaving the transit-center density overlay in downtown is reckless.

First, citizens have been talking about this since at least the beginning of the North State project, so the reasons why started then.

I have even heard many of us say we don't want more apartment buildings in downtown than the ones already approved. The only way to stop that is to remove this overlay. It doesn't mean zero additional residential development, it simply stops "unlimited" growth.

The word "unlimited" is in 3.2.6.d.4. of the zoning ordinances. This 3.2.6.d.4 waives the 30% maximum of total number of dwellings within a project.

3.2.6.d.4 reads: "Notwithstanding the limitations of 3), above, in any portion of a major subdivision located within a quarter-mile of the designated rail transit station, the percentage of dwelling units containing attached houses, apartment buildings, and mixed used buildings is not limited. Higher overall density is encouraged within a quarter-mile of a rail transit stations. Rail transit stations are those locations designated by resolution adopted by the board of commissioners of the Town of Huntersville."

3.2.6.d.3 reads: "In major subdivisions and planned developments, aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30% of the total number of dwelling units in a project."

Putting these two into perspective is the North State project, which the previous Board insisted selling the 2-acre parcel which is the only reason NS qualified for this high-density Resolution.

North State is approved now to build 134 apartments, 41 townhouses, and 11 Single Family Homes for a total of 186 units; 175 of the units are apartments and townhouses, making those 94% of their total project. The only reason they can build 94% of their total project as apartments and townhouses is the Board Resolution.

Similarly, Bowman, in Vermillion Village is 100% apartments and townhouses, and Vermillion Front is also 100% bc that's all it is: attached homes and apartments. This unlimited maximum is only going to continue to bring unlimited, unstoppable attached-housing residential construction. By right due to TOD.

Since the latest information is that the transit center is really located at 1-77 with the rapid bus transit, we need to react quickly before any potential developer can come in and take further advantage of a failed assumption the Resolution is based upon. The rail transit center is not coming to our downtown as state by the rail directly.

While this doesn't affect previously approved high-density, leaving the Resolution in place can and will (and, I argue, has) allow developers to develop nothing but to continue to land-grab while this Resolution is still in place.

If the Board wants to discuss additional high density in downtown other than transit center or a train, then let's talk about that, but leaving the transit-center density overlay in downtown is reckless and we owe the residents better. Leaving references to a rail-transit-center in the downtown corridor is embarrassing.

That's kind of where I was coming from in the conversation. I expressed this to some of my fellow Board members and Commissioner Kidwell as well wanted to bring it to you all tonight.

Commissioner Kidwell said well done and well said. It's hard to follow something like that, but I'll try. Actually, I won't, you said everything and with our public comment period, Mr. Lee Hallman, what he said regarding TOD. I think everything has been said and we begin this process. This is not just something that's going to happen overnight, it takes time. It's got to go to the Huntersville Ordinances Advisory Board, the Planning Board, Planning staff, then come back to us, there's a public hearing involved. I think we should move forward with removing the TOD and begin this process.

Mayor Bales said I guess one of my questions is what are you genuinely looking to accomplish. Is it to not have transit at all. Is it to not have high density at all along the rail corridor. I'm genuinely trying to understand kind of where we are so we can figure out where the balance is to things, because I'm always about balance, and so I will tell you a couple of things. First, I know what we have heard about the rail. I will also tell you that behind the scenes I'm having conversations already in regards to the infrastructure plan. I know the Secretary of Transportation was here probably a month ago. They've been talking about rail. I know our fellow neighbors to the north are talking rail right now. I will tell you in the 10 years I've sat on this board, if there's an opportunity for rail to come, it's going to be in the next two years. I would envision that being fast tracked. If it's not, then I don't see it happening in our lifetime.

Commissioner Kovacs said I appreciate that, but I also in my eyes personally feel just as we voted earlier tonight to change text, we can do the same thing if rail does come back, then we can come back and

change our words like we are trying to do right now, but being as someone that three months ago was sitting as a resident watching meetings and watching TOD be cited as reasons to approve things, it frankly was embarrassing to watch because the mayor was saying that transit is not coming and then later in the same meeting or in a following meeting that exact same thing was being cited as reasoning to approve things. As a resident in Greenfield Park, I watched a map and a line be drawn that said this is how close you are to a train station that doesn't exist and this is why we can do this. We are just leaving it open, and I don't even know if anything is even going to be coming down the pipeline, but I don't think it should be something that's sitting there as a placeholder for something that we have no control over. What we do have control over is changing the wording now and if we need to come back and change it later on, we can do that, but it's discomfort in the openness that it's just sitting there and allowing for a precedent that we have already set approving something.

Mayor Bales said I actually agree with you. I do think that there's a way to modify the language because I don't believe that we should be developing anything transit oriented density if the train is not slated to come. There should be a mechanism in the text that says not until, right, that the switch happens when the train is, in my opinion, funded and coming, not just coming. I heard it's coming for 20 some years. I happen to think that it needs to be funded if it's coming. Mr. Roberts did you want to interject.

Anthony Roberts, Town Manager, said I was just going to ask if Commissioner Kovacs.....Jack had some language to pull up if that would be helpful.

Commissioner Kovacs said yes, please.

Mr. Roberts said Jack, can you share that slide. I think it will be helpful for the Board.

Jack Simoneau, Planning Director, said this is the section of the ordinance that Commissioner Kovacs was talking about. The first part of the section says that major subdivisions are limited to no more than 30 percent attached dwelling units and then the next section says in essence if you are within a quarter mile of a designated transit station, you are not limited to that 30 percent, and so this was the general area – here's Huntersville-Concord Road as it comes around the bend and this is the transit station. As Commissioner Kovacs mentioned, that was the rationale for the rezoning and number of attached units that were approved as North State and also the number of attached units approved as Vermillion Village.

Commissioner Kovacs said to me I think the wording that we have written is important because with as many Planning Board meetings as I've watched, I know how intently they go by what we've written for them. When they are approving things based off of the writing, because that's what we have for them, but we have this there knowing that the rail isn't coming at this point in time, then we are basically handing them false information to use to substantiate approvals.

Mayor Bales said there's been a lot of conversation. I'm just curious where the rest of the Board sits with this and if there's some language we can all coalesce around and then the next question is where do we go from here. Let's start with just giving other commissioners an opportunity to jump in.

Commissioner Phillips said I'm going to play my native card here. They've been talking about this since I was in the 7th grade at Bradley Middle School. I'm in my 30's now. That's not cool. Back in March of last year the former board all agreed to not support the sales tax increase and we all acknowledged the rail is not coming. I feel like this has become a wild card, whatever you want to call it, for developers who want to come downtown. I think that what we are doing with having TOD is letting the developers write

how our downtown plan is going to be shaped for the future and not how we shape it for our citizens. I would love to see us put language in that TOD is over and done with until the transit is not only approved, but it's funded. I feel like that allows wiggle room for the future, you know when Amber's kids are in their 30's and maybe sitting up here, to finally approve TOD, but we've got to do something. It's just over and over and I mean that's insanity when you keep doing the same thing over and over and expect different results and we are not doing that for our citizens right now.

Commissioner Boone said I think we've got to tell the steering committee the direction we would like them to go, and I've got a quick question for Anthony Roberts. Mr. Roberts, in the last 2 years how many times has the Town of Huntersville talked to the railroad people.

Mr. Roberts said zero.

Commissioner Boone said zero, so Madam Mayor you said that you would give it two years to get this thing worked out with the railroad. We haven't talked to them in two years. Everybody that I have talked to, whether you have been here all of your life or just moved here, people are telling me that they are tired of all these apartments and we are putting them all downtown. Whether we change the language to we don't do anything until the railroad is funded, I kind of like that, but right now we are just building too many things in such a small area.

Mayor Bales said and to be fair, I asked for two years out and I am probably being optimistic. I do think that based off of what I'm hearing from everything around the infrastructure bills, they want to make that work and I have already stated that you are right, Huntersville hasn't been in the room with Norfolk Southern. Huntersville has not been in the room with anyone and until the other players other than Charlotte are at the table and can actually hear for ourselves the discussion, I think that's an important piece too. I think that's something that we've got to take into account. I do not like throwing the baby out with the bath water. I like finding balance to things. We've talked transit oriented density, but then we also talked apartments. We need to be very careful that we are wording it right and I think that's something we'll need to task staff with and probably create a subcommittee to work on some of this language and to get it through the HOAB etc., but to get it right because whatever we do and we're going to start changing text, we want to always make sure that we're making it better.

Commissioner Partee said I like dealing with absolutes and as we sit here today and I hear a lot about Norfolk Southern, there's nothing in writing and it's not absolute that they will not be coming. As a matter of fact, just two months ago the Secretary of State was in downtown Charlotte talking about sitting down and bringing all parties to the table with Norfolk Southern in reference to the Red Line and then with funding coming in from the infrastructure bill, hopefully that will be used to contribute. Commissioner Kovacs, can you explain to me what the transit center density overlay is and why is it reckless. And right across the tracks, I'm not going to disparage anyone that lives in downtown Huntersville, but right across the tracks you have Pottstown. What do those residents feel about the development. Has anyone spoken or reached out to them at all. If you can just enlighten me as to transit density overlay and how that's reckless and if anybody reached out to the residents of Pottstown to see how they feel about the construction or the development of downtown.

Commissioner Kovacs said the overlay would basically be what you see on the screen, where you see what's available to be approved under this district within that ¼ mile of that star, so that's what I'm saying is reckless because it's a placeholder for something that we currently don't have and the last time I was looking at the City of Charlotte's website, they were discussing that the Red Line wasn't coming. I don't know if that was prior to that meeting that you were discussing or not, so what I'm referencing is

the visual that you are seeing when I say the overlay and what can be approved within that $\frac{1}{4}$ radius if you were to draw a circle around that. As for the residents of Pottstown, I have spoken to various residents just at different times. I do know one in particular that I spoke to that has a particular interest in the downtown area was discussing how they are not against apartments, but they would like affordable housing, which is not something that is generally discussed when we are looking at the projects that are being approved in these areas. The ones that we have heard and we see on this screen are I think quoted as high-end apartments and we are not talking about affordable housing, which has been brought up when I've heard that apartments downtown aren't a bad idea, but they need to be affordable. Those are just some of the discussions that I've had with some of the residents.

Mayor Bales said thank you for that. I think that's just one of the reasons that we are updating the downtown masterplan now and having that steering committee.

Commissioner Munger said having lived and worked in many places with mass transit, a big fan, I love it. I love being able not to have to drive a car, and trust me my fellow drivers appreciate when I don't drive a car as well. I've come to the conclusion that I'm probably not nearly as optimistic. I don't think the Red Line is coming. I think they kind of bait and switched us. They've been doing it for 15 to 20 years. They've been saying we're going to build this out to you, just pay the taxes and we'll be cool. We've paid a lot of taxes into this and we are not getting anything for it. I'm 100 percent behind removing transit oriented district and put something in place where it can come back. I believe the wording I keep hearing, and I 100 percent agree, is approved and funded. When the Red Line is approved and funded, let's go back to this, but not a second before then. Some concerns I have, what does the zoning revert to. If it's TOD now, in my head some of these are commercial and you are pretty much going to end up with possibly the exact same thing, so we have to think that through of we did away with TOD, what is it now. We also have to acknowledge on the other side, we have people that own this land. They have rights, too. They have to be able to make money from their property so we can't completely say we are going to put you on pause for 2 years, just hold on to your land until we get this all figured out. That's not going to fly either. We really want to think it out, but revisiting this and figuring out the best path forward, 100 percent I'm right there, I want it.

Commissioner Kidwell said we can talk about Red Line, train line, and all of that and from before I was on the board the first time in 2013, I kept hearing of behind the scene conversations about the Red Line. I heard it with the last mayor. I heard it with my first mayor, my second mayor, my third mayor. This isn't just about the Red Line and we need to stay focused. This is about unlimited density. This is about school overcrowding. This is about our infrastructure being burdened by more and more cars. I think the people who are using the bus lines to get down to Charlotte are doing their best, but I work-out right across from that transit station over here in Huntersville for the bus lines and I see a lot of cars there some days, some days I don't see any cars. Again, focusing back on what this is about. This is about unlimited density and we need to control our density. Commissioner Boone, you hit it right on the head, all we are hearing is we keep approving more and more units, but we are not doing anything about anything else. We have the same roads, we have the same schools. My personal opinion is we need to control that density and if the Red Line ever does come up here, if we ever do see transit.....and I lived in upstate New York, so I got to utilize that to go down to the city for work, I've utilized it to travel multiple places, but I don't see that coming. I just see us keep adding more and more units and creating a bigger burden on our infrastructure and schools. CMS owns a lot of property in Huntersville. They own enough property to build three more schools in Huntersville, if not four. But we are still on the naughty list with them, and they are not going to build any more schools here, so we have to look at what we have and utilize what we have and that is controlling the density that's coming to Huntersville.

Mayor Bales said I think that you hit the nail on the head. I felt for a while that we were saying TOD, but I think what we are really saying is that we do not want unlimited, unbridled density. I think that impacts our community as a whole.

Commissioner Partee said we do have a downtown commission that just formed and any changes we make to these resolutions will that put a restraint or handcuffs on how they proceed as far as planning for downtown.

Mayor Bales said I'm sure that it will. Let's wrap up through these questions and then we will turn to staff and see if they have a suggestion on the best route to proceed.

Commissioner Kovacs said I just was going to say sort of what Lance was asking – what does it revert to if we take out #4 on the screen, then it just becomes #3, we don't have #4 so you have not to exceed 30 percent of the total dwellings and then if they want to come to us and request something else, but if we just need to take out that unlimited development.

Mayor Bales said Mr. Simoneau, I think you sat here and you've heard some of our discussion. I think the real crux is unlimited, unbridled density. I agree with Commissioner Boone. We've heard it, it's happening, we talk about managing our growth and we talk about quality growth. How do we get to where we want to go.

Mr. Simoneau said it was our thought to hold off until the downtown committee finishes their recommendation. If a majority of the Board feels like we should strike out #4 or modify #4 to say something to the effect that the transit is funded, that's your choice. I would just say as the committee finishes what they do, they might have something a little bit different. If we do get rid or modify #4, we just need to keep in mind what the committee comes up with. We can start the text amendment process as has been mentioned a couple of times. It is a process, so we could submit the text amendment the first of February, which is the next timeline, and then it's a 3-1/2 month process to go through by the time we get to the Ordinances Advisory Board, Planning Board and legal ads, etc. Again, if directed, we'll go ahead and prepare the text amendment to modify #4, which would be probably deleting it at this point in time or offering an alternative to say the project has to be funded, and we can start that in February.

Mayor Bales said I do think you bring up a valid point. We did create a downtown steering committee for a reason. I guess the question for this Board is do we want to take the reigns back, make some small modifications and then let them continue their work. Or I don't know if we can take a pause. Mr. Simoneau said I don't know if that's an option.

Mr. Simoneau said I think the text needs to be amended if there's not support for this, you can't just say well we are not going to accept any more major subdivisions with 30 percent even if you're within ¼ mile, so if that's the case then you do need to delete that section.

Commissioner Phillips said I am not in favor of throwing this over to the downtown steering committee. We are the ones that were elected to do this and I feel like if we put this on pause and we let them do what they need to do, they can't really accomplish what their goal was because we've left another big elephant in the room just like with the new town hall. I also think that it would be highly problematic without naming names because we do have people sitting on that board that their properties are impacted by this and I feel like it's giving certain people a leverage, intended or not, that we don't need

to be perpetrating in our town. That makes me uncomfortable to the point that it's hard for me to talk about. That just makes us look very shady and I know Huntersville is above that.

Mayor Bales said I actually agree with you Commissioner Phillips. I think that's a very valid point. I would like to see interest from this Board to move forward doing some form of a text amendment. I don't know what it needs to look like. I think we can continue to work through that with staff.

Commissioner Kovacs said I just wanted to say that the downtown steering committee, I'm extremely appreciative of them, and it's not that I don't want to necessarily put this on them, but in attending their meetings and speaking to people, they want direction and they don't want things up in the air. I don't want to waste their time because their time is precious. If we are going to put something on pause, tell them to develop something and then come back and change the wording and they can't accomplish the plans that they create, then what have you say.....about the time that they put in towards making something so I think if it's something that we know we are going to be visiting in the future we need to start something now so that way when they make their plans it can be as accurate as possible rather than representing something that won't be there.

Mayor Bales said I completely agree with you.

Commissioner Partee said I think it's very unfair that Ms. McAulay does not a chance to speak. I see the vice chair spoke and gave his statement to us, but I would like to hear from Ms. McAulay also because she's the chair of the committee and right now I don't want people to feel like we are pushing this through. We are elected by the people, you're right Commissioner Phillips, we're elected officials, but they are the ones that elected us. But they have a say also. Therefore, I feel like we should hear from maybe the chair, and we've heard from the vice chair but the chair also and see how she feels about this because she's head of the committee. She was voted by folks on the committee to represent them.

Mayor Bales said there will be plenty of time for every citizen in Huntersville to weigh in on this as we go through this process of moving forward with the text amendment.

Commissioner Kidwell made a motion to begin the process to remove TOD from the Huntersville zoning district.

Commissioner Boone seconded motion.

Mr. Simoneau said if I can ask a question, just so we're clear, what I'm showing you here is the language that does allow the percentage of attached units to exceed 30 percent if you are within ¼ mile. It's not just the Town Center district, it's the Neighborhood Residential District, the Neighborhood Center District and the Highway Commercial District. I understand the motion it would be to this section here #4 whether in all of those different zones that I mentioned to bring that before the public hearing to delete #4 or to modify #4, I just want to be clear that it's not just what I'm looking at or what you are looking at here, but it's all the districts that have this language in there is I believe that the intent of the Town Board is.

Mayor Bales said does anybody want to weigh in on Mr. Simoneau's clarification.

Commissioner Kovacs said I'd like to remove it from all the zoning districts.

Mayor Bales said I believe I had a motion by Commissioner Kidwell. I believe my second was Commissioner Boone. Is that correct Commissioner Boone?

Mr. Boone said yes.

Mayor Bales called for a roll call vote.

Commissioner Phillips – Approve
Commissioner Partee – Oppose
Commissioner Munger – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Boone – Approve

Motion carried 5 to 1, with Commissioner Partee opposed. This is to move forward with a text amendment to removeI'm sorry can you restate that it is approval of the motion as amended.

Commissioner Kidwell said yes.

Mayor Bales said we will move forward with this text amendment and Mr. Simoneau your staff will bring it back to us at the appropriate time.

Mr. Simoneau said that's correct. We'll go ahead and follow the February submission timeline and I'll send a follow-up to the Town Board so that everybody has a timeline.

CONSENT AGENDA

Commissioner Phillips made a motion to approve the Consent Agenda. Commissioner Munger seconded motion.

Mayor Bales called for the roll call vote to approve the Consent Agenda.

Commissioner Boone – Approve
Commissioner Kidwell – Oppose
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

The following items on the Consent Agenda were approved by 5 to 1 vote, with Commissioner Kidwell opposed.

1. Minutes of the January 3, 2022 Regular Town Board Meeting.
2. Resolution accepting dedication of public right-of-way for the Tannin Street connection.
Resolution attached hereto as Exhibit No. 17.

CLOSED SESSION

Commissioner Phillips made a motion to go into closed session pursuant to NCGS 143-318.11 (a)(5) for the purpose of instructing staff on real property acquisition with the understanding that we will come back for closing comments.

Commissioner Boone seconded motion.

Mayor Bales called for the roll call vote.

Commissioner Boone – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve

Motion carried unanimously.

No action was taken upon return from closed session.

CLOSING COMMENTS

Mayor Bales encouraged citizens to stay safe in the inclement weather predicted.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.