



## **AGENDA**

### **Regular Planning Board Meeting**

**March 22, 2022 - 6:30 PM**

**Town Hall 101 Huntersville-Concord Road**

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

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
  - 2.A. Consider approval of February 22, 2022, meeting minutes ()
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
- 4. Action Agenda**
  - 4.A. Consider Recommendation for Valea Subdivision, a request by Valea Bowman, LLC to subdivide 29.217-acres located south of Dellwood Drive and east of Central Avenue at 14215 Holbrooks Road into 36 single-family lots.
  - 4.B. Consider Recommendation 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)*
  - 4.C. Consider recommendation on Petition #TA22-01, 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)*
  - 4.D. Consider a recommendation 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. *(Jack Simoneau)*

- 4.E. Consider Recommendation for Hill Street Subdivision-Phase 3, a request by Hill Street Bowman, LLC to subdivide 0.401-acres located at the intersection of Hill Street & Hutnersville-Concrod Road at 13895 Hill Street, Parcel # 01905211, into 6 town home lots.
- 4.F. Consider recommendation on Petition #TA 22-02, a Zoning Ordinance text amendment by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial & residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations (3.2.4(d)(4), 3.2.6(d)(4), 3.2.5(d)(4), 3.2.7(d)(4)(a)). *(Jack Simoneau)*

**5. Other Business**

**6. Adjourn**



## **Minutes of the Town of Huntersville Planning Board**

The Town of Huntersville Planning Board met virtually at 6:30 p.m. on Tuesday, February 22, 2022.

### **Call to Order/Roll Call**

Chairman Swanick called the virtual meeting to order at 6:30 pm.

**Present:** S. Swanick, J. Snyder, S. Hensley, G. Baber, C. Boyd, T. Loomis, J. Wright, and F. Gammon (arrived at 6:43 p.m.)

### **Approval of Minutes**

#### **Item 2A. Consider approval of the January 25, 2022, Regular Meeting Minutes**

**Motion:** J. Snyder made a Motion to Approve the January 25, 2022, minutes. C. Boyd seconded the motion.

**Vote:** The motion passed unanimously (7-0).

### **Public Comments**

Scott Barnette, 9012 Beatties Ford Road stated that his concerns have been addressed. He was concerned that the proposed Mosaic Development parking lot will surround his property and while they had agreed to a 20-foot buffer he felt they also needed a fence to reduce the headlights from shining onto his property and foot traffic from potentially walking across his property. The applicant stated that they will install a fence so that satisfies his concerns. He believes this will be a great project for the area.

### **Action Agenda**

#### **Item 4A: Consider Recommendation for 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).**

B. Richards, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff provided a summary of the request to rezone from Rural to Neighborhood Residential – Conditional District to allow for up to 130 multifamily age restricted senior apartments.

The applicant has volunteered to annex the property into the town if the proposed project is approved. The historic committee reviewed the existing home and barn and did not select it for historic designation. The rezoning maximum density allowed would be up to 13.2 units/acre, the applicant is currently proposing 12.5 units/acre. All tree save requirements have been met or exceeded.

The applicant is requesting two modifications. Modification 1: Off-street parking reduction request from the ordinance required 139 space or 1.5 spaces per unit to 125 spaces or 1.02 spaces per unit. The applicant has provided a parking study of their similar communities demonstrating a utilization rate of .62 cars per unit. Staff supports this request based on the

type of development being proposed, a review of the applicant's study, and a review of area parking requirements for this type of development supporting a 1 space/unit ratio.

Modification 2: Side yard parking. Currently side yard parking is not permitted with apartments. The topography of this land falls away from the road creating a natural buffer as the parking will be approximately 5 feet below grade. Staff supports this request as it meets the spirit of the ordinance given the vegetation and grading provides adequate screening and separation to mitigate the visual impact.

The proposed rezoning is supported by the 2040 Long Term Plan as the project falls within an Activity Center and multi-use is encouraged.

C. Boyd asked for confirmation that the parking will be below grade as the current site plans do not seem to indicate that and if the site to the south is proposing a future road. Staff confirmed that the preliminary plan is below grade with our standard 20' buffer and a screening of evergreen trees and other trees at the entrance. A one building one lot development is not required to reserve or build public street access but they are offering to reserve right-of-way in the event the Town or another agency wants to build and connect Oak Grove Hill to a development under the currently zoned Long Creek Retail area in the future.

T. Loomis asked what is proposed for the sidewalks and if they will be ADA compliant. Staff confirmed that all sidewalks and driveways in the Town are required to be ADA compliant.

J. Sny asked if NCDOT is going to require a TIA. Staff stated that to the knowledge one will not be required. There will be traffic improvements required along Beatties Ford Road.

F. Gammon followed up on questions from the Public Hearing and inquired if there would be elevators, how many units are 55 and over (possibly referring to approved projects), how many are considered affordable housing, the average number of non-maintenance emergency calls, and where the nearest CATS bus stop. Staff confirmed that there will be an elevator, 800 units restricted to 55 and over, 135 units in Town are considered affordable housing, and the nearest CATS bus stop is approximately 1 mile away. CATS has stated that they will review this in 18-24 months to determine if it should be added to the Village Rider route and in the meantime the applicant is proposing alternate options through church and volunteer groups for public transportation options.

F. Gammon asked how many age restricted units are already constructed in Town. Staff is working to determine how many have been constructed and will provide the Board with that report.

Jimmy Royster, Mosaic Development Group 4600 Park Road, Suite 390 Charlotte NC 28209 replied that he does not have a record of emergency calls made from properties by individual tenants, but he can request that from property management.

S. Hensley asked the applicant if he could confirm he is proposing a 6-foot privacy fence and identify where the proposed fence will be placed that is adjacent to Mr. Barnette's property. The applicant confirmed that is the fence type and indicated he has requested the engineers to add a fence along Mr. Barnette's property and down towards Mt Holly-Huntersville to alleviate the concern over headlights or possible trespassing.

**Motion:** F. Gammon made a Motion to Approve R21-16 rezoning of 9102 Beatties Ford Road from rural to neighborhood residential – conditional district. The Planning Board finds that the rezoning as outlined in part 4 of the staff report is consistent with Huntersville Zoning Ordinance 11.4.7 d, 11.4.7 e, Huntersville 2040 Community Plan policies LU2.1, LU5.1, LU6.1, LU7.1, LU8.1, LU10.1, T3.1, and the Beatties Ford and Mt Holly Huntersville small area plan. The Planning Board further recommends approval of the requested modifications, modification 1: the reduction of number of off-street parking from 139 to 125 spaces and modification 2: the modification of side-yard parking along Beatties Ford Road with a 20-foot buffer to screen the parking lot from Beatties Ford Road. This recommendation for approval is contingent upon the applicant successfully addressing all outstanding staff comments and potential NCDOT comments. It is reasonable and in the public interest to amend the Zoning ordinance because the rezoning is consistent with the envisioned usage and development pattern set forth in the 2040 Community Plan and Beatties Ford Road and Mt. Holly-Huntersville small area plan. C. Boyd seconded the motion.

**Vote:** The motion passed unanimously (8-0).

**Item 4B: Consider making a recommendation 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.**

B. Priest, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff provided a summary of the request to expand the active area of use from the rezoning that was approved in 1989. The applicant has confirmed that the upcoming plan will include the tree survey and the proposed greenway note. Staff recommends approval with the consideration of adding rear connection to Verhoeff Drive, updating tree survey and adding note stating count will assist to accommodate greenway through the property.

G. Baber asked for confirmation on where the expansion will occur and if the public comments regarding odor are an area of concern. Staff identified the expansion to the north and south as well as the storage area. The issues regarding odor are not addressed in the zoning ordinance. Regarding public comments the applicant has amended the plan to reduce the expansion limits, add a noise wall and berm. Staff has not seen odor addressed on the site plan, however; the applicant meets the zoning requirements.

C. Boyd asked if more traffic is expected. Staff commented that this expands the area that they can use and that staff recommends the rear entrance off of Verhoeff to assist with the traffic

volume. The applicant has moved the way house further back into the site and is proposing turn lanes on Statesville to assist with the car stacking.

F. Gammon asked if the proposed tree survey is satisfactory to staff and if the proposed greenway statement inadvertently requires the Town to build the greenway versus the County. Staff confirmed they are comfortable with the proposed tree survey and they doubt mitigation will be necessary. Staff is comfortable with the greenway statement as this particular greenway request does not overlay with the Counties proposed greenways and would be a Town funded greenway effort.

F. Gammon requested that Parks and Recreation and the Greenway Commission provide a list of all greenways that the County is not going to build so the cost can be estimated, and the Town can either agree to build them or put them into the Capital Improvement Program.

J. Sny asked if staff has any concerns with the TIA being 2.5 years old. Staff stated that a TIA was not required for this use. The TIA is based on square footage and there is no expansion of square footage, so no TIA update is required.

Jeff Smithberger, Director of Solid Waste for Mecklenburg County 2145 Suttle Avenue Charlotte stated that this is a project that the County has worked on for several years. It is part of the strategic plan to upgrade all full-service facilities. This is the first one and the Pence Road, Foxhole and Valleydale Road will follow. The county is proposing a three-phase expansion of this property. Phase 1 has been completed with the addition of the office building that are ADA compliant. Phase 2 includes the noise wall and berm with proposed screening, and upgraded recycling as requested by the County Board of Commissioners. In the future, phase 3 will be a covered acceptance area.

T. Loomis asked what new recycling options will be offered and if any renewable energy sources will be implemented. The applicant responded that they are looking into shredded paper, hard cover book recycling and collection of food waste. Solar powered lights are being considered for this facility and renewable energy efforts at all facilities are reviewed.

G. Baber asked what the applicants concerns are with the Verhoeff Drive entrance. The applicant responded that the site is not designed for dual entrance, it is laid out for an entrance on Statesville and they are not set up for multiple entrance and exits. In lieu of this they have committed to adding sidewalks and turn lanes to accommodate the traffic while allowing their site to operate safely and efficiently.

F. Gammon stated he appreciates and uses the facility frequently. One of his big concerns is accommodating citizens who should not have to suffer so he is glad that Mecklenburg County is committed to mitigating all that they can to reduce any impact on neighbors. Following up on the questions raised at the public hearing, he asked when this facility grinds. The applicant stated that generally this facility grinds once every two weeks, generally between 8 a.m. – 2 p.m. on a weekday unless there is an emergency condition. The grinding crew is a mobile team

based at the Valleydale facility that begins at 7 a.m. and arrives at North Meck facility after 8 a.m.

The applicant stated that the compost central facility is approximately 6 times larger than the North Meck facility. They have deployed an odor mitigation program at this facility. Typically, in the fall of the year the leaves are more acidic and compost with a different smell. The applicants have confirmed with the residents that they will install one of these proprietary systems at the North Meck facility.

C. Boyd asked if the stormwater retention ponds utilize any filters before that water gets to the creeks. The applicant stated that biofilters are utilized so that it passes through earth and sand prior to release.

F. Gammon asked if the creek where the waters released is home to the Stone Fly. The applicant stated that it is not.

**Motion:** J. Snyder made a Motion to Approve R21-14 North Mecklenburg Recycling Center expansion. The planning board recommend approval based on the plan being consistent with the Huntersville 2040 Community Plan, policies LU1.1, LU5.1, and LU11.1. Update to the plan to include a completed tree survey showing conformance to tree requirements and add the footnote regarding future greenway location. It is reasonable and in the public's interest to approve the rezoning plan because the center is an essential service for residents in this part of the county. Also because the applicant has partnered with the nearby community of Plum Creek to address their concerns and to go on record to address potential future concerns as it relates to smell and the addition of turn lanes on Statesville Road. S. Hensley seconded the motion.

S. Hensley commented that this is an established use and while no one may want to live near it, it is a necessity and there is a benefit that is run by the County and not a private owner so if issues arise he feels that they will be good neighbors and do what they can to address residents concerns.

F. Gammon commented that we have a double interest because as this applicant is the County it comes out of our pocket.

**Vote:** The motion passed unanimously (8-0).

#### **Other Business**

No other business.

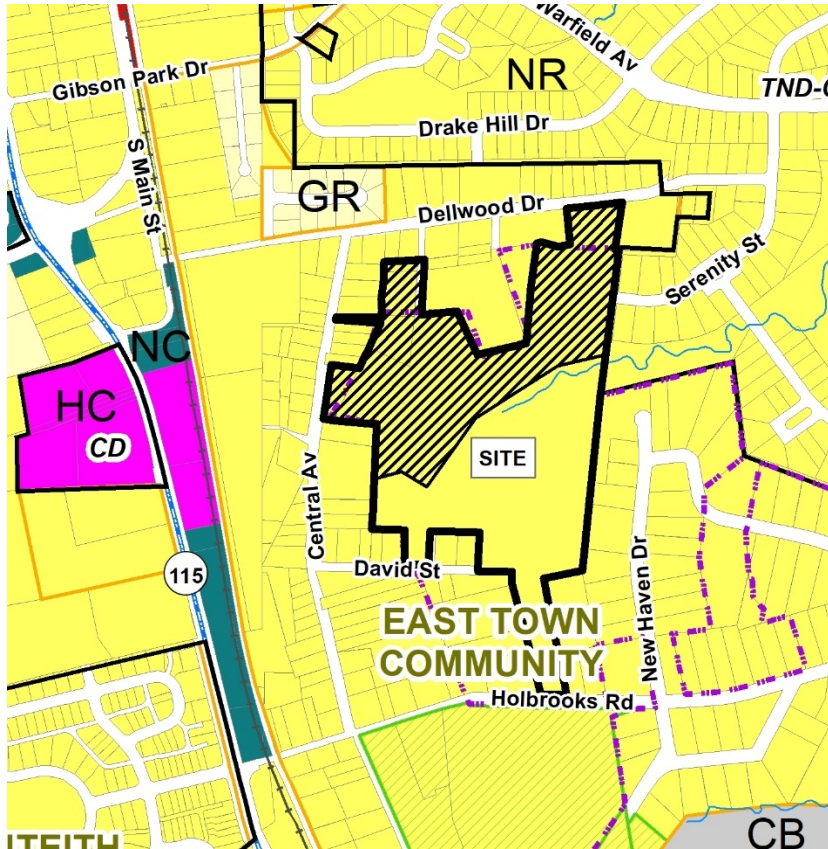
#### **Adjourn**

**Motion:** J. Snyder made a Motion to Adjourn. C. Boyd seconded the motion.

**Vote:** The motion passed unanimously (8-0).

## Valea Subdivision Sketch Plan

### PART 1: PROJECT SUMMARY



**Applicant:** Valea Bowman, LLC.

**Property Owner(s):** Valea Village, LLC.

**Property Address:** 14215 Holbrooks Road.

**Project Size:** (+/-) 31.387 acres.

**Parcel Number(s):** 01908108, 01908109, 01908118, 01908136, 01908137.

**Current Zoning:** Neighborhood Residential (NR).

**Current Land Use:** Vacant /wooded.

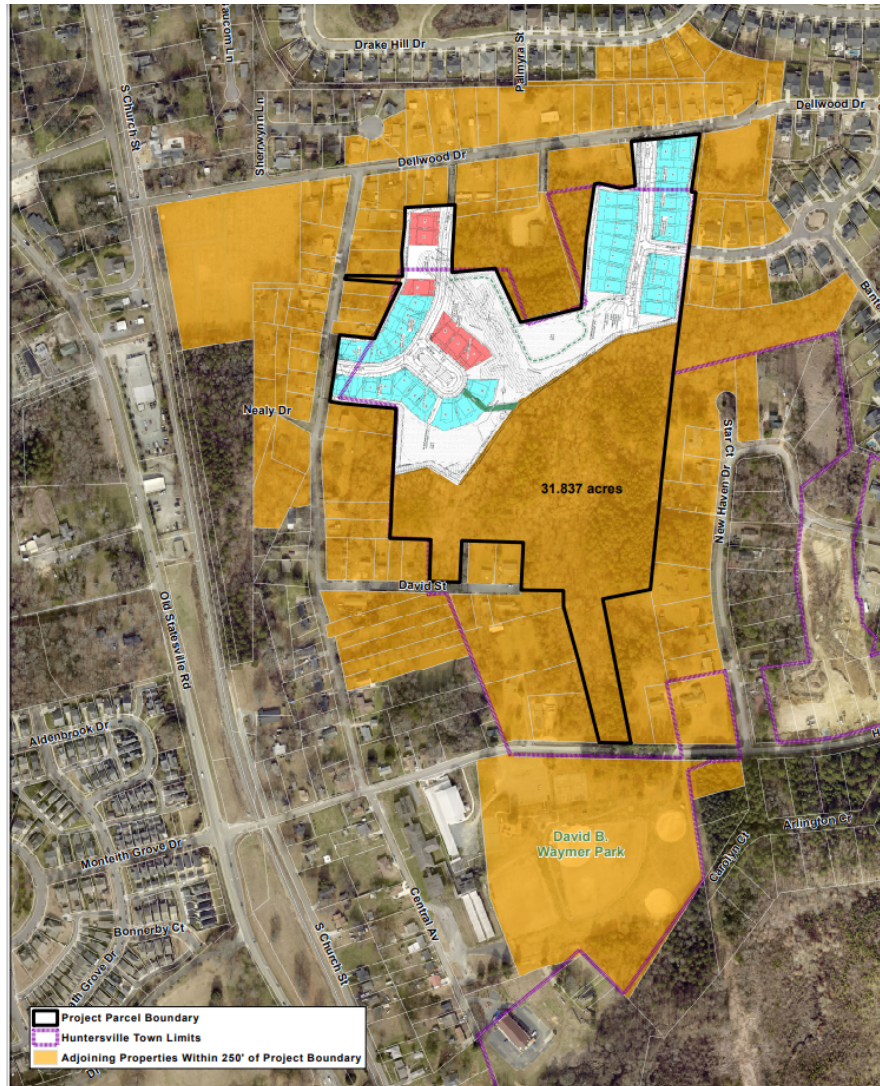
**Proposed Land Use:**

36 single-family homes. 1.15 Dwelling Units Per Acre, DUA with 31.837 acres. 2.17 DUA with 16.62 acres. See # 1 below.

### PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 31.387-acres of land located east of Central Avenue, south of Dellwood Drive, and north of Holbrooks Road (shown as "site" above) into 36 single-family lots.  
NOTE: The parent parcel is 31.837 acres. The proposed subdivision covers 16.62 acres of the parent parcel. The remaining 14.767 acres will have road frontage along David Street & Holbrooks Road and could be later subdivided-but would require a separate Town review process. However, there are no current plans to develop the remaining acreage. Please see map found on the following page.





2. Adjoining Zoning and Land Uses:

North: Neighborhood Residential (NR) – Single Family homes along Dellwood Drive, St. Phillip Missionary Baptist Church, and the Torrence Lytle Community Center (historic building/Rosenwald School-see below photo)



South: Neighborhood Residential (NR) – Single-family homes along David Street & Holbrooks Road.

East: Neighborhood Residential (NR) – Single-family homes along New Haven Dr. and Serenity St. (Vermillion).

West: Neighborhood Residential (NR) – Single-family homes along Central Avenue.

3. A neighborhood meeting was held on December 15, 2021. The complete meeting summary is provided in Attachment C.
4. The proposed subdivision has 36 single-family homes, with one lot type proposed-which is approximately 8,700 sq. ft., and a width of 60.1 ft. (36 lots).
5. There are 41 specimen trees on the site. In the NR zoning district, 10 percent (5 trees) of the specimen trees are required to be saved and the developer proposes to save 8 specimen trees (20%). There are no known heritage trees on the site. Approximately 16.62 acres of the parent tract (31.837 acres) will be developed with the proposed 36-lot subdivision. 99.57% of the area to be developed, or approximately 16.55 acres, is covered by tree canopy and the developer proposes to save 3.66-acres (22.1%) of the canopy (10% required in NR).
6. The subdivision will be developed in one phase.
7. The developer submitted a construction traffic route map which will direct traffic via Dellwood Drive. The map was reviewed by the Public Works Director and was found to be acceptable-as it is the most direct route.
8. Town staff reached out to the Historic Landmarks Commission of Charlotte-Mecklenburg regarding the proposed subdivision. The Commission's staff stated that the proposed plan does not pose any significant negative impact to the historic character of homes in the area.

Paul

Thank you for bringing this to our attention.

410 Delwood Dr. is the Historic Alexander House and has been found to be eligible for the National Register.

318 Delwood Dr. is a ca. 1915 home that was like an original part of the Pottstown neighborhood and may merit recognition and protection.

The plan shown below does not pose any significant negative impact to the historic character of the houses.

Glad to discuss.



9. A water quality concept plan is currently under review by Town staff and has not been approved as of the date of this report.
10. A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's capacity issues. Please note, no building permits will be issued without the availability of water and sewer.
11. Required Urban Open Space is provided via– a 4,791 sf square, and a 1,275 ft long greenway. Additionally, there will be 3.20 Acres of Common Open Space associated with the proposed development.
  - a. *Staff has requested designs of the Urban Open Space to ensure compliance and high-quality design.*
12. The applicant is requesting one modification to ordinance requirements:
  - **Residential Buffer:** The applicant is requesting a residential buffer modification from Article 7.5.3 of the Zoning Ordinance which requires a 20' vegetative buffer around the perimeter of major subdivisions from adjoining residential zoned property (church). The buffer width for this section of the plan (highlighted on image below) is proposed to be 16.5 feet. Section 11.4.7(k) below authorizes the Town Board to approve a modification for conditional zoning districts.

k) In approving a conditional zoning district, the Town Board may modify standards established in the zoning or subdivision ordinance provided the spirit of the regulations are maintained.

*Staff supports this modification request provided the plant materials chosen for this 153' long section of the plan provides adequate visual screening from the adjacent church zoned Neighborhood Residential*





### PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

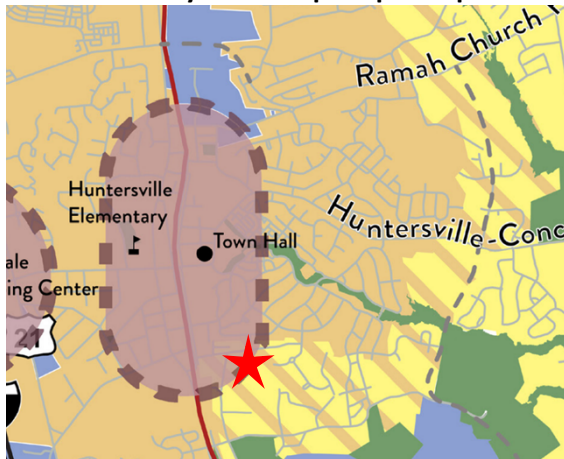
#### Traffic Impact Analysis (TIA)

A TIA was not required for the development as the trip generation projected was below the Town's thresholds for requiring study.

### PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board's consideration of the Valea Subdivision Sketch Plan.

#### 1. Consistency with adopted public plans and policies.



#### Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape and development intensity, including a maximum first floor footprint.



#### Moderate Density

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.

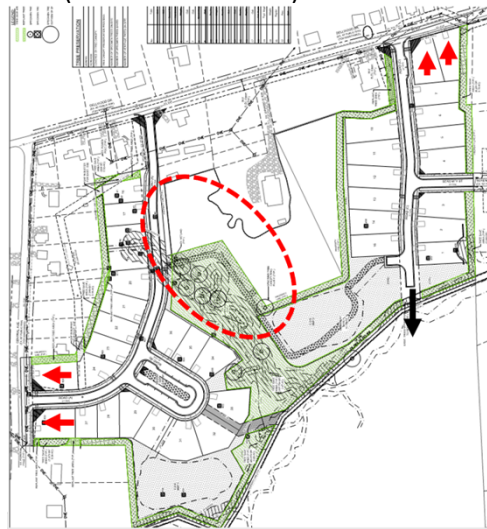
The following sections of the 2040 Huntersville Community Plan **support** this subdivision:

- The proposed Valea Subdivision lies within the “Mixed Use Center and “Moderate Density” Future Land Use Character Area of the 2040 Community Plan. The project's overall density of 2.07 DUA would comply with the standard associated with moderate density development.
- **EOS 5.3: Encourage Low Impact Development (LID).** Comment: The plan will include two stormwater control devices to handle the stormwater from the site.
- **Policy EOS 8.3: Continue to require locational standards for open space in new developments. Urban Open Space should be located within walking distance of homes in new subdivisions that are not located in rural areas. Open space should be located in undivided preserves, where possible, and should be accessible to the largest number of lots with the development.** Comment: Two urban open space improvements, a square & a greenway, will be provided with this plan as well as 3.20 acres of common open space.



- **EOS 10: Improve bicycle and pedestrian facilities throughout Town.** Comment: The Valea subdivision will add over 1,500 ft of new sidewalk to Town. Also, new street connections will be constructed which will benefit both cyclists & pedestrians alike. Please note that the proposed greenway is not a part of the future Town/County greenway system.
- **LU 2.1: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville's zoning jurisdiction.** Comment: The proposed development is found within the core of the Town and is within two miles of the I-77/NC 115 corridor.
- **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 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.

Comment: All lots front on new public streets and over three acres of open space will be provided. The proposed development will improve connectivity in the area by providing additional connections & new sidewalk routes for residents and is generally provided throughout the development. While it is unusual for sections of a subdivision to not be connected directly with internal streets, there is a creek buffer and existing significant trees that will not be impacted by such a connection (red dotted line below). Further, when the remaining 14.77 acres of the land is developed, a connection can be made between Dellwood Road and Holbrooks Road (black arrow below).



- **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.** Comment: The homes proposed on Dellwood and Central Avenue will be facing those streets like existing homes (red arrows above) and will have a similar lot width. The new development will provide the Town with approximately 1,500 ft of additional sidewalk improvements.
- **Policy T 3.1: Continue to enhance street connectivity by requiring connections among different uses. Continue to require street connectivity among residential uses. Context-sensitive street design should be applied.** Comment: The plan, if approved, will provide another connection from Central Avenue to Dellwood Dr.
- **T 5.1: Design Street improvements with considerations for the surrounding context and various users.** Comment: The new streets found in the proposed development will be developed with both street



trees & sidewalks. Street A will be narrowed-down in width to minimize impacts on 318 and 410 Dellwood Drive.

The following section of the East Huntersville Area Development Plan **support** this subdivision:

- **Pottstown Neighborhood.** Comment: The plan calls for sidewalks to be installed, and street improvements to be made. This plan will develop new street networks & over 1,500 ft of sidewalks to be established in the Pottstown neighborhood.



NEW NEIGHBORHOODS Development east of New Haven Park

ANCHOR MILL SITE  
 existing Magla Mills

#### KEY DIRECTIVES OF THE AREA DEVELOPMENT PLAN

- 1 Build the north roundabout on Old Statesville Road as a gateway public space with adjoining residential and commercial development
- 2 Improvements to Abernathy Park including infill housing
- 3 A new Transit Oriented Development on the Anchor Mill Site
- 4 Redevelopment and conservation in the Magla Mills neighborhood
- 5 Street and landscape improvements to Church Street and infill housing along the rail corridor
- 6 Street improvements and infill housing in Pottstown
- 7 Reuse of the historic Torrence-Lytle School buildings
- 8 Extend utilities to open up new neighborhood development along Holbrooks Road
- 9 New street connections to improve town-wide access in East Huntersville
- 10 New open space connections for trails and recreation

- **Key Directives #s 5,6,8, 9, & 10.** Comment: The plan calls for street connections and infill housing for 36 dwellings in Pottstown. This plan will develop new street networks & over 1,500 ft of sidewalks and preserve the creek area for open space.

The following sections of the 2040 Huntersville Community Plan **do not support** this subdivision:

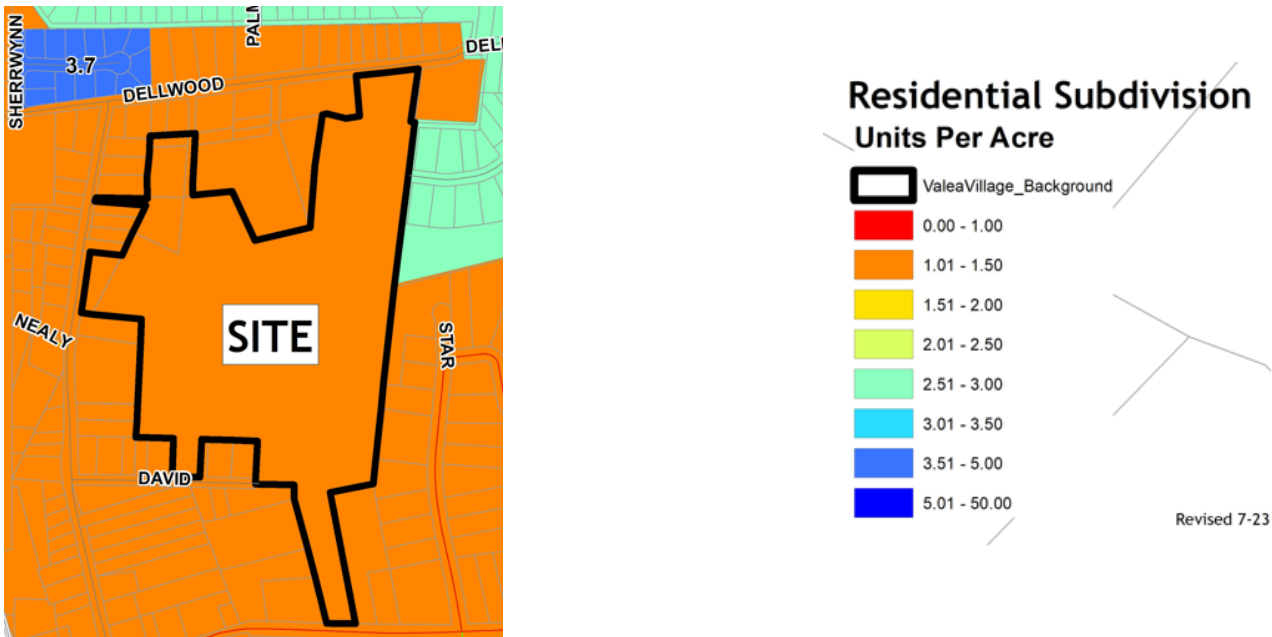
- **LU 10.1: Align housing options with resident needs and promote attainable housing options-with a mix of housing options & types.** Comment: This subdivision request does not meet this goal as it only provides one lot type, which will only support the development of single family detached homes.
- **LU 10.2: Continue to encourage a mix of lot sizes in new developments.** Comment: This subdivision request does not meet this goal as it only provides one lot size-though Valea is a smaller subdivision & thus has less opportunity for variation among lot sizes & home types.

## 2. Conformity.

The proposed development is in keeping with the density found in other adjacent major subdivisions including- Vermillion (2.78 DUA) and Whispering Pines (3.7DUA). The density of the proposed subdivision is 2.17 DUA (36 lots over approximately 16.62 acres) which is highlighted on the map on the next page. The parent tract that is associated with this development is 31.387 acres. Using the acreage of the parent tract, the overall density of the development is 1.15 DUA. The developer/applicant currently owns the parent parcel of approximately 31.837 acres.

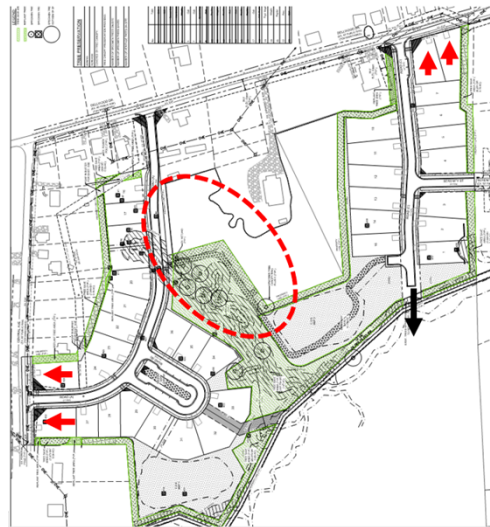
The development is proposing a 20' buffer on the perimeter of the development, except in one portion of the plan- where the proposed buffer will be 16.5 ft. if an ordinance modification is granted (see pages 3-4). Additional landscaping will be provided on the exterior of the development to help blend in with the surrounding area.

Density Map:



### 3. Access between Adjoining Properties.

The subdivision provides a connection between Central Avenue & Dellwood and connects with Serenity Street. Further, there is the potential to connect Dellwood Drive to Holbrooks Road if/when the remaining acreages is developed (black arrow below).



### 4. Relation to topography.

The street network and lot layout have been designed to respect the general topography of the site by working around the stream that is located at the site. The road network has also been laid out to provide additional tree save area.

### 5. Mature trees and natural vegetation.

The proposed project is required to save 10 percent of the tree canopy, 10 percent of the specimen trees and 100% of the heritage trees. All three of these requirements are being satisfied, as outlined in Part 2, Item 5 of this report.

**6. Access to parks, schools, etc.**

The Torrence Lytle Community Center is located directly adjacent to the proposed subdivision. The David B Waymer Park is located about 0.4 miles from the site. Lake Norman Charter School is 0.8 miles from the site, Huntersville Elementary School is approximately 1 mile. North Mecklenburg High School Legette Blythe Elementary and JM Alexander Middle School are located approximately 2 miles from the subdivision.

**7. Discourage through traffic.**

All streets are appropriately designed to discourage through traffic.

**8. Relationship to railroad rights-of-way.**

Not Applicable.

**9. Half streets.**

Not Applicable.

**10. Parallel streets along thoroughfares.**

Not Applicable.

**11. Public School and Public Park Sites**

The parcels associated with Valea Subdivision Sketch Plan have not been identified for a school or park site.

**12. Public Facilities**

The parcels associated with the Valea Subdivision Sketch Plan have not been identified for a public facility.

**13. Proposed street names**

The street names for Valea Subdivision Sketch Plan will be provided with Preliminary (Construction) Plan submission (if Sketch Plan is approved).

**14. Easements.**

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments for review.

**15. Proposed water and sewerage system.**

A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's capacity issues. Please note, no building permits will be issued without the availability of water and sewer.

**16. Restrictions on the subdivision of land subject to flooding.**

Streams are located on the site. However, none of the site is in a designated flood zone.

**17. Open Space**

Two types of Urban Open Space are proposed (a Square & a Greenway) as well as 3.20 acres of Common Open Space, as outlined in Part 2, Item 9 of this report.

**18. Impact of Development on Public Facilities**

There is no indication the proposed subdivision will adversely impact public facilities. While this section of the Ordinance does not call for the specific consideration of impact to public schools (CMS), staff contacts Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation for all major subdivision requests. According to CMS, the development will



generate 17 new students who will attend local schools. Two of the school are currently facing overcrowding issues. A section of CMS's report is provided below. See Attachment D: CMS Report.

| <u>Schools Affected</u>   | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-gc)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|---------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| LEGETTE BLYTHE ELEMENTARY | 53                              | 50                                           | 871                                             | 822                                                            | 106%                                                               | 7                                                          | 106%                                                                  |
| JM ALEXANDER MIDDLE       | 48                              | 54                                           | 938                                             | 1055                                                           | 89%                                                                | 4                                                          | 89%                                                                   |
| NORTH MECKLENBURG HIGH    | 116.5                           | 108                                          | 2146                                            | 1989                                                           | 108%                                                               | 6                                                          | 108%                                                                  |

#### PART 5: STAFF RECOMMENDATION

##### COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

##### COMPLIANCE WITH APPLICABLE REQUIRMENTS

Valea Subdivision Sketch Plan complies with all applicable requirements and is supported by findings of fact outlined in Parts 2-4 of this report, with the following conditions:

- The undisturbed buffer modification request is approved.
- Urban open space designs are added to the plans to ensure compliance.
- Stormwater plan approval.
- Secure a financial guarantee from the developer to fund the future extension of Road C to the lot line.
- All other plan comments are addressed.

There are several Subdivision Sketch Plan issues that staff makes **RECOMMENDATION** on:

- Collaborate with Huntersville Parks & Recreation staff to identify potential pedestrian connections to the Torrence Lytle Community Center
- Consider annexing the portions of the development not within the corporate Town limits of Huntersville.

#### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board will review the subdivision on Tuesday, March 22, 2022.

#### PART 7: TOWN BOARD FINAL ACTION

The Town Board is tentatively scheduled to consider this request on Monday, April 18, 2022.

#### PART 8: ATTACHMENTS AND ENCLOSURES

- A – Subdivision Sketch Plan Application
- B –Valea Subdivision Sketch Plan
- C – Neighborhood Meeting Report
- D – CMS Report

#### PART 9: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



# 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 10/08/2021

Name of Project Valea Subdivision Phase # (if subdivision) \_\_\_\_\_

Project Address 14215 Holbrooks Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01908108, 01908109, 019808118, 01908136, 01908137A, 01908137B,

Current Zoning District NR Proposed District (for rezoning only) \_\_\_\_\_

Property Size (acres) 16.41 Street Frontage (feet) \_\_\_\_\_

Current Land Use Vacant, wooded

Proposed Land Use(s) Single Family Residential

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.

To subdivide the subject property in to single family residential lots with associated land development improvements in accordance with the Town of Huntersville's zoning ordinance.

## 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 Valea Bowman, LLC Phone (704) 875-9704  
☐ 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 [Signature] Printed Name: Robert Bowman

Title MANAGER Email natebowman15@gmail.com

Address of Applicant 13815 Cinnabar Place, Huntersville, NC 28078

## 7. Property Owner (if different than applicant)

\*Printed Name \*See attached Phone \_\_\_\_\_  
☐ 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 \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this 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

R. Joe Harris & Associates, Inc. Doug Timbrell (803) 578-9629 dtimbrell@rjoeharris.com  
Development Firm Name of Contact Phone Email

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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



General Application  
Owner/Applicant Signature Addendum

Application Information

Date of Application 10/07/2021 Application Number \_\_\_\_\_  
Name of Project Valea Subdivision Phase # (if subdivision) \_\_\_\_\_

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

\* ^ Printed Name Valea Village, LLC Gary D. Waldman Phone Number \_\_\_\_\_  
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 X Gary D. Waldman Parcel ID(s): 01908118, 01908137A, 01908137B

Title Manager Email waldmanga@gmail.com

Address of Property Owner/Applicant 3708 Arcadia Street, Skokie, IL 60076 630 DUNDIG ROAD, # 120  
NORTH BLOOMING, IL 60062

\* ^ Printed Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 \_\_\_\_\_ Parcel ID(s): \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner/Applicant \_\_\_\_\_

\* ^ Printed Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 \_\_\_\_\_ Parcel ID(s): \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner/Applicant \_\_\_\_\_

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

\* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



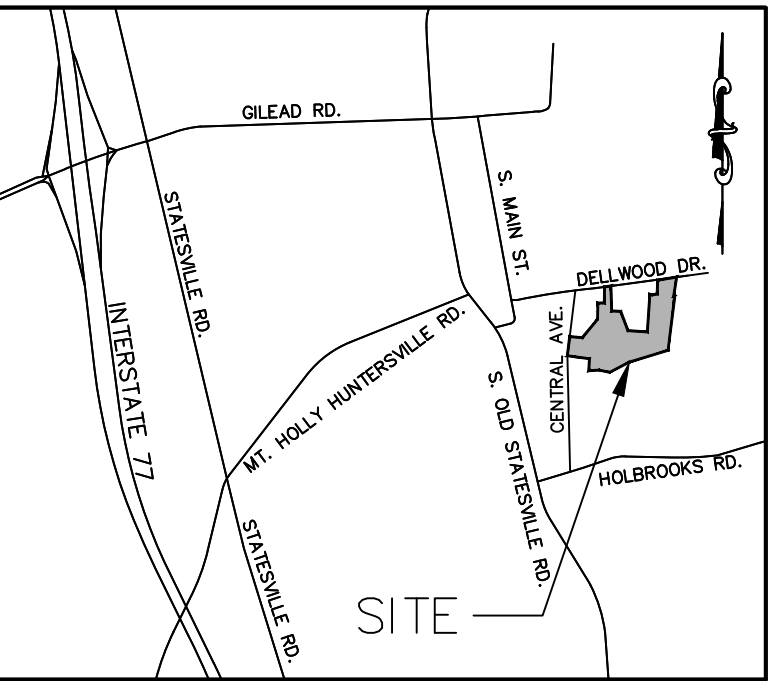
# VALEA SUBDIVISION SKETCH PLAN

TOWN OF HUNTERSVILLE  
MECKLENBURG COUNTY, NORTH CAROLINA  
EPM #429253  
PID #'s: 01908108, 01908109,  
01908118, 01908136

PREPARED FOR :

BOWMAN DEVELOPMENT GROUP

13815 Cinnabar Place  
Huntersville, North Carolina 28078  
Phone: (704) 875-9704



VICINITY MAP - N.T.S.

## PLAN SHEET INDEX

| Sheet Number | Sheet Title                             |
|--------------|-----------------------------------------|
| C0.00        | Cover                                   |
| C1.00        | Existing Conditions                     |
| C2.00        | Overall Site Plan                       |
| C2.01        | Site Plan                               |
| C2.02        | Site Details                            |
| C2.03        | Four Step Process                       |
| C3.00        | Grading Plan                            |
| C3.01        | Road C & Serenity Street Plan & Profile |
| C4.00        | Landscape Plan                          |
| C4.01        | Tree Perservation Plan                  |
| C5.00        | Pre-Drainage Map                        |
| C5.01        | Post-Drainage Map                       |
| C6.00        | Utility Plan                            |
| C7.00        | Frontage Improvement Plan               |

## PROJECT NOTES:

- STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PLAN PHASE TO SATISFY THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL.
- ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (>5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCSBC 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 HUNTERSVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERSVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (DPIRC) LETTERS.
- THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, INSPECTED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF THE STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.
- ONCE THE STREETS ARE ACCEPTED BY THE TOWN, STREET TREES SHALL BE MAINTAINED AND CARED FOR THE BY PROPERTY OWNER ADJACENT TO THE TREE EXCEPT IN SUBDIVISIONS WHERE THE PROPERTY OWNER ASSOCIATION IS RESPONSIBLE FOR THE MAINTENANCE (ZO, ARTICLE 7.3.7).
- THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, INSPECTED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.

March 1, 2022

PREPARED BY:



R. Joe Harris & Associates, Inc.  
Engineering • Land Surveying • Planning  
Management

1186 Stonecrest Blvd., Tega Cay, SC 29708 Phone: (803) 802-1799

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

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



Engineer:

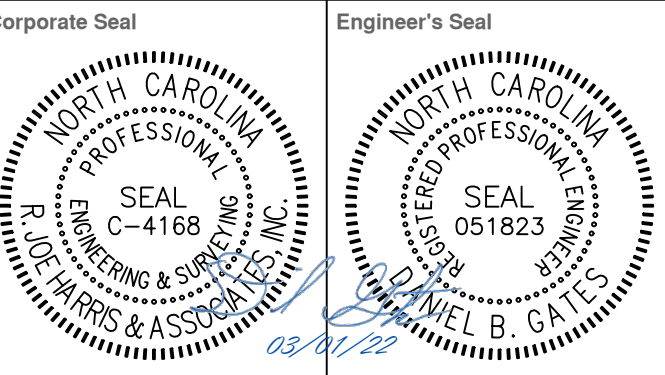


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1186 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoe-harris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.



|                                        |                            |
|----------------------------------------|----------------------------|
| Project Manager<br><b>D. Gates</b>     | Drawn<br><b>J. Vavrina</b> |
| Department Manager<br><b>P. Murphy</b> | Checked<br><b>D. Gates</b> |

Print/Plot Date

March 1, 2022

|                    |                   |
|--------------------|-------------------|
| Asbuilt Drawn<br>- | Asbuilt Date<br>- |
|--------------------|-------------------|

Client

Bowman Development Group  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704

Project:

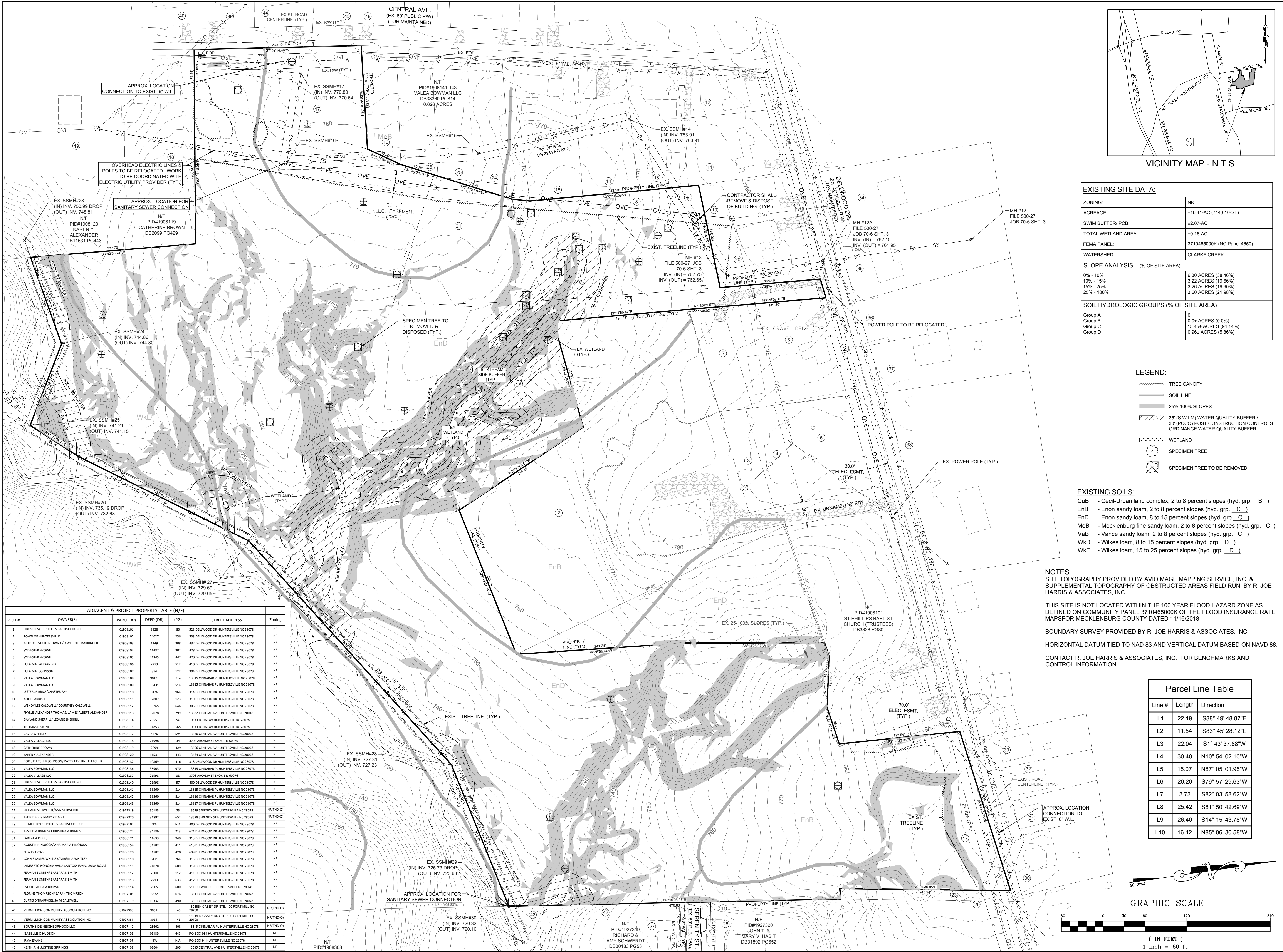
Valea Subdvision  
Sketch Plan

Drawing Title:

Cover

|                                |                             |
|--------------------------------|-----------------------------|
| Project No.<br><b>4676</b>     | Drawing No.<br><b>C0.00</b> |
| DWG File Name:<br>4676 - Cover |                             |





DATE ISSUED FOR REV

10/26/2021 Initial Submittal to Town of Huntersville 0

01/13/2022 Second Submittal to Town of Huntersville 1

03/01/2022 Third Submittal to Town of Huntersville 2

**NORTH CAROLINA 811**

Know what's below. Call before you dig.

Engineer:

**R. Joe Harris & Associates, Inc.**

Engineering • Land Surveying • Planning Management

1186 Stonemont Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

[www.rjoe-harris.com](http://www.rjoe-harris.com)

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Corporate Seal Engineer's Seal

**NORTH CAROLINA PROFESSIONAL SURVEYOR**

SEAL C-4168 R. JOE HARRIS & ASSOCIATES, INC. 03/01/22

**NORTH CAROLINA PROFESSIONAL SURVEYOR**

SEAL 051823 DANIEL B. GATES 03/01/22

Project Manager D. Gates Drawn J. Vavrina

Department Manager P. Murphy Checked D. Gates

Print/Plot Date March 1, 2022

Asbuilt Drawn - Asbuilt Date -

Client

Bowman Development Group

13815 CINNABAR PLACE

HUNTERVILLE, NORTH CAROLINA 28078

P: (704)875-9704

Project:

Valea Subdivision

Sketch Plan

Drawing Title:

Existing Conditions

Project No. 4676 Drawing No. C1.00

DWG File Name: 4676 - Existing Conditions

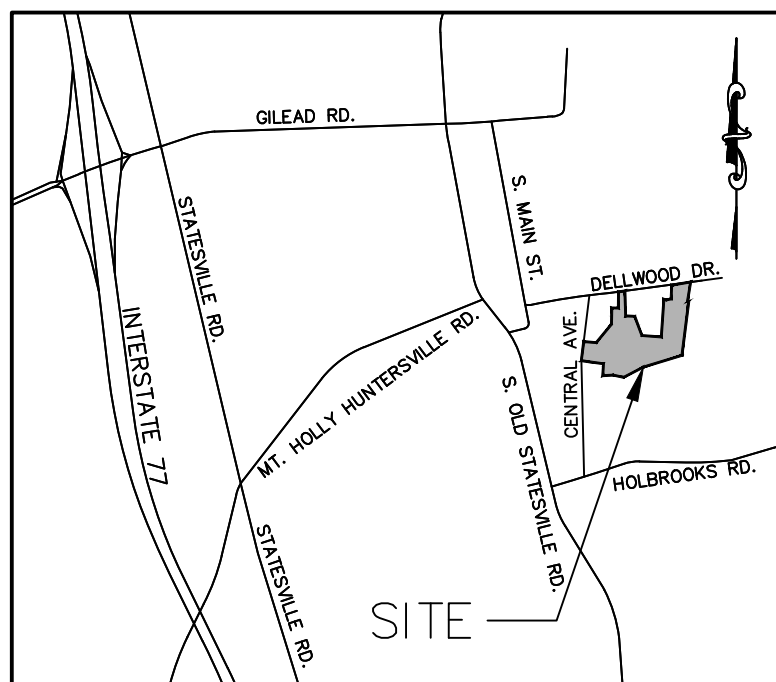


| ADJACENT & PROJECT PROPERTY TABLE (N/F) |                                                 |            |           |      |                                               |          |
|-----------------------------------------|-------------------------------------------------|------------|-----------|------|-----------------------------------------------|----------|
| PLOT #                                  | OWNER(S)                                        | PARCEL #'s | DEED (DB) | (PG) | STREET ADDRESS                                | Zoning   |
| 1                                       | TRUSTEES ST PHILLIPS BAPTIST CHURCH             | 01908101   | 3828      | 80   | 523 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 2                                       | TOWN OF HUNTERSVILLE                            | 01908102   | 24027     | 256  | 508 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 3                                       | ARTHUR ESTATE BROWN-C/O WELTHER BARRINGER       | 01908103   | 1149      | 308  | 432 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 4                                       | SYLVESTER BROWN                                 | 01908104   | 11437     | 302  | 428 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 5                                       | SYLVESTER BROWN                                 | 01908105   | 21345     | 442  | 420 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 6                                       | EULA MAE ALEXANDER                              | 01908106   | 2273      | 512  | 410 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 7                                       | HUANA MAE JOHNSON                               | 01908107   | 924       | 122  | 394 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 8                                       | VALEA BOWMAN LLC                                | 01908108   | 36431     | 874  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 9                                       | VALEA BOWMAN LLC                                | 01908109   | 36431     | 514  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 10                                      | LESTER JR BRICE/CHASTER FAY                     | 01908110   | 8126      | 964  | 314 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 11                                      | AUCIE PARRISH                                   | 01908111   | 13807     | 123  | 310 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 12                                      | WENDY LEE CALDWELL/COURTNEY CALDWELL            | 01908112   | 33765     | 646  | 306 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 13                                      | PHYLIS ALEXANDER THOMAS/ JAMES ALBERT ALEXANDER | 01908113   | 13078     | 299  | 13622 CENTRAL AV HUNTERSVILLE NC 28018        | NR       |
| 14                                      | GAYLAND SHERILL/ LIDANE SHERILL                 | 01908114   | 29551     | 747  | 103 CENTRAL AV HUNTERSVILLE NC 28078          | NR       |
| 15                                      | THOMAS P STONE                                  | 01908115   | 11853     | 565  | 105 CENTRAL AV HUNTERSVILLE NC 28078          | NR       |
| 16                                      | DAVID WHITLEY                                   | 01908117   | 4476      | 594  | 13508 CENTRAL AV HUNTERSVILLE NC 28078        | NR       |
| 17                                      | VALEA VILLAGE LLC                               | 01908118   | 21998     | 34   | 3708 ARCADIA ST SIOKE IL 60076                | NR       |
| 18                                      | CATHERINE BROWN                                 | 01908119   | 2099      | 429  | 13508 CENTRAL AV HUNTERSVILLE NC 28078        | NR       |
| 19                                      | KAREN Y ALEXANDER                               | 01908120   | 11531     | 443  | 14344 CENTRAL AV HUNTERSVILLE NC 28078        | NR       |
| 20                                      | DORIS FLETCHER JOHNSON/ PATTY LAVENNE FLETCHER  | 01908132   | 10869     | 416  | 318 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 21                                      | VALEA BOWMAN LLC                                | 01908136   | 10903     | 970  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 22                                      | VALEA VILLAGE LLC                               | 01908137   | 21998     | 38   | 3708 ARCADIA ST SIOKE IL 60076                | NR       |
| 23                                      | TRUSTEES ST PHILLIPS BAPTIST CHURCH             | 01908140   | 21998     | 57   | 400 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 24                                      | VALEA BOWMAN LLC                                | 01908141   | 33360     | 814  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 25                                      | VALEA BOWMAN LLC                                | 01908142   | 33360     | 814  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 26                                      | VALEA BOWMAN LLC                                | 01908143   | 33360     | 814  | 13815 CINNABAR PL HUNTERSVILLE NC 28078       | NR       |
| 27                                      | RICHARD SCHWERTZ/AMY SCHWERTZ                   | 01927315   | 30183     | 53   | 13528 SERENITY ST HUNTERSVILLE NC 28078       | NR(ND-O) |
| 28                                      | JOHN HABIT/ MARY V HABIT                        | 01927320   | 31852     | 652  | 13528 SERENITY ST HUNTERSVILLE NC 28078       | NR(ND-O) |
| 29                                      | [CEMETERY] ST PHILLIPS BAPTIST CHURCH           | 01927302   | N/A       | N/A  | 400 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 30                                      | JOSEPH A RAMOS/ CHRISTINA A RAMOS               | 01908122   | 14136     | 213  | 621 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 31                                      | LAREKA A BERNIS                                 | 01908121   | 11633     | 940  | 313 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 32                                      | AGUSTIN HINOJOSA/ ANA MARIA HINOJOSA            | 01908154   | 31582     | 411  | 613 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 33                                      | PERY PYZASIS                                    | 01908120   | 31582     | 420  | 609 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 34                                      | LORNE JAMES WHITLEY/ VIRGINIA WHITLEY           | 01908130   | 9173      | 764  | 315 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 35                                      | LAMBERTO HONORIO AVILA SANTOS/ IRMA LUANA ROJAS | 01908121   | 13078     | 689  | 319 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 36                                      | FERMAN E SMITH/ BARBARA K SMITH                 | 01908132   | 7805      | 112  | 412 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 37                                      | FERMAN E SMITH/ BARBARA K SMITH                 | 01908133   | 7713      | 633  | 412 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 38                                      | ESTATE LAURA A BROWN                            | 01908114   | 2405      | 600  | 511 DELLWOOD DR HUNTERSVILLE NC 28078         | NR       |
| 39                                      | FLORINE THOMPSON/ SARAH THOMPSON                | 01907105   | 5332      | 676  | 13511 CENTRAL AV HUNTERSVILLE NC 28078        | NR       |
| 40                                      | CURTIS D TRAPP/DELISA M CALDWELL                | 01907119   | 10332     | 490  | 13501 CENTRAL AV HUNTERSVILLE NC 28078        | NR       |
| 41                                      | VERMILLION COMMUNITY ASSOCIATION INC.           | 01927386   | 30511     | 145  | 130 BEN CASEY DR STE. 100 FORT MILL, SC 29505 | NR(ND-O) |
| 42                                      | VERMILLION COMMUNITY ASSOCIATION INC.           | 01927387   | 30511     | 145  | 130 BEN CASEY DR STE. 100 FORT MILL, SC 29505 | NR(ND-O) |
| 43                                      | SOUTHSIDE NEIGHBORHOOD LLC                      | 01927110   | 28062     | 408  | 13615 CINNABAR PL HUNTERSVILLE NC 28078       | NR(ND-O) |
| 44                                      | ISABELLE C HUDSON                               | 01907106   | 05189     | 643  | PO BOX 884 HUNTERSVILLE NC 28078              | NR       |
| 45                                      | IRMA EVANS                                      | 01907107   | N/A       | N/A  | PO BOX 84 HUNTERSVILLE NC 28078               | NR       |
| 46                                      | KEITH A. & JUSTINE SPRINGS                      | 01907109   | 08604     | 295  | 13635 CENTRAL AVE HUNTERSVILLE NC 28078       | NR       |

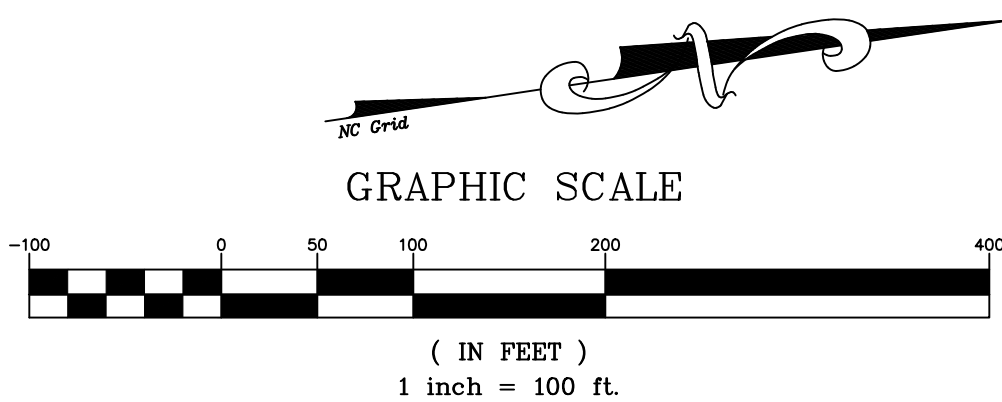
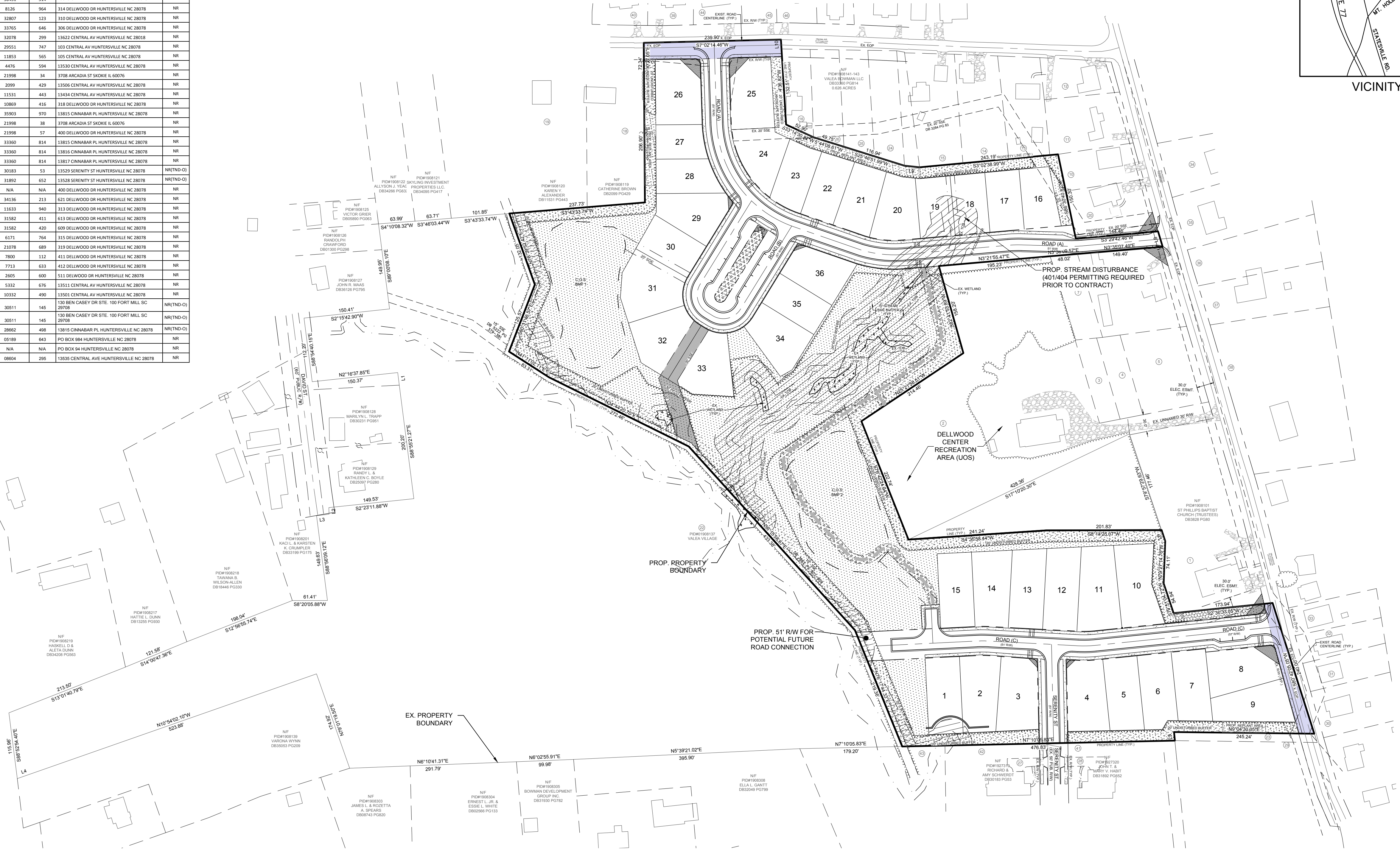
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|-------------------|--------|------------------|
| Line #            | Length | Direction        |
| L1                | 22.19  | S88° 49' 48.87"E |
| L2                | 11.54  | S83° 45' 28.12"E |
| L3                | 22.04  | S1° 43' 37.88"W  |
| L4                | 30.40  | N10° 54' 02.10"W |
| L5                | 15.07  | N87° 05' 01.95"W |
| L6                | 20.20  | S79° 57' 29.63"W |
| L7                | 2.72   | S82° 03' 58.62"W |
| L8                | 25.42  | S81° 50' 42.69"W |
| L9                | 26.40  | S14° 15' 43.78"W |
| L10               | 16.42  | N85° 06' 30.58"W |

LEGEND:

- SANITARY SEWER EASEMENT
- 20' BUFFER YARD
- REPLANT 20' BUFFER YARD AREA
- BUFFER YARD REPLANT AREA W/ REQUESTED MODIFICATIONS
- 35' WATER QUALITY BUFFER (S.W.I.M.) / 30' POST CONSTRUCTION CONTROLS BUFFER (PCCO)
- WETLAND
- COMMON OPEN SPACE (COS)
- URBAN OPEN SPACE (UOS)
- R/W TO BE DEDICATED TO NCDOT
- TREELINE
- PROP. SOFT SURFACE TRAIL
- PROP. MAIL KIOSK LOCATION



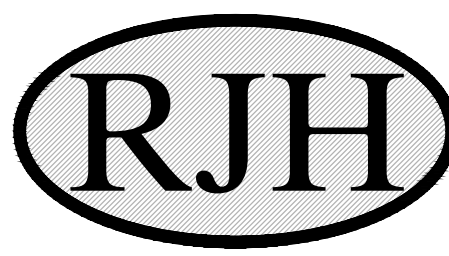
VICINITY MAP - N.T.S.



| DATE       | ISSUED FOR                                | REV |
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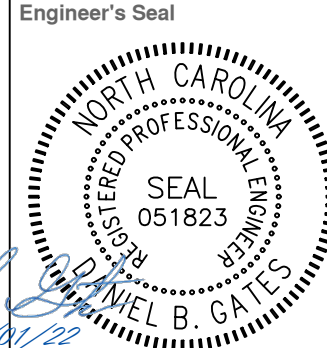
Engineer:



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Project Manager  
**D. Gates**

Department Manager  
**P. Murphy**

Print/Plot Date  
**March 1, 2022**

Asbuilt Drawn  
-

Client  
**Bowman Development Group**  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704

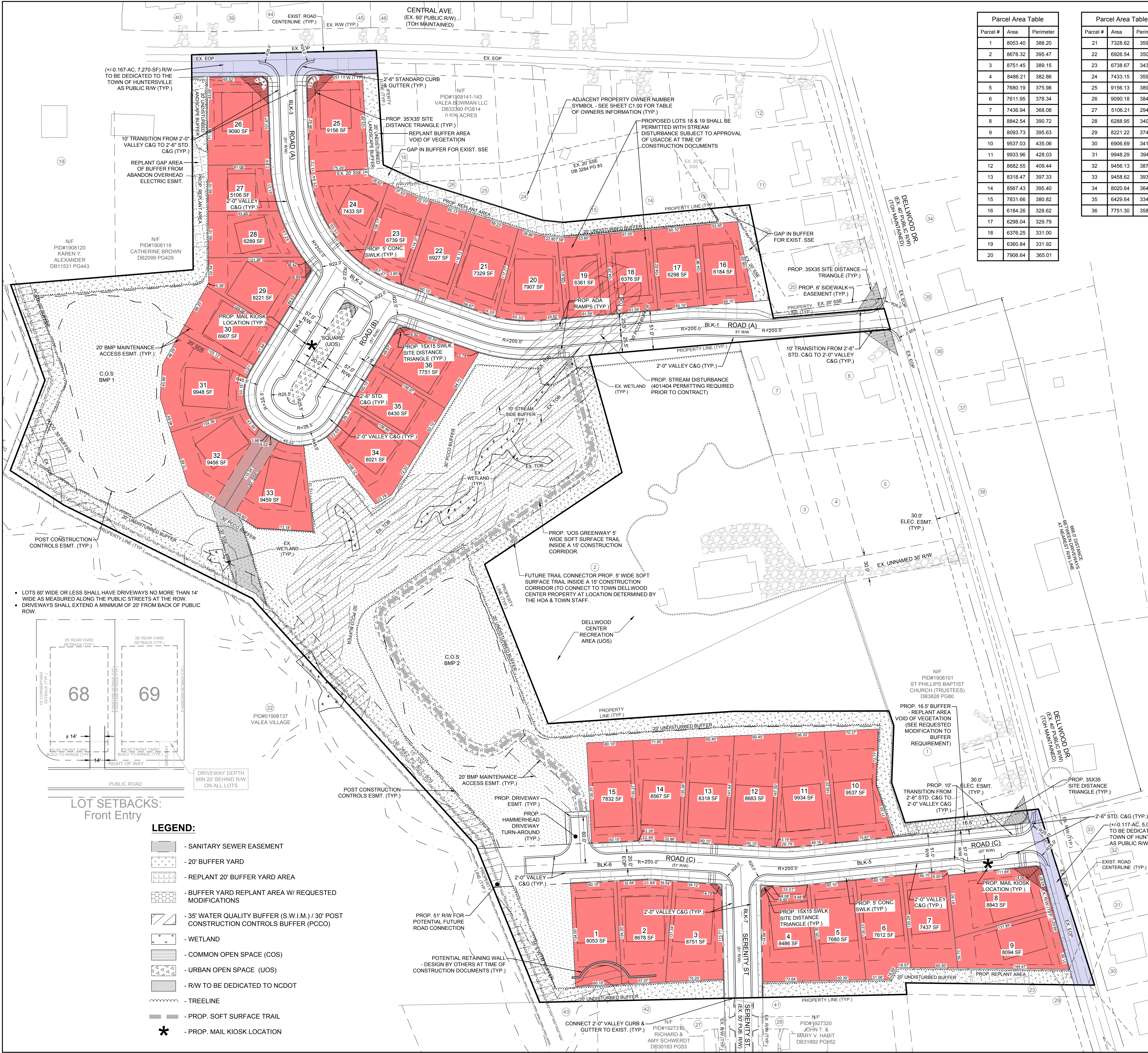
Project:  
**Valea Subdivision**  
**Sketch Plan**

Drawing Title:  
**Overall Site Plan**

Project No.  
**4676**  
DWG File Name:  
**4676 - Site Plan**

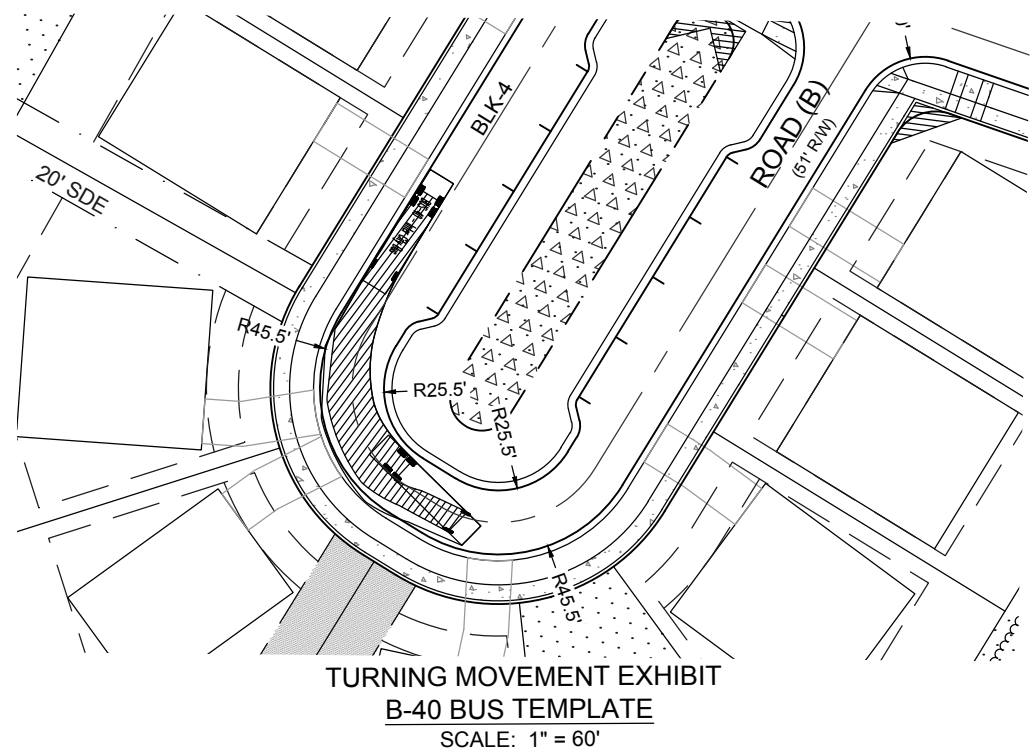
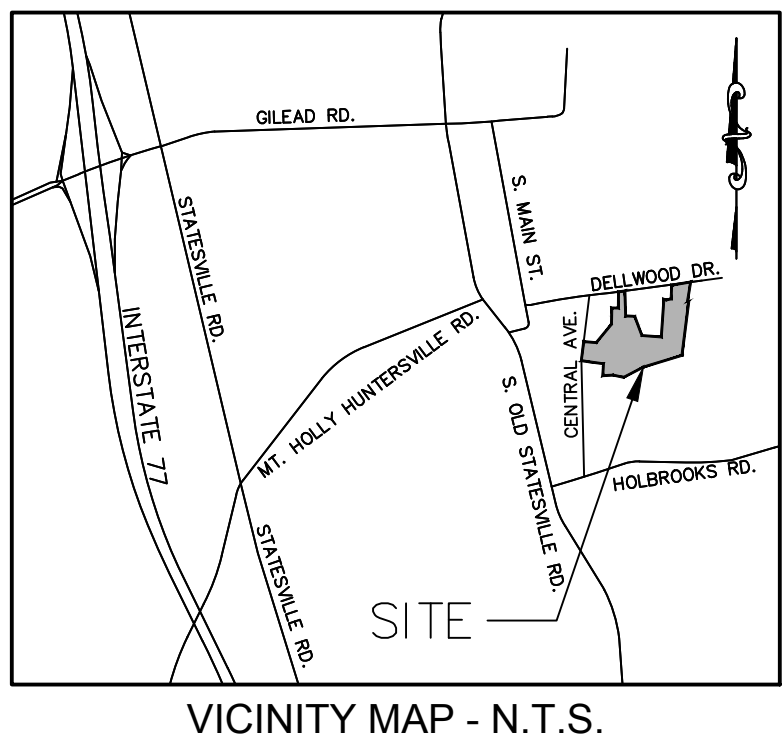
Drawing No.  
**C2.00**





| Parcel Area Table |         |           |
|-------------------|---------|-----------|
| Parcel #          | Area    | Perimeter |
| 1                 | 8053.40 | 388.20    |
| 2                 | 8678.32 | 395.47    |
| 3                 | 8751.45 | 389.15    |
| 4                 | 8486.21 | 382.86    |
| 5                 | 7680.19 | 375.98    |
| 6                 | 7611.95 | 378.34    |
| 7                 | 7436.94 | 368.08    |
| 8                 | 8842.54 | 390.72    |
| 9                 | 8093.73 | 395.63    |
| 10                | 9537.03 | 435.06    |
| 11                | 9933.96 | 428.03    |
| 12                | 8682.55 | 409.44    |
| 13                | 8318.47 | 397.33    |
| 14                | 8567.43 | 395.40    |
| 15                | 7631.66 | 380.82    |
| 16                | 6184.26 | 328.62    |
| 17                | 6298.04 | 329.79    |
| 18                | 6376.25 | 331.00    |
| 19                | 6360.84 | 331.92    |
| 20                | 7906.64 | 365.01    |

| Parcel Area Table |         |           |
|-------------------|---------|-----------|
| Parcel #          | Area    | Perimeter |
| 21                | 7328.62 | 359.15    |
| 22                | 6926.54 | 350.73    |
| 23                | 6738.67 | 343.96    |
| 24                | 7433.15 | 359.35    |
| 25                | 9156.13 | 389.70    |
| 26                | 9090.18 | 384.06    |
| 27                | 5106.21 | 294.04    |
| 28                | 6288.95 | 340.40    |
| 29                | 8221.22 | 374.40    |
| 30                | 6906.69 | 341.15    |
| 31                | 9948.29 | 394.41    |
| 32                | 9456.13 | 387.99    |
| 33                | 9458.62 | 393.38    |
| 34                | 8020.64 | 364.04    |
| 35                | 6429.64 | 334.16    |
| 36                | 7751.30 | 358.53    |



REQUESTED MODIFICATIONS:

- REQUEST FOR A 16.5' WIDE BUFFER YARD. MODIFICATION REQUESTED FOR REQUIRED 20' BUFFER YARD ALONG WESTERN BOUNDARY WITH ADJOINING LOT #8. THE 16.5' BUFFER WILL BE PLANTED TO THE STANDARD OF THE TYPICAL 20' WIDE BUFFER.

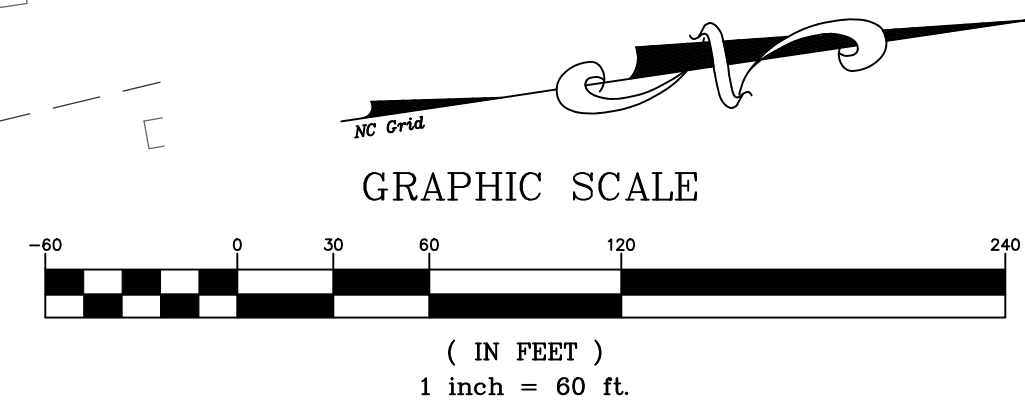
| IMPERVIOUS COVERAGE: | AREA (ft²)                  |
|----------------------|-----------------------------|
| BUILDINGS:           | 110,859                     |
| ASPHALT:             | 60,729                      |
| SIDEWALK:            | 19,279                      |
| TOTAL IMPERVIOUS:    | 190,867 (27.2% OF NET AREA) |

ROAD NAME: ROAD A: ROAD B: ROAD C: SERENITY STREET

BLOCK LENGTHS: BL1: 674-LF; BL2: 83-LF; BL3: 296-LF; BL4: 465-LF; BL5: 403-LF; BL6: 281-LF; BL7: 173-LF

IN MAJOR SUBDIVISIONS THE DIMENSION OF BLOCKS MAY NOT EXCEED 500 LINEAR FEET BETWEEN CROSS STREETS.

| DEVELOPMENT INFORMATION:        |                                                                                  |
|---------------------------------|----------------------------------------------------------------------------------|
| PID #s:                         | 01908108, 01908109, 01908118, 01908136                                           |
| ZONING:                         | NR - NEIGHBORHOOD RESIDENTIAL                                                    |
| ADJACENT ZONING:                | NR, NR (TND-O)                                                                   |
| SITE AREA:                      | ±16.62-AC, 714,610-SF                                                            |
| R/W TO BE DEDICATED:            | ±0.284-AC, 12,370-SF                                                             |
| NET AREA:                       | ±16.336-AC, 702,240-SF                                                           |
| COMMON OPEN SPACE (COS):        | ±6.92-AC (41%) OF NET AREA                                                       |
| URBAN OPEN SPACE (UOS):         | ±0.18-AC (2.6%) OF COS                                                           |
| SQUARE:                         | ±0.07-AC                                                                         |
| TRAIL:                          | ±0.11-AC                                                                         |
| DWELLING UNIT (DU) TYPE:        | SINGLE FAMILY DETACHED RESIDENCE                                                 |
| NUMBER OF LOTS & DENSITY:       | 36 (2.2 DU/AC)                                                                   |
| SETBACKS & BUILD TO LINE (BTL): | FRONT: 20-FT<br>FRONT (BTL): 10-FT<br>SIDE: 5-FT<br>CORNER: 10-FT<br>REAR: 25-FT |
| MIN. LOT WIDTH AT R/W:          | 60.1-FT                                                                          |
| LOT WIDTH RANGE:                | (60.1-FT) TO (> 60.1-FT) = (36 LOTS)                                             |
| LOT SIZE RANGE:                 | (5,106-SF TO 9,948-SF); (7,886-SF AVERAGE) = (36 LOTS)                           |



- LEGEND:
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  - BUFFER YARD REPLANT AREA W/ REQUESTED MODIFICATIONS
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REV: 0

01/13/2022  
Second Submittal to Town of Huntersville  
1

03/01/2022  
Third Submittal to Town of Huntersville  
2

Know what's below. Call before you dig.

Engineer:  
  
R. Joe Harris & Associates, Inc.  
Engineering • Land Surveying • Planning Management  
1186 Somercrest Blvd., Tega Cay, SC 29708 P: (803) 802-1799  
[www.rjoharris.com](http://www.rjoharris.com)

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Corporate Seal: NORTH CAROLINA PROFESSIONAL ENGINEERING & SURVEYING SEAL C-4168 R. JOE HARRIS & ASSOCIATES, INC. 03/01/22  
Engineer's Seal: NORTH CAROLINA PROFESSIONAL ENGINEERING & SURVEYING SEAL 051823 DANIEL B. CALTS

Project Manager: D. Gates  
Department Manager: P. Murphy  
Print/Plot Date: March 1, 2022  
Asbuilt Drawn: -  
Client: Bowman Development Group  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704

Drawn: J. Vavrina  
Checked: D. Gates

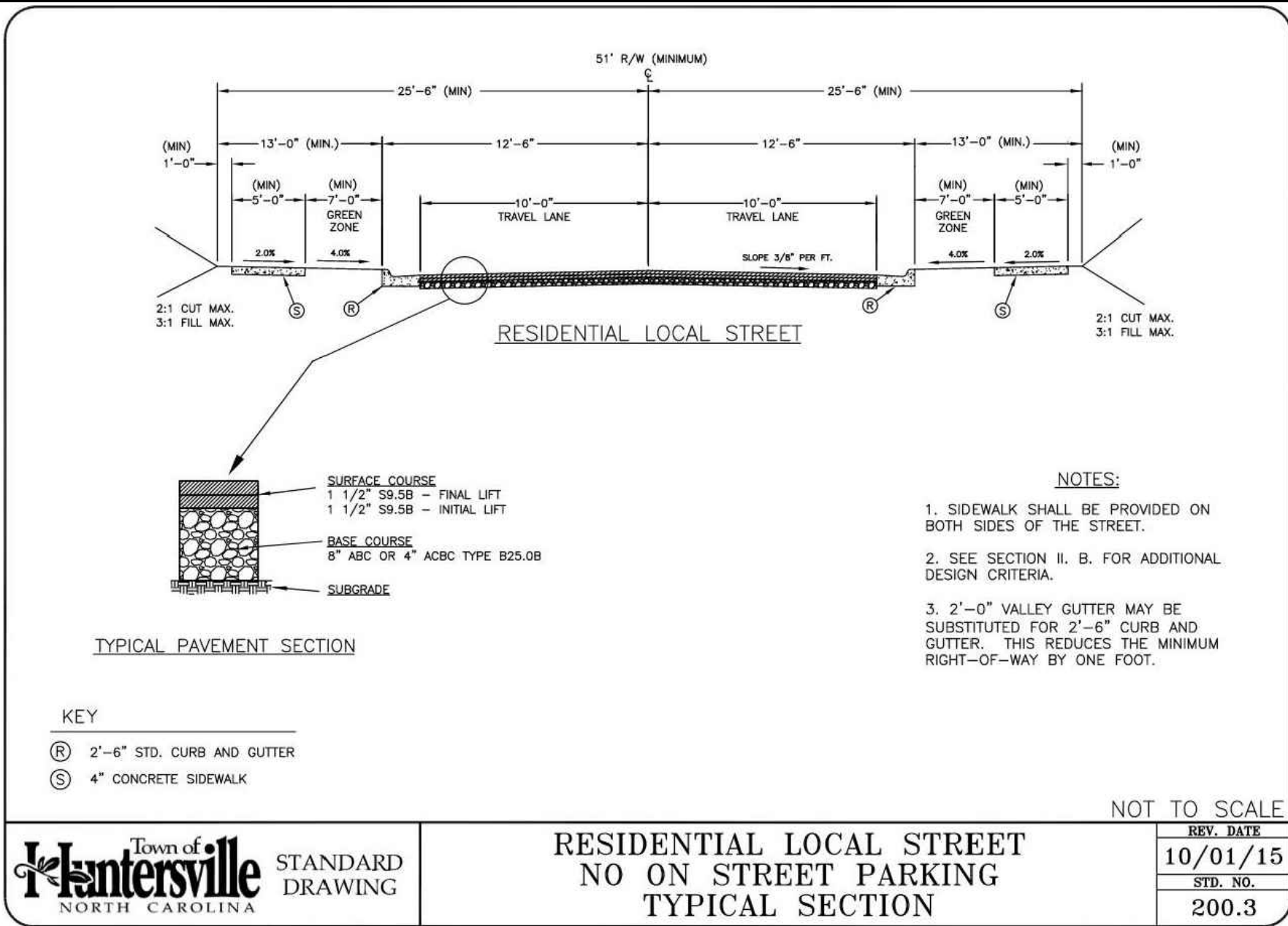
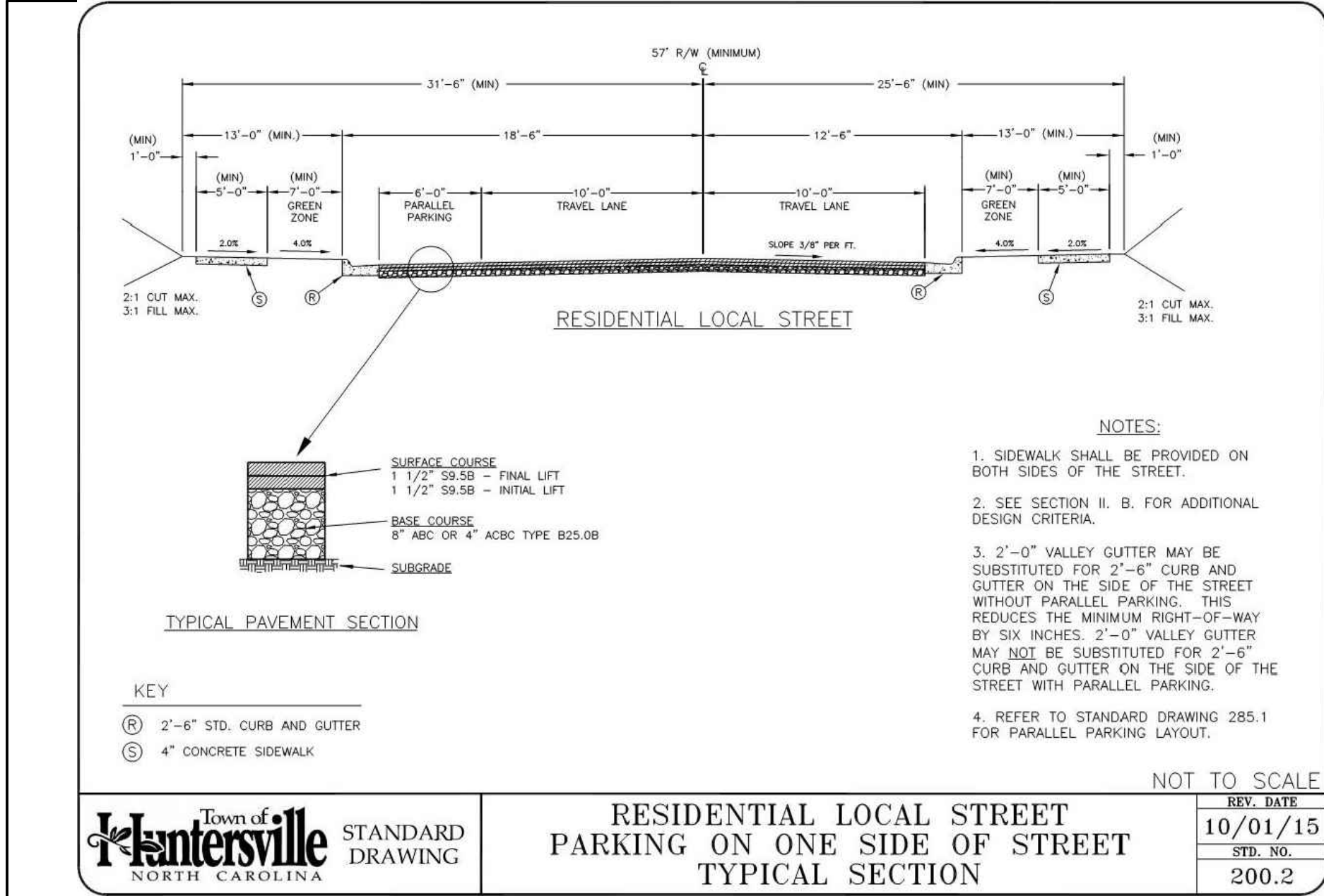
Project:  
Valea Subdivision  
Sketch Plan

Drawing Title:  
Site Plan

Project No.: 4676  
DWG File Name: 4676 - Site Plan

Drawing No.:  
C2.01



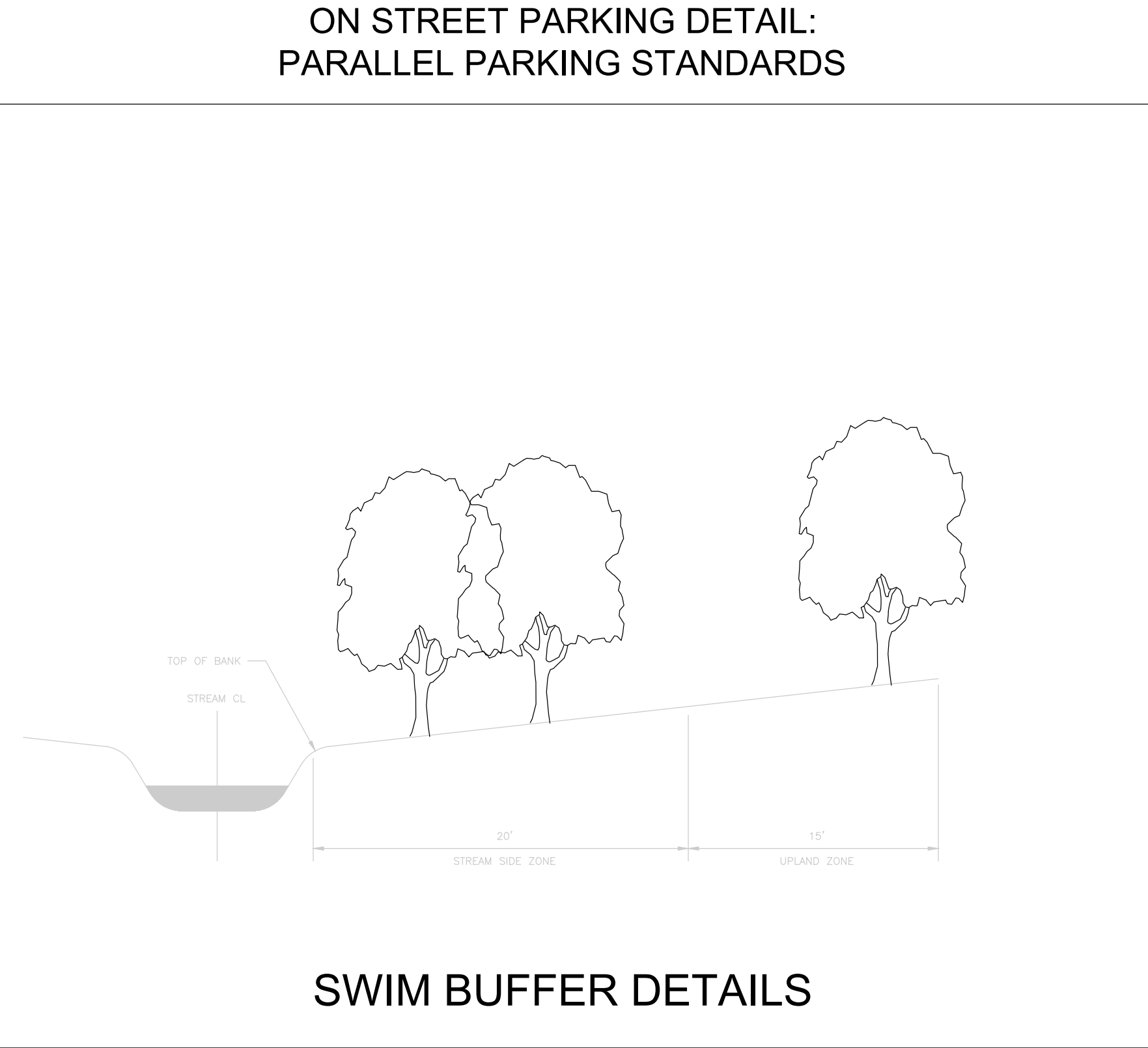
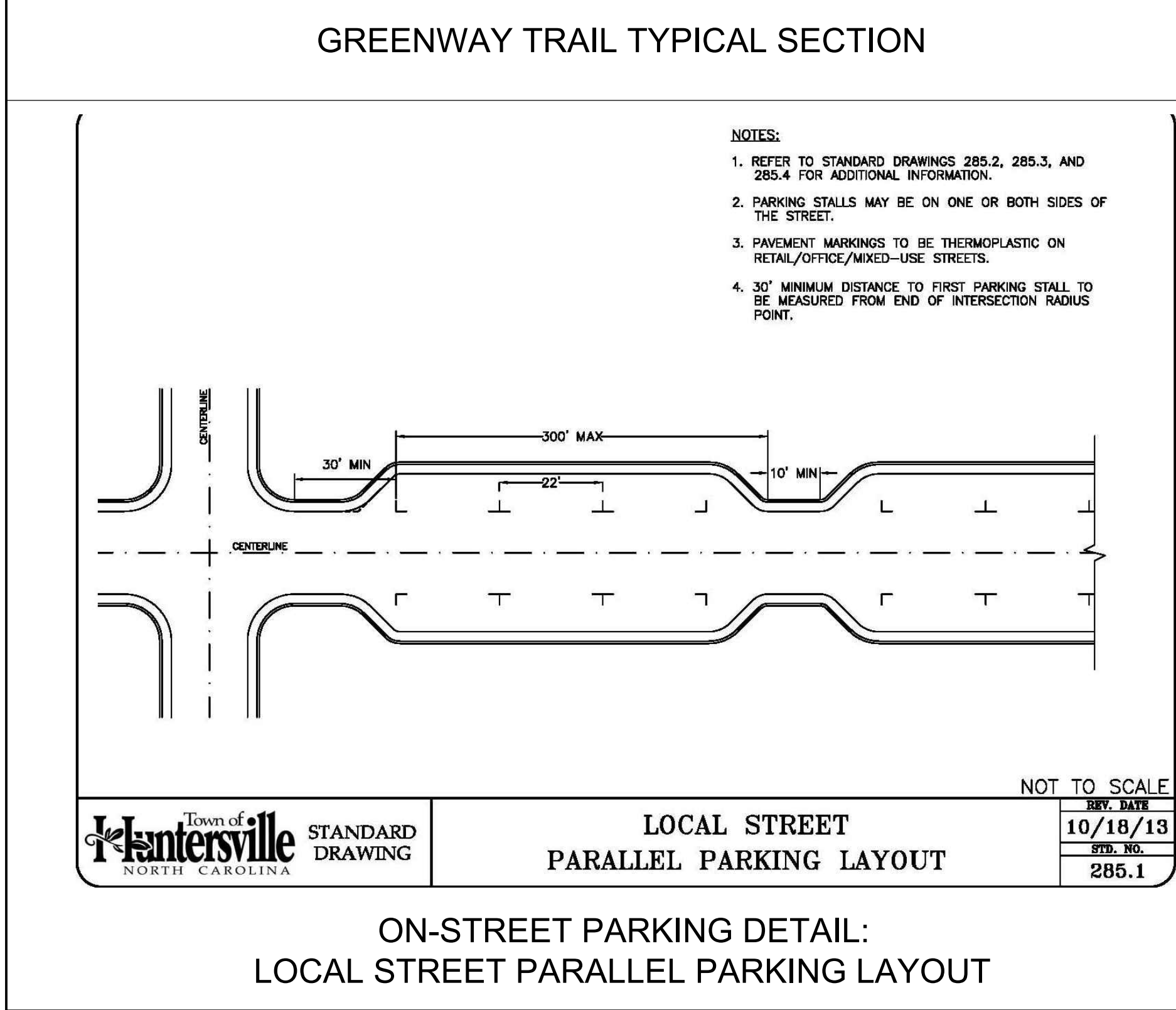
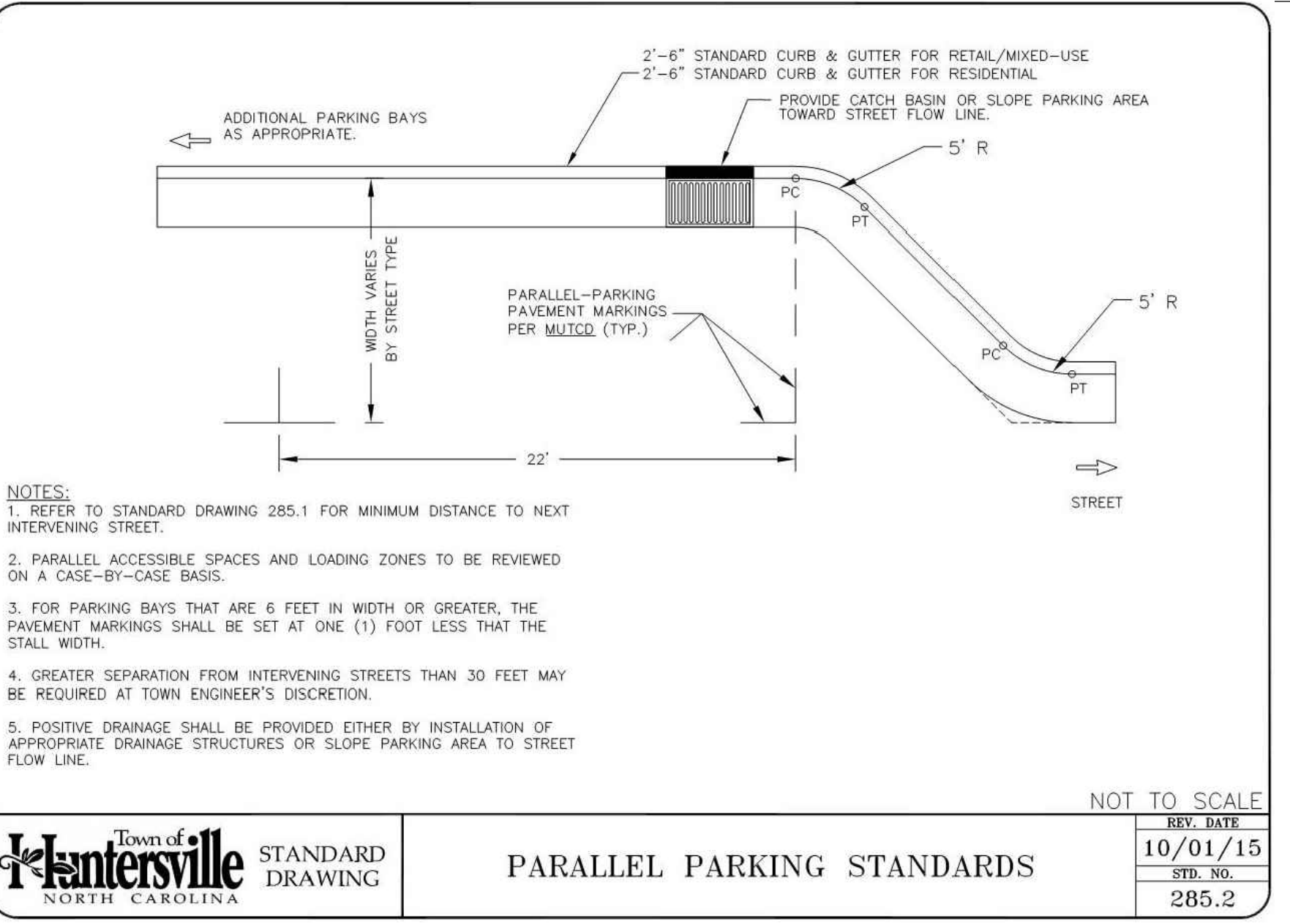
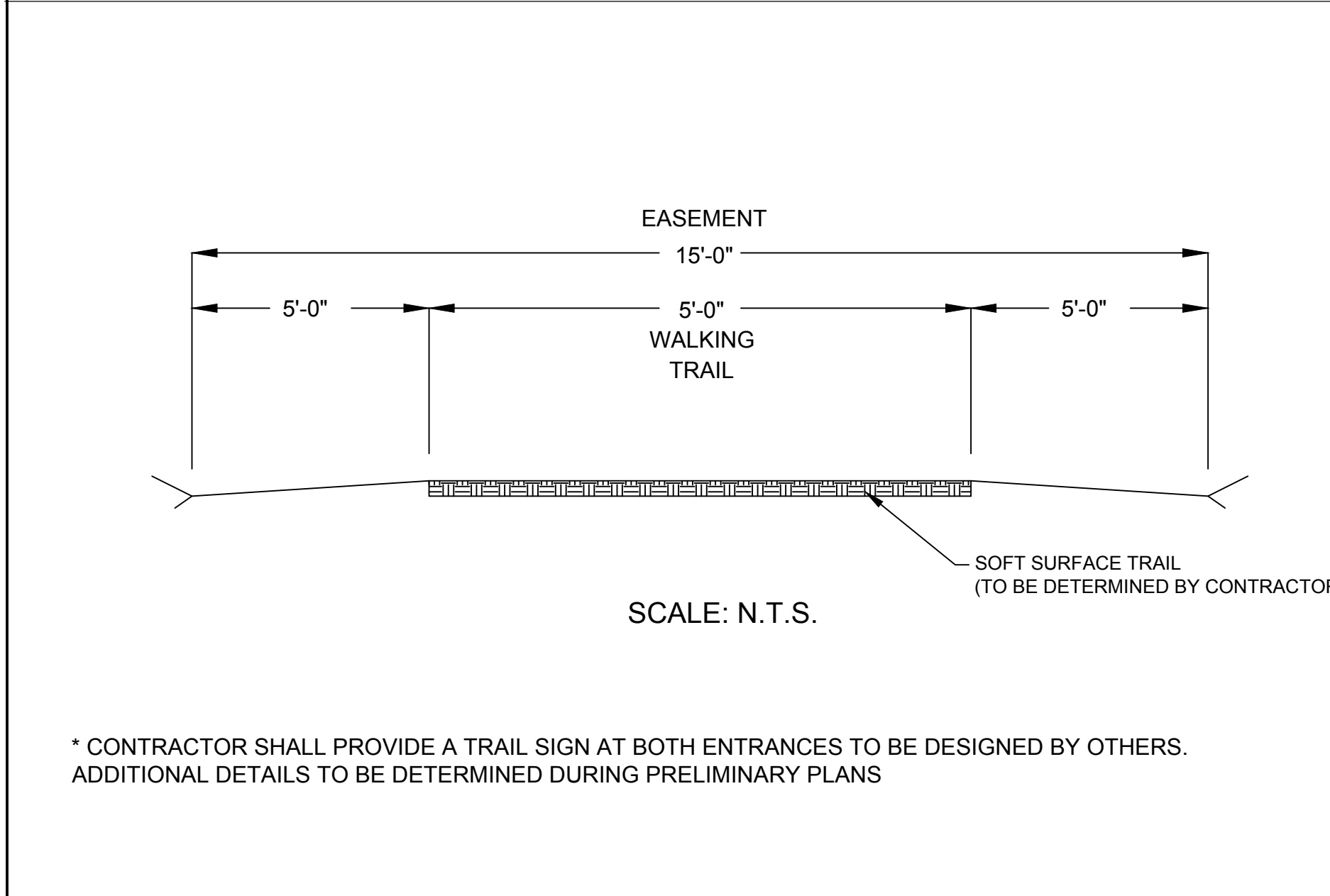


HUNTERSVILLE GENERAL NOTES:

- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS MODIFICATIONS TO PLAN MAY RESULT
- LARGE MATURING TREES WILL BE PLANTED 40' ON CENTER (O.C.) WITHIN THE REQUIRED PANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- GARBAGE PICK-UP SHALL BE VIA ROLL-OUT TRASH AND MAIL DELIVERY SHALL BE TO MAIL KIOSKS.
- EXCEPT AS SPECIFICALLY PROVIDED IN THE RURAL AND TRANSITIONAL DISTRICTS, DETACHED HOUSE TYPES AND TWO-UNIT THE OPTION TO PROVIDE LOTS WIDTHS 50' FEET WIDE OR LESS WHEN ALLEY ACCESS ALLOWING ON-SITE PARKING IS PROVIDED FOR DETACHED HOUSE TYPES AND TWO-UNIT ATTACHED HOUSE TYPES. FURTHER, DEVELOPERS SHALL ALSO HAVE THE OPTION TO APPLY FOR A CONDITIONAL DISTRICT REZONING TO CREATED LOT WIDTHS OF 50 FEET WISE OR LESS WITHOUT AN ALLEY PROVIDED IT CAN BE DEMONSTRATED THE DEVELOPMENT CAN ACCOMMODATE ON-STREET PARKING. MEET ALL THE PROVISIONS OF THE ZONING ORDINANCE INCLUDING INSTALLATION OF STREET TREES, AND DEMONSTRATED PUBLIC SERVICE SUCH AS TRASH PICK-UP CAN BE PROVIDED. DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
- LOTS SUBJECT TO FLOODING SHOULD NOT BE ESTABLISHED IN SUBDIVISION EXCEPT AS PROVIDED IN SECTION 7.280.
- ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED BY FLOODWAY FRINGE DISTRICT BOUNDARY LINE AND FLOODWAY DISTRICT ENCROACHMENT LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY FLOODWAY REGULATIONS.
- SETBACK, REQUIRED. THE MINIMUM DISTANCE REQUIRED BY THIS ORDINANCE OR ESTABLISHED BY RECORDED PLAT BETWEEN THE STREET RIGHT-OR-WAY LINE AND THE FRONT BUILDING LINE OF A PRINCIPAL BUILDING OR STRUCTURE, PROJECTED TO THE SIDE LINES OF THE LOT. FOR FLAG LOTS, THE MINIMUM SETBACK SHALL BE MEASURED BETWEEN THE FRONT PROPERTY LINE OR THE BUILD-ABLE PORTION OF THE LOT AND THE FRONT BUILDING LINE OF THE PRINCIPAL STRUCTURE, PROJECTED TO THE SIDE LINES OF THE LOT.
- PARKING SPACES IN THE RIGHT-OR-WAY SHALL COMPLY WITH CRITERIA IN THE TOWN ENGINEERING STANDARDS AND PROCEDURES MANUAL.

RESIDENTIAL LOCAL STREET, 57' ROW  
APPLIES TO (ROAD B) & PORTION OF (ROAD C) WHERE ON-STREET PARKING IS PROPOSED.

RESIDENTIAL STREET, 51' ROW  
APPLIES TO (ROAD A) , PORTION OF (ROAD C) & (SERENITY STREET).



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Engineer:



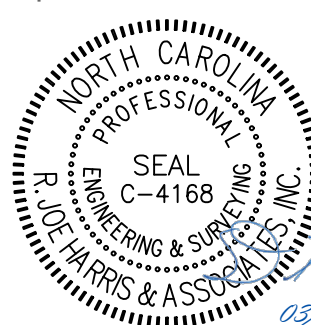
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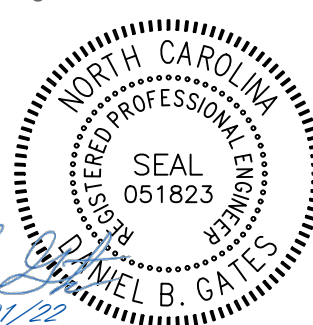
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CORPORATE SEAL



ENGINEER'S SEAL

|                                                                                                                          |                          |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Project Manager<br>D. Gates                                                                                              | Drawn<br>J. Vavrina      |
| Department Manager<br>P. Murphy                                                                                          | Checked<br>D. Gates      |
| Print/Plot Date<br>March 1, 2022                                                                                         | Asbuilt Date<br>-        |
| Client<br><br>Bowman Development Group<br>13815 CINNABAR PLACE<br>HUNTERSVILLE, NORTH CAROLINA 28078<br>P: (704)875-9704 |                          |
| Project:<br><br>Valea Subdivision<br>Sketch Plan                                                                         |                          |
| Drawing Title:<br><br>Site Details                                                                                       |                          |
| Project No.<br>4676<br>DWG File Name:<br>4676 - Site Details                                                             | Drawing No.<br><br>C2.02 |





STEP 1: IDENTIFY OPEN SPACE

THE HATCHED AREAS REPRESENT THE OPEN SPACE. THE PROPOSED OPEN SPACE AREAS WILL CONTAIN CREEKS/STREAMS, STEEP SLOPES, NATURAL HARDWOODS, SPECIMEN TREES, OR REQUIRED LANDSCAPE BUFFER AREAS. MUCH OF THE OPEN SPACE IS IN THE SOUTHERN PORTION OF THE SITE. A TOWN OF HUNTERSVILLE PARKS & RECREATION BUILDING & GROUNDS IS LOCATED ADJACENT TO THE NORTH OF THIS PROPERTY .



STEP 2: LOCATION OF HOUSE SITES

THE AREAS IDENTIFIED AS HOUSE SITES ARE LARGE, OPEN AREAS, THE HOUSE SITES AVOID THE STEEP SLOPES AND ARE PLACED ON GOOD TERRAIN. IN SOME AREAS, THE HOUSE SITES ARE PLACED WHERE THERE IS SOME EXISTING HARDWOOD TREES.



STEP 3: STREET AND LOT LAYOUT

BASED ON THE PREVIOUS TWO STEPS, A GENERAL ROAD AND LOT LAYOUT WAS CREATED. THE RESIDENTIAL ENTRY ROAD ENTERS FROM TRAILS END LANE AND LOOPS AROUND IN EITHER DIRECTION TO THE LOTS. THE LOCATION OF THE ENTRY ROAD WAS CHOSEN BASED ON THE MINIMAL SLOPING TOPOGRAPHY AND WITH THE PRESERVATION OF EXISTING TREES IN MIND. THE LOTS WERE LAID OUT TO AVOID THE EXISTING STREAMS, TOPOGRAPHY, AND LANDSCAPE BUFFERS. BY USING THIS APPROACH, THE LOTS ARE PROPOSED ON THE MOST SUITABLE BUILDING SITES. THE STREAMS WILL BE MINIMALLY DISTURBED AT THE ROADWAY, BUT THIS COULD NOT HAVE BEEN AVOIDED.



STEP 4: DRAWING LOT LINES

WE WERE ABLE TO CREATE 79 LOTS WITHIN THE BUILDABLE AREA. THE LOTS RANGE IN SIZE (NO SMALLER THAN 55' WIDE). THE LOTS LINES WERE DRAWN PERPENDICULAR TO THE ROADWAY THEY MEET TO ALLOW FOR VISUAL AESTHETICS WHEN DRIVING DOWN THE ROADS. THE VARYING LOT SIZES ALLOW FOR VISUAL APPEAL AND A LESS UNIFORM LOOKING RESIDENTIAL AREA. AN EMERGENCY ENTRANCE HAS BEEN INCLUDED FROM ASBURY CHAPEL ROAD FOR FIRE AND EMERGENCY MEDICAL SERVICES.

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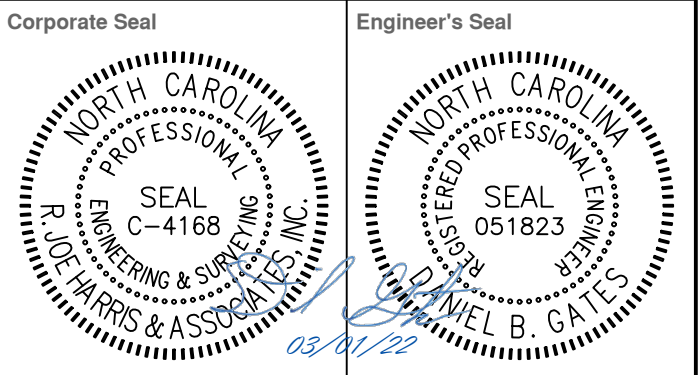
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|                                 |                     |
|---------------------------------|---------------------|
| Project Manager<br>D. Gates     | Drawn<br>J. Vavrina |
| Department Manager<br>P. Murphy | Checked<br>D. Gates |

Print/Plot Date  
March 1, 2022

|                    |                   |
|--------------------|-------------------|
| Asbuilt Drawn<br>- | Asbuilt Date<br>- |
|--------------------|-------------------|

Client

Bowman Development Group  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704

Project:

Valea Subdivision  
Sketch Plan

Drawing Title:

Four Step Process

|                                                                   |                             |
|-------------------------------------------------------------------|-----------------------------|
| Project No.<br>4676<br>DWG File Name:<br>4676 - Four Step Process | Drawing No.<br><b>C2.03</b> |
|-------------------------------------------------------------------|-----------------------------|





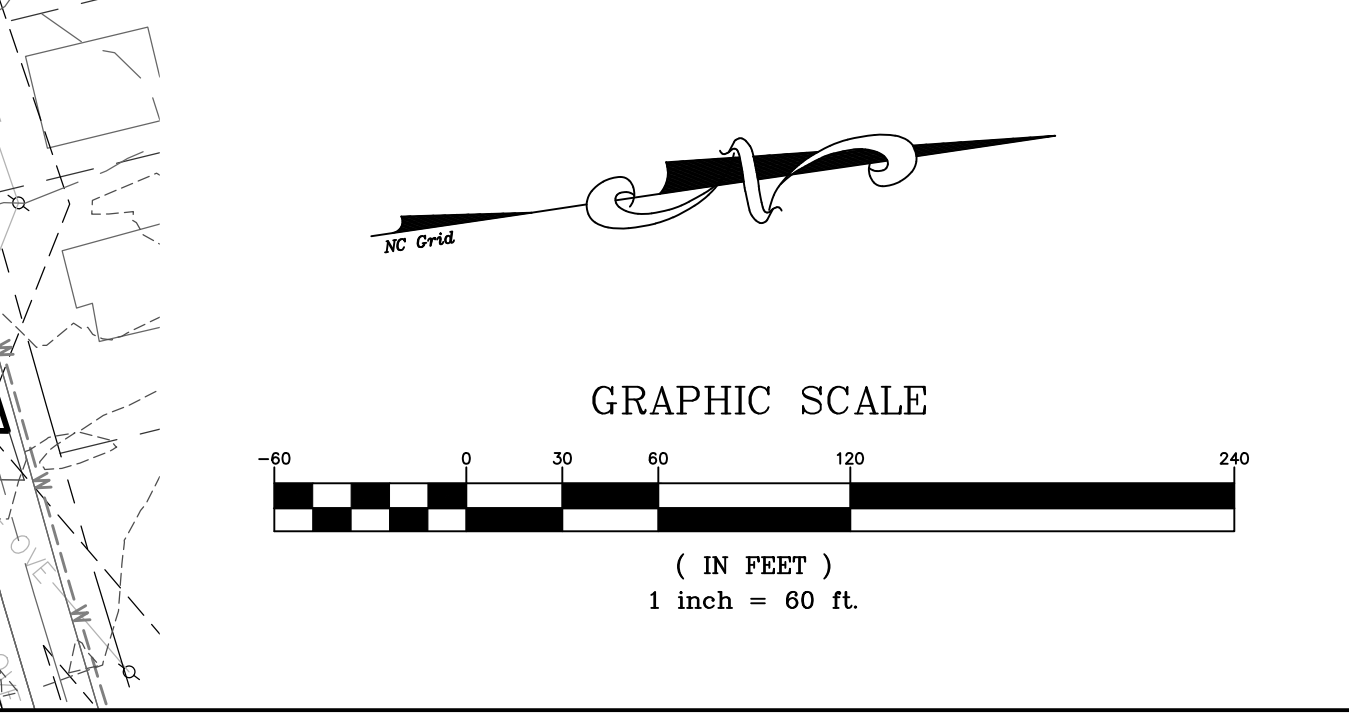
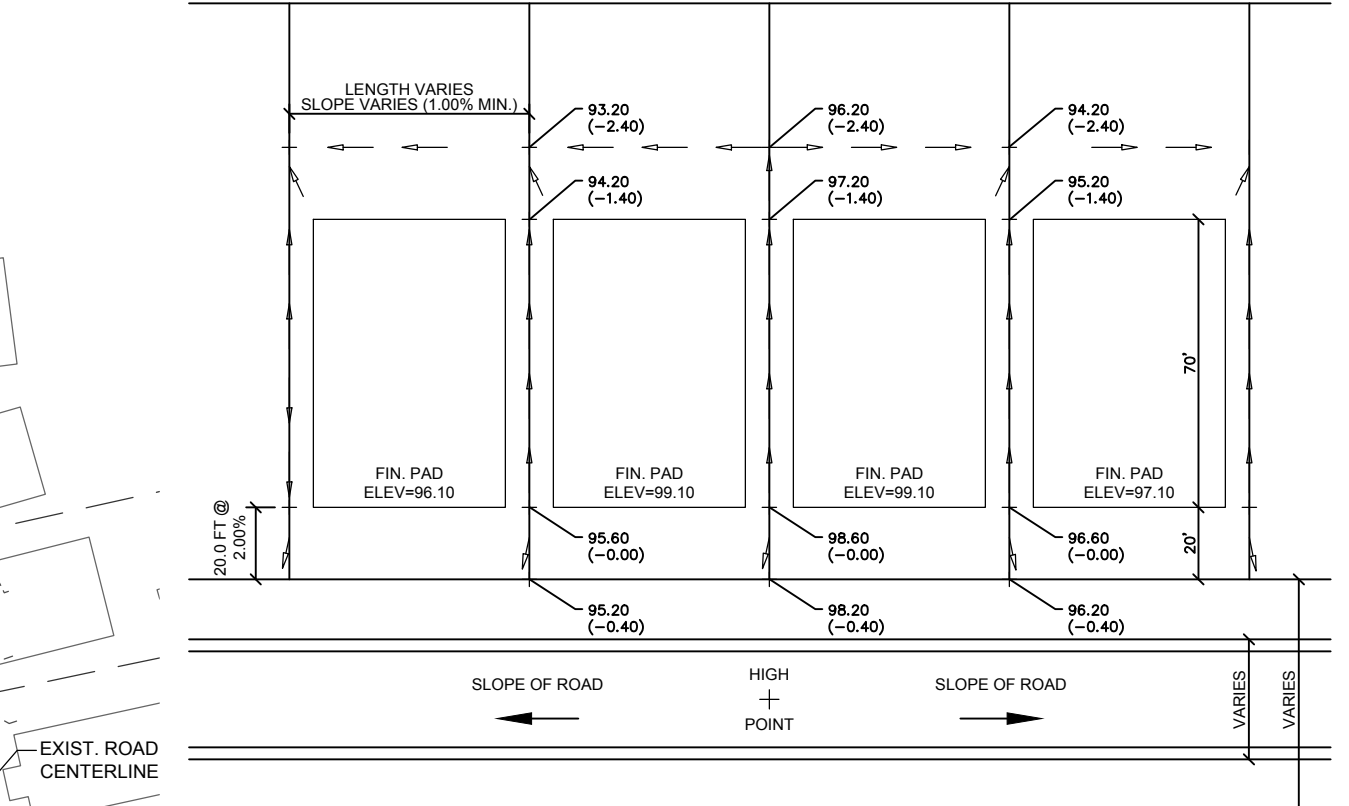
**LEGEND:**

- 20' BUFFER YARD
- REPLANT AREA
- BUFFER YARD REPLANT AREA W/ REQUESTED MODIFICATIONS
- 35' WATER QUALITY BUFFER (S.W.I.M.) / 30' POST CONSTRUCTION CONTROLS BUFFER (PCCO)
- WETLAND
- TREELINE
- DENUDED LIMITS

- GENERAL NOTES - GRADING/SITE DEVELOPMENT:**
- ALL REQUIRED PERMITS MUST BE OBTAINED AND A COPY MAINTAINED ON SITE PRIOR TO COMMENCING WORK. ALL REQUIRED EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO THE INSTALLATION OF ANY UNDERGROUND UTILITIES OR SITE GRADING ACTIVITIES. SEE THE APPLICABLE PLAN SHEETS FOR THE REQUIRED EROSION CONTROL REQUIREMENTS, MAINTENANCE AND STABILIZATION OF THE WORK SITE.
  - DURING CONSTRUCTION AND UNTIL TURF IS ESTABLISHED, ALL EROSION DEVICES SHALL BE MONITORED AND MAINTAINED PER THE SPECIFIED MAINTENANCE SCHEDULE (SEE EROSION CONTROL PLAN SHEETS). ALL COMPLETED WORK AREAS THAT HAVE BEEN BROUGHT TO GRADE SHALL BE SEEDED AND MULCHED.
  - CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS PRIOR TO BEGINNING WORK. CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF ALL APPLICABLE UTILITIES AFFECTING THE PROJECT (ON AND OFF SITE).
  - THE CONTRACTOR SHALL CONTACT THE NORTH CAROLINA ONE CALL CENTER AT LEAST 72 HOURS IN ADVANCE OF THE CONSTRUCTION. INDIVIDUAL UTILITY AGENCIES NOT PARTICIPATING IN ONE CALL SHALL BE CONTACTED INDEPENDENTLY BY THE CONTRACTOR.
  - UPON VERIFICATION OF THE LOCATION AND DEPTH OF ALL UTILITIES, CONTRACTOR SHALL VERIFY THAT THERE ARE NO CONFLICTS WITH THE EXISTING UTILITIES. ANY CONFLICTS SHALL BE REPORTED TO THE ENGINEER FOR EVALUATION AND REDESIGN (IF NECESSARY). THE CONTRACTOR SHALL NOT COMMENCE WORK IN THE AREA UNTIL THE CONFLICT IS RESOLVED.
  - ALL EXCAVATION FOR THE PROJECT SHALL BE CONSIDERED UNCLASSIFIED, UNLESS SPECIAL PROVISIONS ARE STATED IN THE CONTRACT DOCUMENTS.
  - DURING EXCAVATION, ALL FOREIGN DEBRIS AND UNSUITABLE FILL MATERIALS SHALL BE REMOVED AND DISPOSED OF OFFSITE OR LOCATION APPROVED BY OWNER.
  - ON-SITE BURIAL PITS, WHEN APPROVED, SHALL BE CLEARLY MARKED ON THE FIELD RECORD DRAWINGS AND A COPY OF THOSE DRAWINGS SHALL BE PROVIDED TO THE OWNER. THE USE OF BURIAL PITS SHALL NOT BE ALLOWED FOR THIS PROJECT.
  - ALL FILL SHALL BE COMPACTED TO 95 % STANDARD PROCTOR (ASTM D698) MAXIMUM DRY DENSITY FOR SPECIFIED MATERIAL. "LIGHTWEIGHT" OR HIGHLY PLASTIC SOILS SHALL NOT BE USED AS FILL UNDER ROADWAYS, BUILDINGS AND OTHER STRUCTURAL AREAS. LIGHTWEIGHT OR PLASTIC SOILS SHALL BE UNDERCUT AND DISPOSED OF OFFSITE OR A LOCATION APPROVED BY OWNER AND REPLACED WITH SUITABLE FILL MATERIAL, AS DIRECTED BY THE GEO-TECHNICAL ENGINEER.
  - AREAS CUT TO GRADE (RESIDUAL SOILS) SHALL BE PROOF ROLLED (MIN. 50,000 LBS) OR TESTED BY OTHER MEANS TO ENSURE THAT MATERIAL IS SUITABLE FOR STRUCTURAL LOADING. PLASTIC SOILS SHALL BE UNDERCUT AND DISPOSED OF OFFSITE OR A LOCATION APPROVED BY OWNER AND REPLACED WITH SUITABLE FILL MATERIAL, AS DIRECTED BY THE GEO-TECHNICAL ENGINEER.
  - ALL FILL FOR STRUCTURAL AREAS SHALL BE PLACED IN 8"-12" LIFTS AND COMPACTED TO 100% STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D698) AT NEAR OPTIMUM MOISTURE CONTENT FOR UPPER 12" AS MEASURED FROM FINISHED GRADE (TOLERANCE SHALL BE ± 2%).
  - SLOPES SHALL BE GRADED NO STEEPER THAN 2:1, UNLESS SPECIFICALLY NOTED ON THE PLANS. FOR ALL SLOPES GREATER 2:1, EROSION CONTROL MATTING WILL BE REQUIRED. ALL 2:1 SLOPES ARE RECOMMENDED TO HAVE EROSION CONTROL MATTING TO ASSIST IN STABILIZATION. SEE VEGETATIVE MATTING DETAILS ON EROSION SHEETS FOR INSTALLATION REQUIREMENTS.
  - IF NECESSARY, SLOPES WHICH EXCEED EIGHT (8) VERTICAL FEET MAY REQUIRE THE USE OF SYNTHETIC OR VEGETATIVE MATS, IN ADDITION TO NORMAL SEEDING.
  - COMPACTION WITHIN ROAD RIGHTS-OF-WAY SHALL BE AS REQUIRED BY THE GOVERNING AGENCY. AT A MINIMUM, THE FOLLOWING STANDARDS SHALL BE MET:
    - A. SUB-GRADE SHALL BE COMPACTED TO 100 % STANDARD PROCTOR MAXIMUM DRY DENSITY (UPPER 12").
    - B. AGGREGATE BASE COURSE SHALL BE COMPACTED TO 100 % MODIFIED PROCTOR MAXIMUM DENSITY.
    - C. INTERMEDIATE AND SURFACE HOT MIX ASPHALT COURSES SHALL BE COMPACTED TO A MINIMUM OF 92% MAXIMUM SPECIFIC GRAVITY.
    - D. SUB-GRADE AND BASE COURSE SHALL BE PROOF ROLLED (50,000 LBS MIN.).
    - E. HOT MIX ASPHALT TEMPERATURE AT TIME OF LAY DOWN SHALL BE WITHIN 20°F OF THE PLANT MIX TEMPERATURE (MIN. TEMPERATURE SHALL BE NO LESS THAN 220-230 DEGREES).
    - F. VARIATIONS OF THE MINIMUM REQUIREMENTS CAN BE CONSIDERED ON A CASE-BY-CASE BASIS AND MUST BE APPROVED BY THE GEO-TECHNICAL ENGINEER.
  - THE CONSTRUCTION OF ALL STREETS AND DRAINAGE IMPROVEMENTS LOCATED WITHIN THE ROADWAY RIGHT-OF-WAY SHALL BE GOVERNED BY THE NCDOT AND/OR TOWN OF HUNTERSVILLE STANDARD SPECIFICATIONS.
  - STORM DRAINAGE SYSTEMS (PIPED OR OPEN CHANNEL) LOCATED OUTSIDE OF THE PUBLIC ROAD RIGHT-OF-WAY ARE THE MAINTENANCE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER OR HOMEOWNERS ASSOCIATIONS (HOA), UNLESS OTHERWISE SPECIFIED. WHEN REQUIRED, PRIVATE DRAINAGE EASEMENTS SHALL BE APPLIED AND ANY OBSTRUCTION OR ENCROACHMENT INTO DRAINAGE EASEMENT IS PROHIBITED. HOMEOWNER OR BUILDER IS SOLELY AT RISK FOR THE REMOVAL AND/OR DAMAGE OF HARDSCAPES, LANDSCAPING, STRUCTURES OR OTHER IMPROVEMENTS PLACED WITHIN THE EASEMENTS SHOULD MAINTENANCE NEED TO BE PERFORMED.
  - FOR PIPE SYSTEMS NOT DESIGNED FOR Q100 THAT RECEIVES >50-CFS IN Q100, FLOOD PROTECTION ANALYSIS IS REQUIRED.

**TYPICAL LOT DRAINAGE DETAIL - "A" LOTS**  
NOT TO SCALE

- THIS DETAIL GENERALLY APPLIES FOR TYPICAL "A" LOT DRAINAGE PATTERNS (SPLIT) ONLY.
- DRAINAGE SWALE ELEVATIONS BASED ON FINISHED PAD ELEVATION OF DOWNSTREAM LOT (SWALE IS CENTERED BETWEEN LOTS - USE LOWER PAD ELEVATION).
- THIS PLAN IS INTENDED TO DRAIN THE LOT, BUT NOT ESTABLISHED NOR IMPLIES MEETING THE BUILDING FOUNDATION DRAINAGE REQUIREMENTS SET FORTH IN THE INTERNATIONAL RESIDENTIAL CODE AS ADOPTED BY GOVERNING AGENCY (VERIFY YEAR OF CODE).
- BUILDER SHALL BE RESPONSIBLE FOR MEETING THE BUILDING FOUNDATION DRAINAGE REQUIREMENTS UPON CONSTRUCTION OF THE BUILDINGS.
- VARIATIONS MAY EXIST IN ATYPICAL CONDITIONS OR CONDITIONS VARYING FROM TYPICAL DETAIL.



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Engineer:

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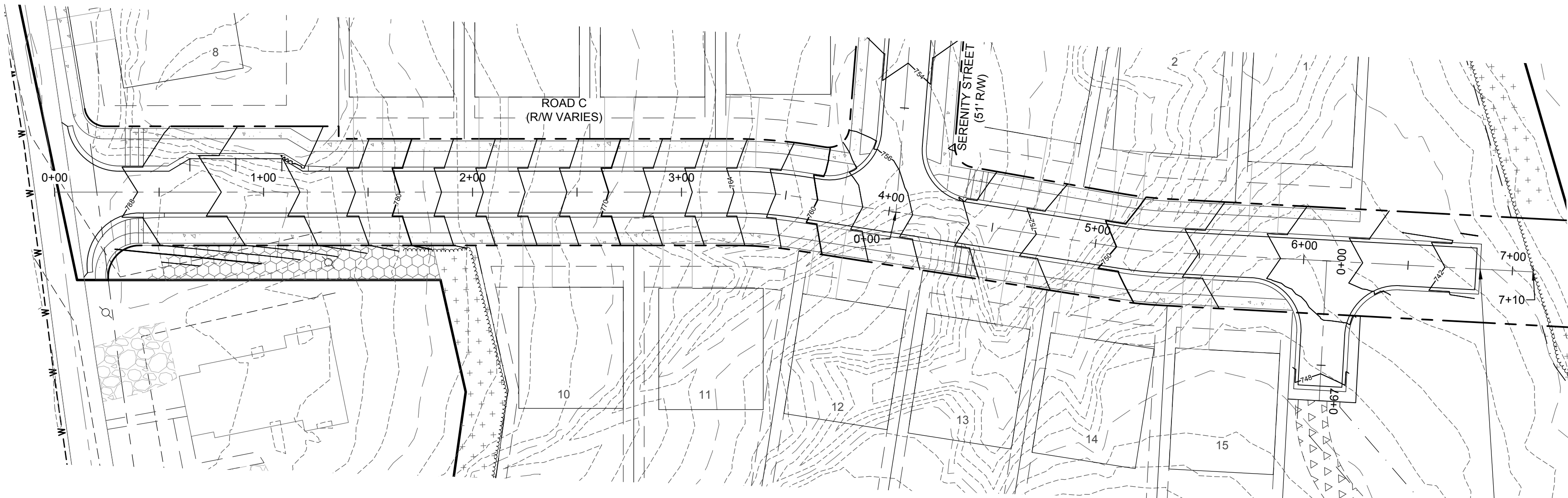
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| Project Manager                                                                                            | Drawn        |
|------------------------------------------------------------------------------------------------------------|--------------|
| D. Gates                                                                                                   | J. Vavrina   |
| Department Manager                                                                                         | Checked      |
| P. Murphy                                                                                                  | D. Gates     |
| Print/Plot Date                                                                                            |              |
| March 1, 2022                                                                                              |              |
| Asbuilt Drawn                                                                                              | Asbuilt Date |
| -                                                                                                          | -            |
| Client                                                                                                     |              |
| Bowman Development Group<br>13815 CINNABAR PLACE<br>HUNTERSVILLE, NORTH CAROLINA 28078<br>P: (704)875-9704 |              |
| Project:                                                                                                   |              |
| Valea Subdivision<br>Sketch Plan                                                                           |              |
| Drawing Title:                                                                                             |              |
| Grading Plan                                                                                               |              |
| Project No.                                                                                                | Drawing No.  |
| 4676<br>DWG File Name:                                                                                     | C3.00        |

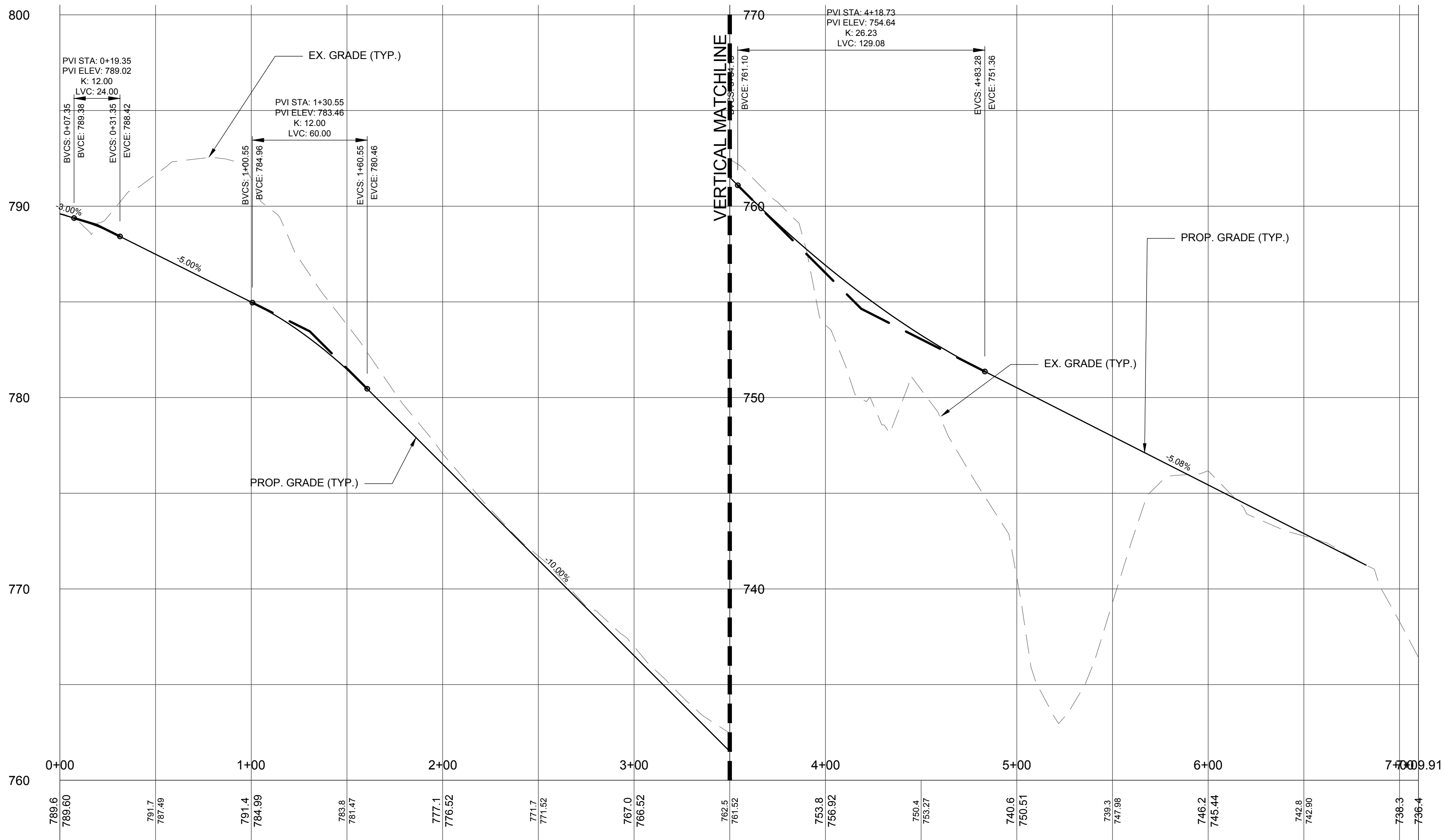
4676 - Grading Plan



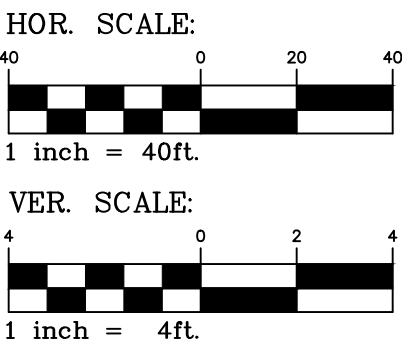
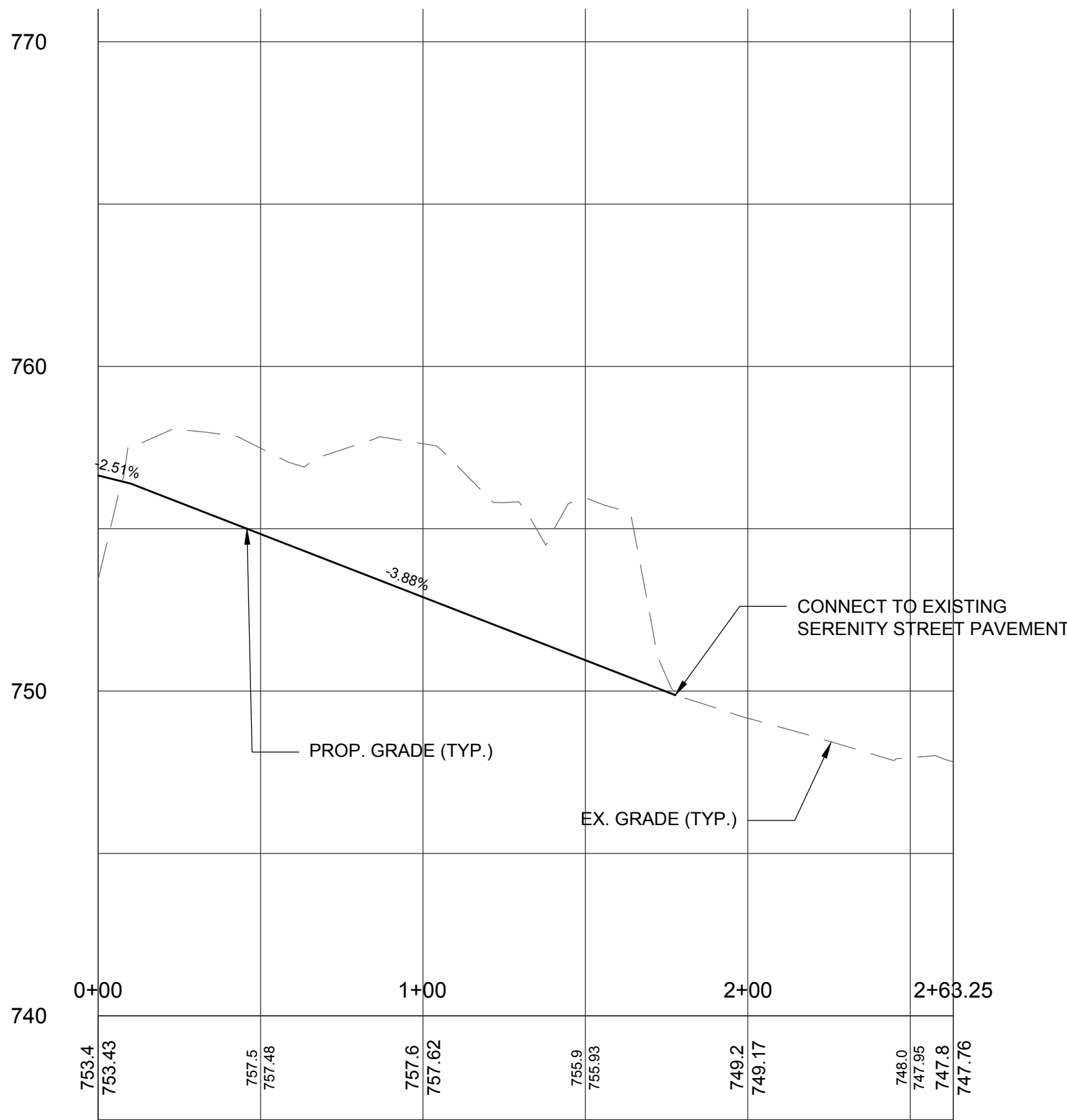
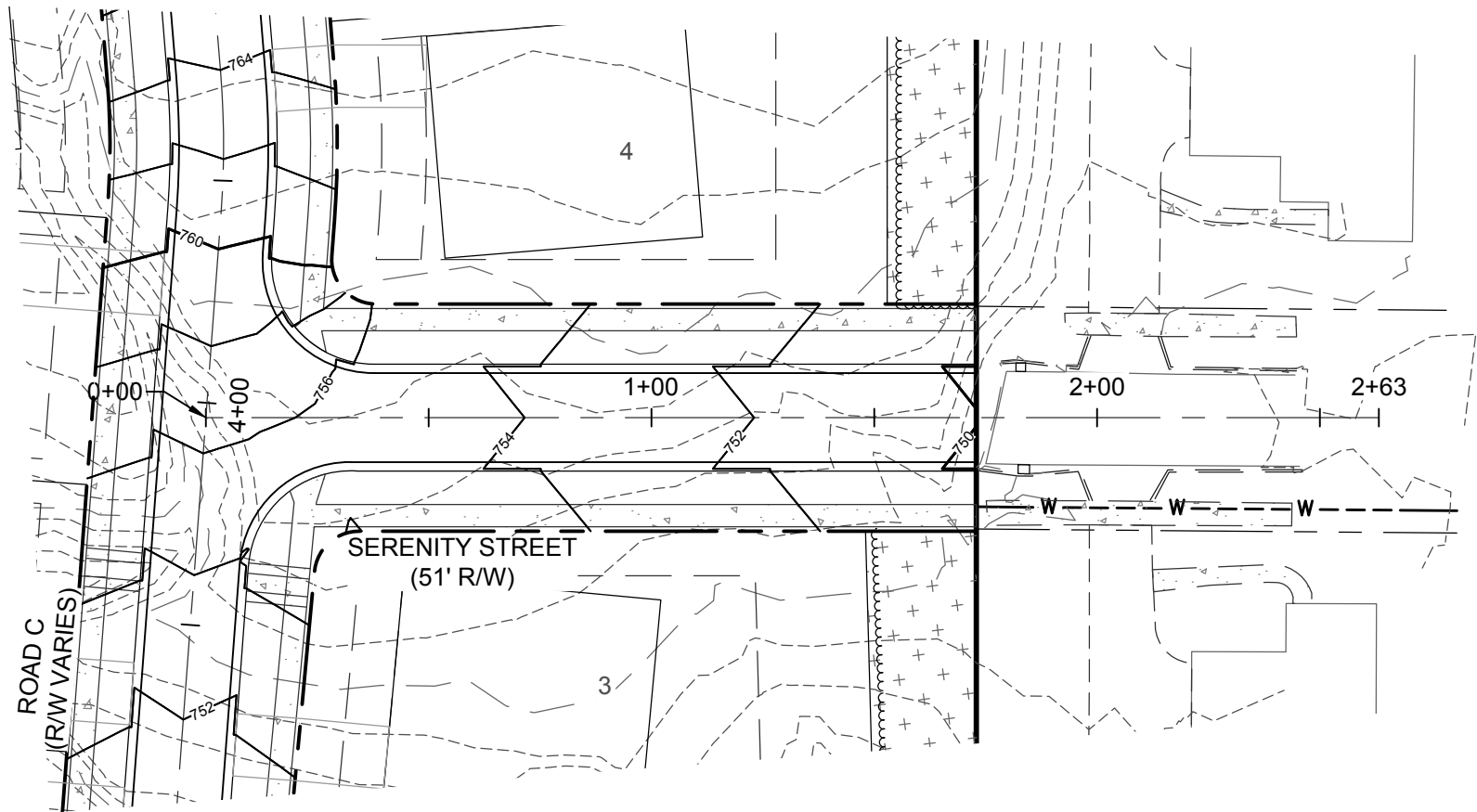
ROAD C PLAN & PROFILE



TOE OF SLOPE SHALL BE 8' MINIMUM  
FROM EXISTING TREES TO REMAIN  
WITHIN THE BUFFER YARD



SERENITY STREET PLAN & PROFILE



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Engineer:



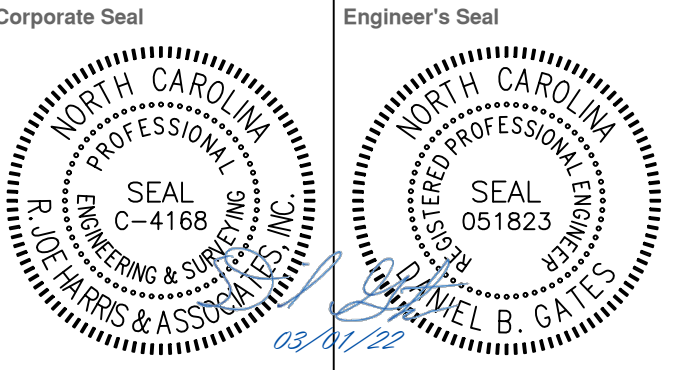
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|                                        |                            |
|----------------------------------------|----------------------------|
| Project Manager<br><b>D. Gates</b>     | Drawn<br><b>J. Vavrina</b> |
| Department Manager<br><b>P. Murphy</b> | Checked<br><b>D. Gates</b> |

Print/Plot Date

March 1, 2022

|                    |                   |
|--------------------|-------------------|
| Asbuilt Drawn<br>- | Asbuilt Date<br>- |
|--------------------|-------------------|

Client  
**Bowman Development Group**  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704

Project:

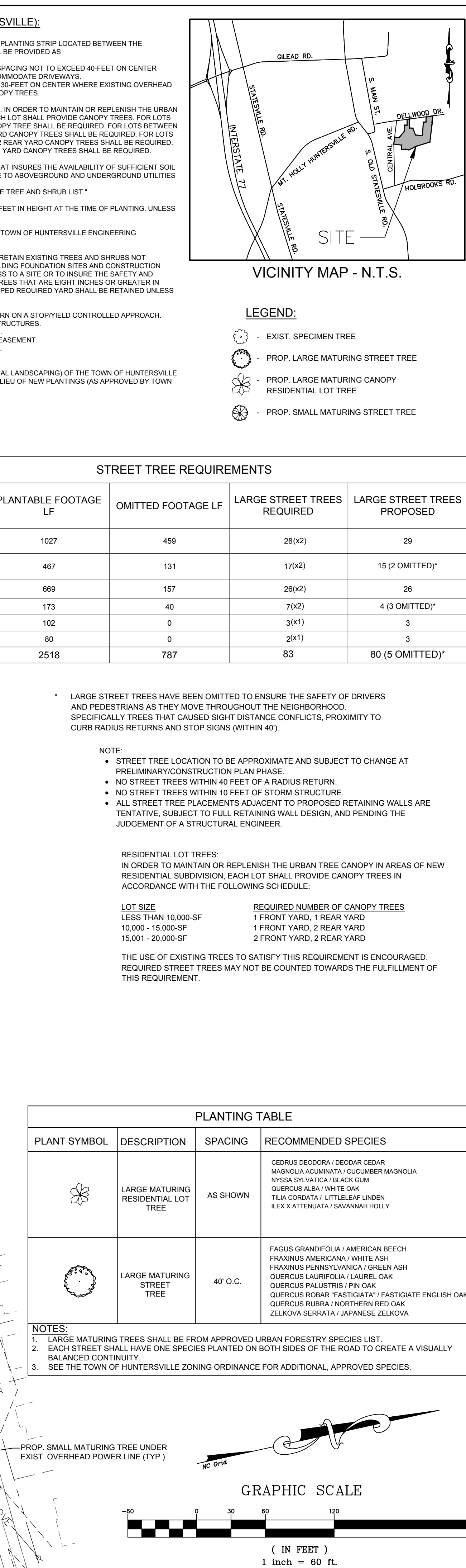
Valea Subdivision Sketch  
Plan

Drawing Title:

Road C & Serenity Street  
Plan & Profile

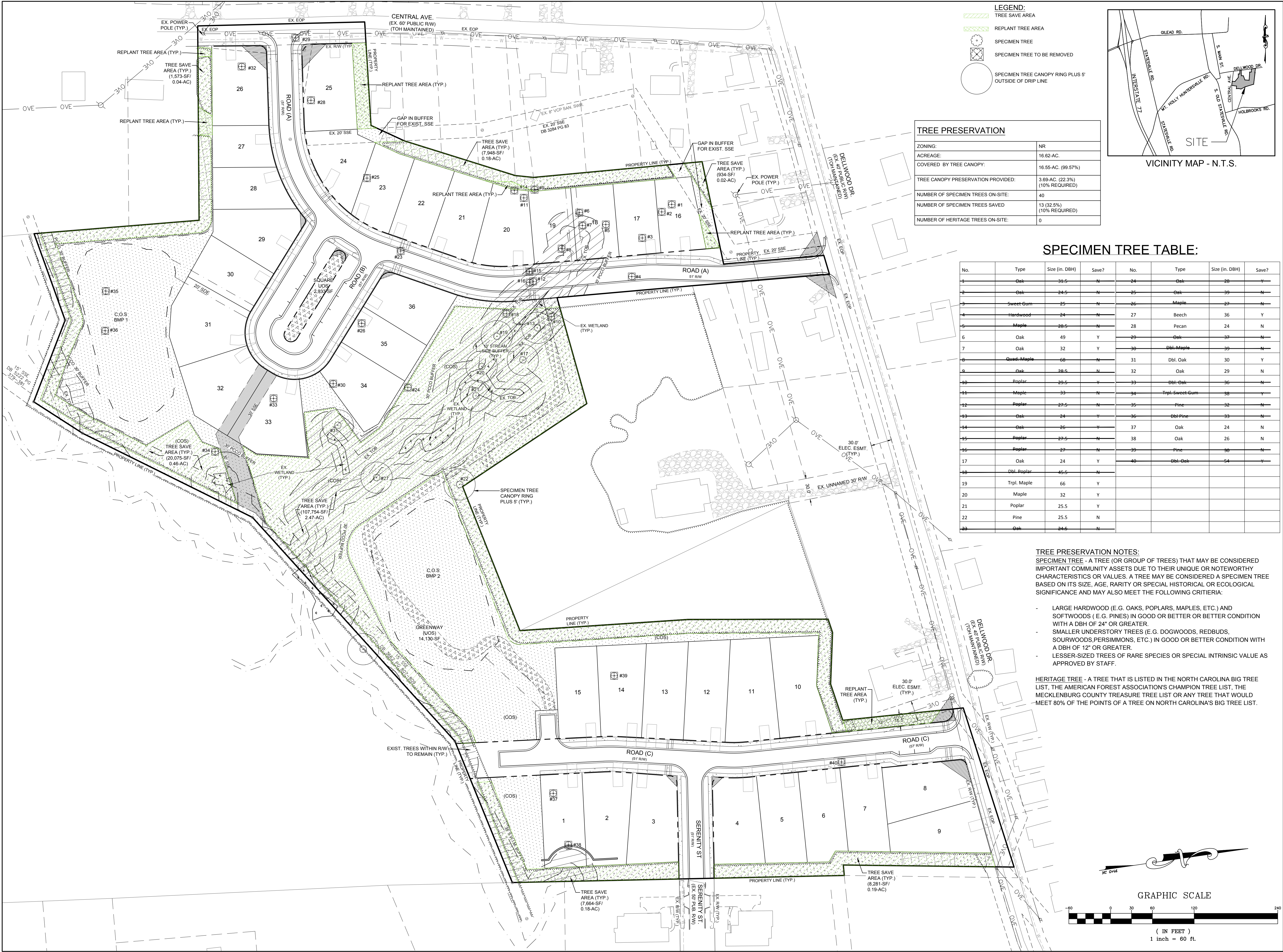
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|--------------------------------------------|-----------------------------|
| Project No.<br><b>4676</b>                 | Drawing No.<br><b>C3.01</b> |
| DWG File Name:<br>4676 - Road Profile Plan |                             |





C4.00

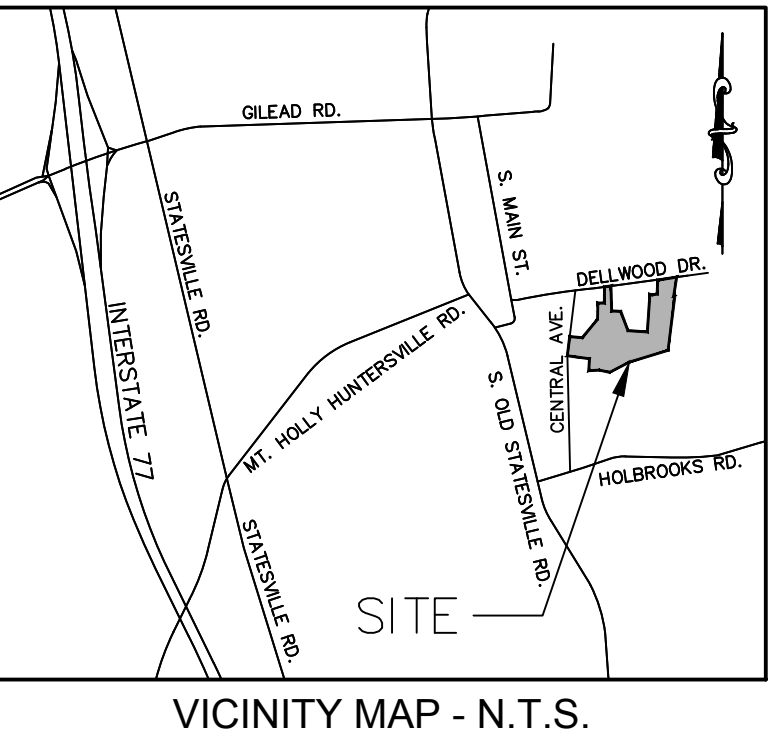




**LEGEND:**

- TREE SAVE AREA
- REPLANT TREE AREA
- SPECIMEN TREE
- SPECIMEN TREE TO BE REMOVED
- SPECIMEN TREE CANOPY RING PLUS 5' OUTSIDE OF DRIP LINE

|                                    |                                 |
|------------------------------------|---------------------------------|
| ZONING:                            | NR                              |
| ACREAGE:                           | 16.62-AC.                       |
| COVERED BY TREE CANOPY:            | 16.55-AC. (99.57%)              |
| TREE CANOPY PRESERVATION PROVIDED: | 3.88-AC. (22.3%) (10% REQUIRED) |
| NUMBER OF SPECIMEN TREES ON-SITE:  | 40                              |
| NUMBER OF SPECIMEN TREES SAVED     | 13 (32.5%) (10% REQUIRED)       |
| NUMBER OF HERITAGE TREES ON-SITE:  | 0                               |



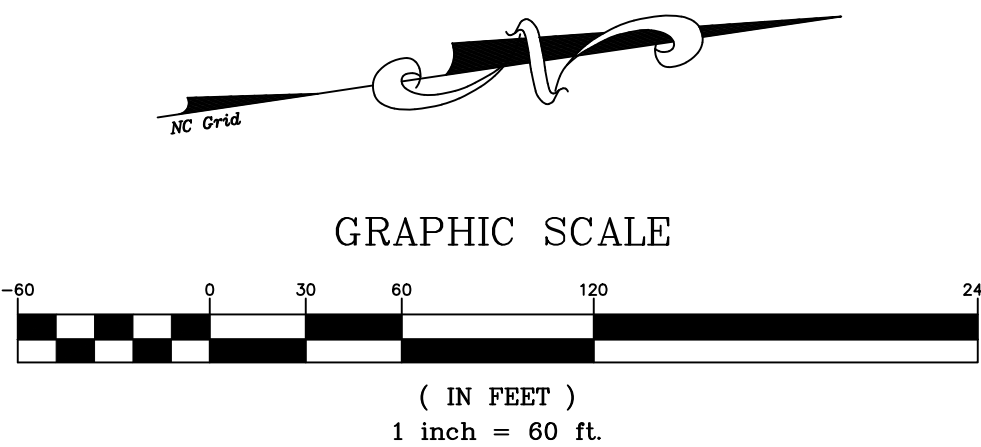
| SPECIMEN TREE TABLE: |             |                |       |     |                 |                |       |
|----------------------|-------------|----------------|-------|-----|-----------------|----------------|-------|
| No.                  | Type        | Size (in. DBH) | Save? | No. | Type            | Size (in. DBH) | Save? |
| 1                    | Oak         | 31.5           | N     | 24  | Oak             | 28             | Y     |
| 2                    | Oak         | 24.5           | N     | 25  | Oak             | 39             | N     |
| 3                    | Sweet Gum   | 25             | N     | 26  | Maple           | 27             | N     |
| 4                    | Hardwood    | 24             | N     | 27  | Beech           | 36             | Y     |
| 5                    | Maple       | 28.5           | N     | 28  | Pecan           | 24             | N     |
| 6                    | Oak         | 49             | Y     | 29  | Oak             | 37             | N     |
| 7                    | Oak         | 32             | Y     | 30  | Dbl. Maple      | 39             | N     |
| 8                    | Quad. Maple | 68             | N     | 31  | Dbl. Oak        | 30             | Y     |
| 9                    | Oak         | 28.5           | N     | 32  | Oak             | 29             | N     |
| 10                   | Poplar      | 29.5           | Y     | 33  | Dbl. Oak        | 36             | N     |
| 11                   | Maple       | 33             | N     | 34  | Trpl. Sweet Gum | 38             | Y     |
| 12                   | Poplar      | 27.5           | N     | 35  | Pine            | 32             | N     |
| 13                   | Oak         | 24             | Y     | 36  | Dbl. Pine       | 33             | N     |
| 14                   | Oak         | 26             | Y     | 37  | Oak             | 24             | N     |
| 15                   | Poplar      | 27.5           | N     | 38  | Oak             | 26             | N     |
| 16                   | Poplar      | 27             | N     | 39  | Pine            | 30             | N     |
| 17                   | Oak         | 24             | Y     | 40  | Dbl. Oak        | 54             | Y     |
| 18                   | Dbl. Poplar | 45.5           | N     |     |                 |                |       |
| 19                   | Trpl. Maple | 66             | Y     |     |                 |                |       |
| 20                   | Maple       | 32             | Y     |     |                 |                |       |
| 21                   | Poplar      | 25.5           | Y     |     |                 |                |       |
| 22                   | Pine        | 25.5           | N     |     |                 |                |       |
| 23                   | Oak         | 24.5           | N     |     |                 |                |       |

**TREE PRESERVATION NOTES:**

**SPECIMEN TREE** - A TREE (OR GROUP OF TREES) THAT MAY BE CONSIDERED IMPORTANT COMMUNITY ASSETS DUE TO THEIR UNIQUE OR NOTEWORTHY CHARACTERISTICS OR VALUES. A TREE MAY BE CONSIDERED A SPECIMEN TREE BASED ON ITS SIZE, AGE, RARITY OR SPECIAL HISTORICAL OR ECOLOGICAL SIGNIFICANCE AND MAY ALSO MEET THE FOLLOWING CRITERIA:

- LARGE HARDWOOD (E.G. OAKS, POPLARS, MAPLES, ETC.) AND SOFTWOODS (E.G. PINES) IN GOOD OR BETTER OR BETTER CONDITION WITH A DBH OF 24" OR GREATER.
- SMALLER UNDERSTORY TREES (E.G. DOGWOODS, REDBUDS, SOURWOODS, PERSIMMONS, ETC.) IN GOOD OR BETTER CONDITION WITH A DBH OF 12" OR GREATER.
- LESSER-SIZED TREES OF RARE SPECIES OR SPECIAL INTRINSIC VALUE AS APPROVED BY STAFF.

**HERITAGE TREE** - A TREE THAT IS LISTED IN THE NORTH CAROLINA BIG TREE LIST, THE AMERICAN FOREST ASSOCIATION'S CHAMPION TREE LIST, THE MECKLENBURG COUNTY TREASURE TREE LIST OR ANY TREE THAT WOULD MEET 80% OF THE POINTS OF A TREE ON NORTH CAROLINA'S BIG TREE LIST.



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Engineer:

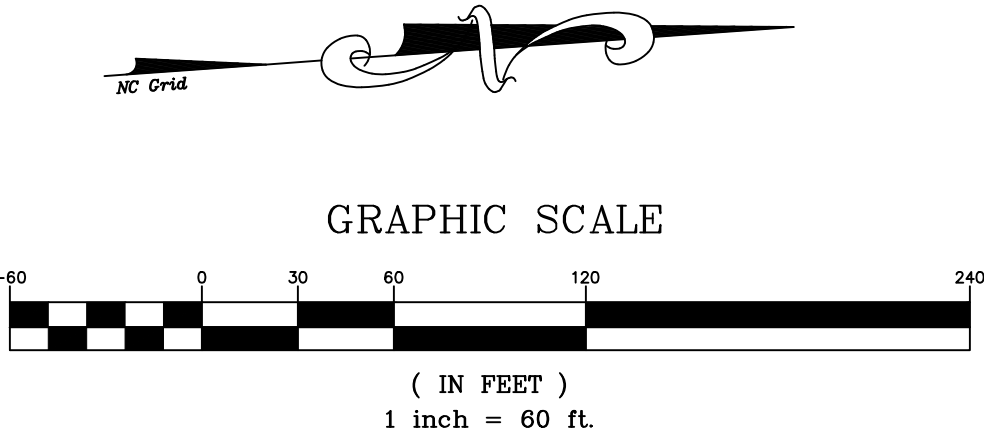
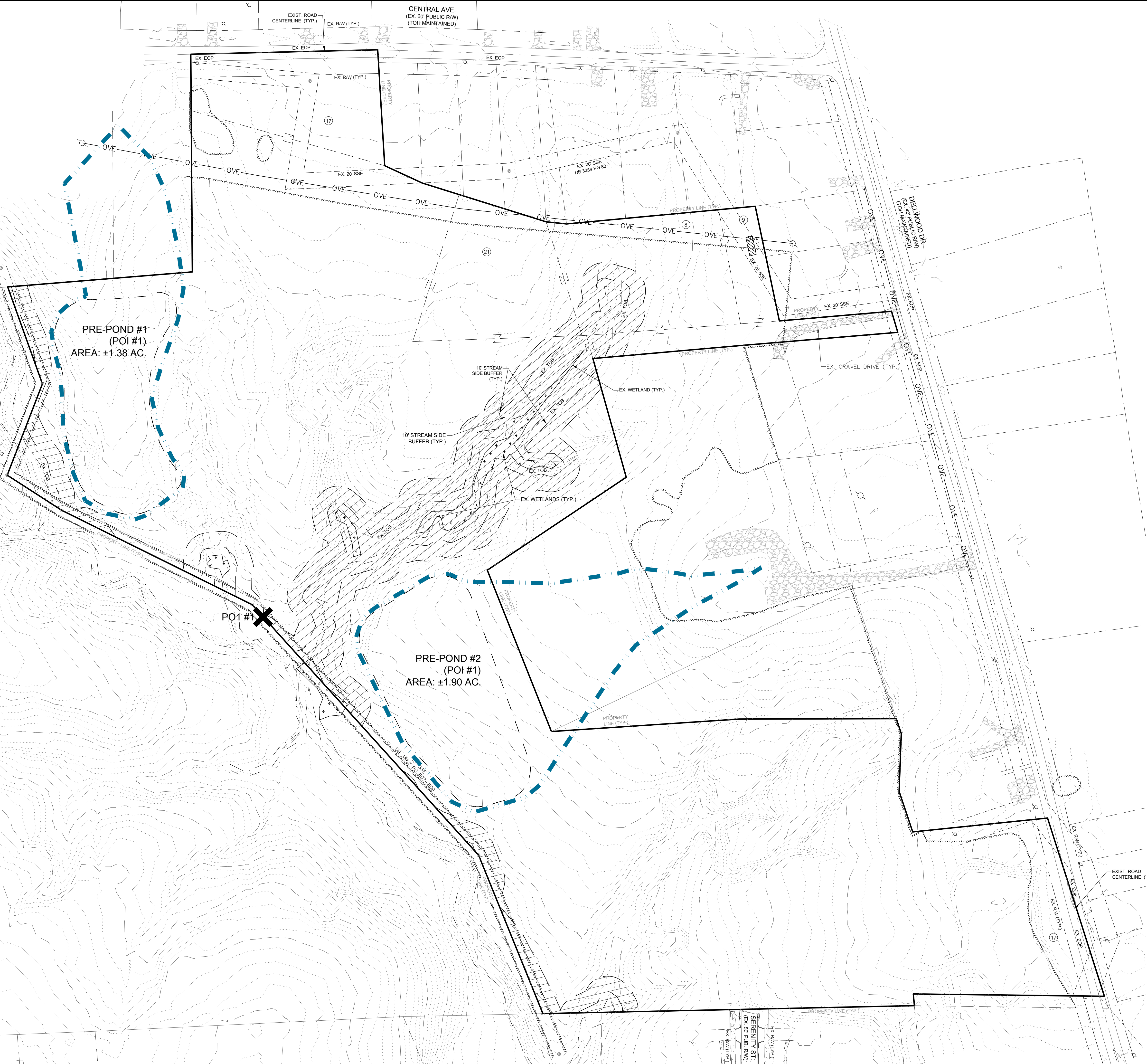
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|                                                                                                                             |                             |
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| Project Manager<br><b>D. Gates</b>                                                                                          | Drawn<br><b>J. Vavrina</b>  |
| Department Manager<br><b>P. Murphy</b>                                                                                      | Checked<br><b>D. Gates</b>  |
| Print/Plot Date<br><b>March 1, 2022</b>                                                                                     |                             |
| Asbuilt Drawn<br>-                                                                                                          | Asbuilt Date<br>-           |
| Client<br><b>Bowman Development Group</b><br>13815 CINNABAR PLACE<br>HUNTERSVILLE, NORTH CAROLINA 28078<br>P: (704)875-9704 |                             |
| Project:<br><b>Valea Subdivision Sketch Plan</b>                                                                            |                             |
| Drawing Title:<br><b>Tree Perservation Plan</b>                                                                             |                             |
| Project No.<br><b>4676</b><br>DWG File Name:<br><b>4676 - Tree Perservation Plan</b>                                        | Drawing No.<br><b>C4.01</b> |





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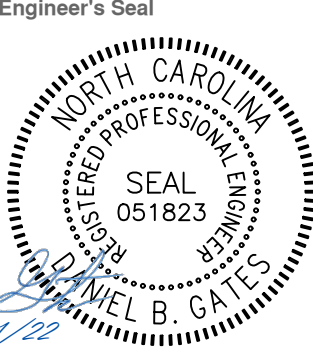
Engineer:



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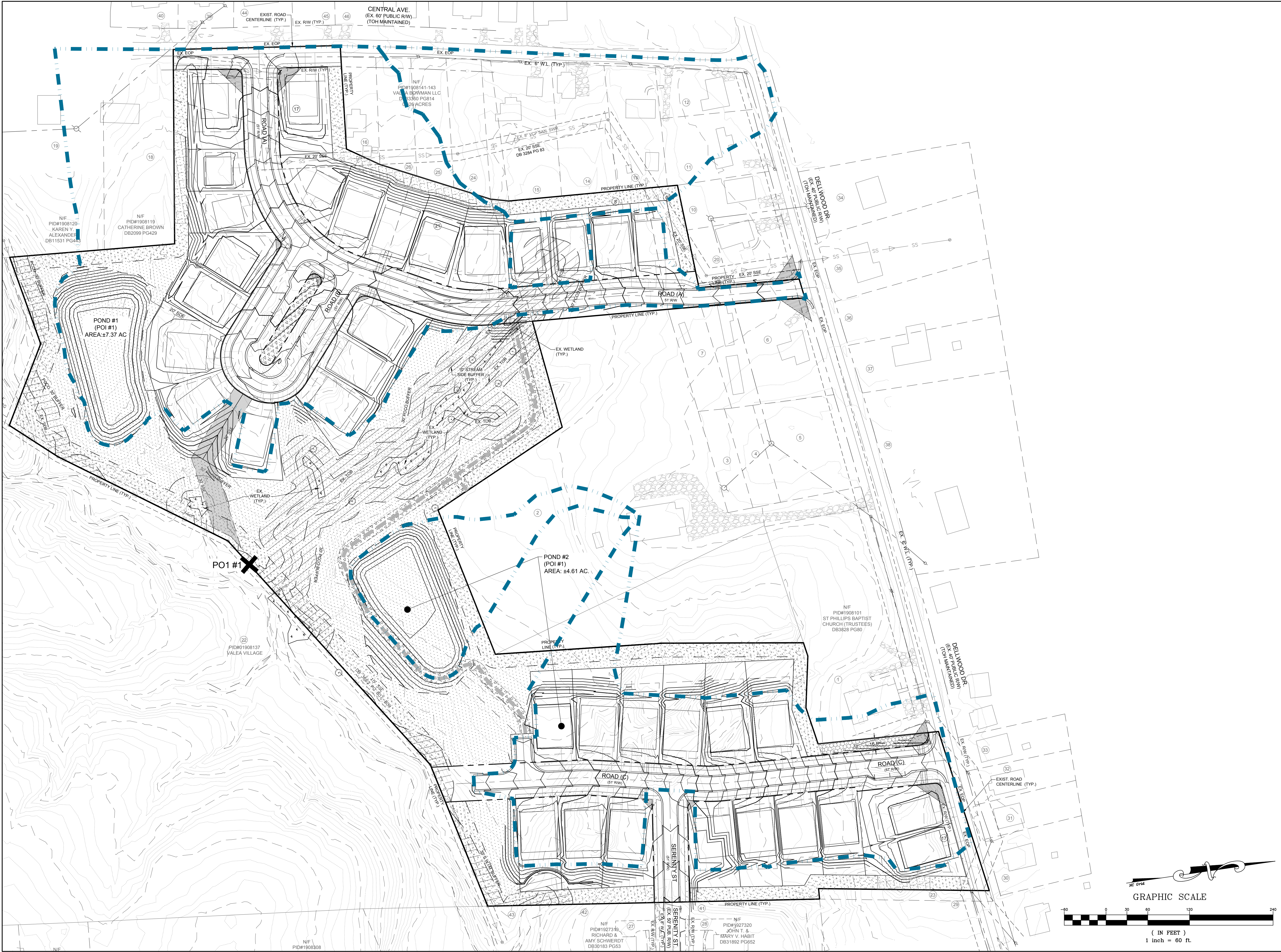


Project Manager  
D. Gates  
Department Manager  
P. Murphy  
Print/Plot Date  
March 1, 2022  
Asbuilt Drawn  
-  
Client  
Bowman Development Group  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704  
Project:  
Valea Subdivision  
Sketch Plan  
Drawing Title:  
Pre-Drainage Map  
Project No.  
4676  
DWG File Name:  
4676 - Pre Drainage Map

Drawn  
J. Vavrina  
Checked  
D. Gates  
Asbuilt Date  
-  
Client  
Bowman Development Group  
13815 CINNABAR PLACE  
HUNTERSVILLE, NORTH CAROLINA 28078  
P: (704)875-9704  
Project:  
Valea Subdivision  
Sketch Plan  
Drawing Title:  
Pre-Drainage Map  
Project No.  
4676  
DWG File Name:  
4676 - Pre Drainage Map

C5.00

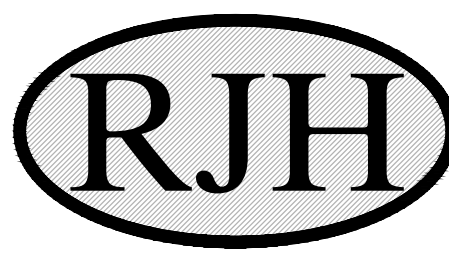




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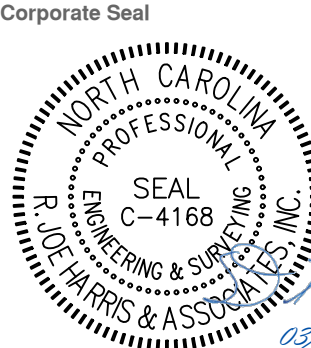


Engineer:

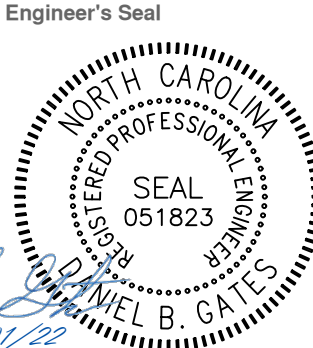


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Corporate Seal



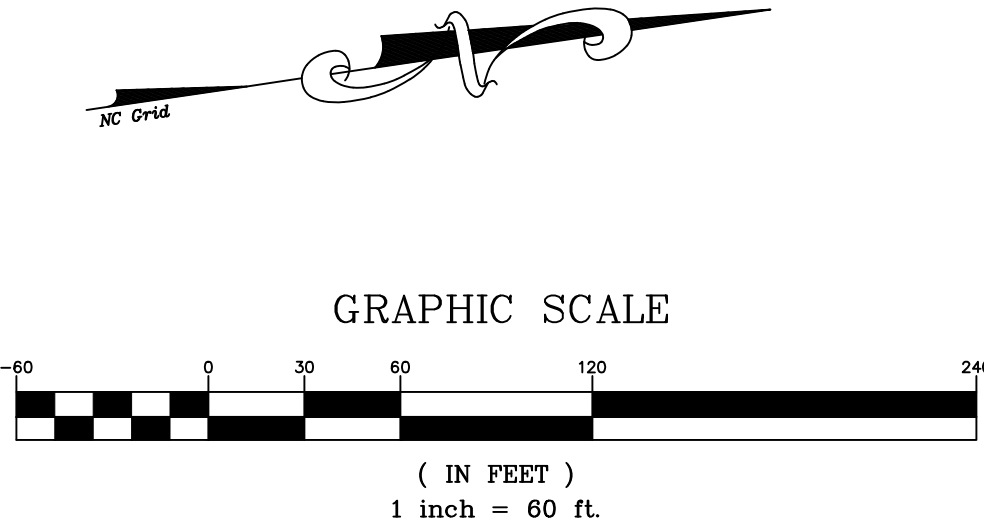
Engineer's Seal

|                                                                                                                             |                             |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Project Manager<br><b>D. Gates</b>                                                                                          | Drawn<br><b>J. Vavrina</b>  |
| Department Manager<br><b>P. Murphy</b>                                                                                      | Checked<br><b>D. Gates</b>  |
| Print/Plot Date<br><b>March 1, 2022</b>                                                                                     |                             |
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| Project:<br><b>Valea Subdivision</b><br><b>Sketch Plan</b>                                                                  |                             |
| Drawing Title:<br><b>Post-Drainage Map</b>                                                                                  |                             |
| Project No.<br><b>4676</b><br>DWG File Name:<br><b>4676 - Post Drainage Map</b>                                             | Drawing No.<br><b>C5.01</b> |





- LEGEND:**
- W - - - - - Prop. PVC Water Line
  - - - - - Prop. DIP Water Line
  - Prop. Fire Hydrant Assembly
  - Prop. Gate Valve
  - Prop. Reducer
  - SS - - - - - Prop. Sanitary Sewer Line
  - Prop. Sanitary Sewer Manhole
  - Prop. RCP Storm Pipe



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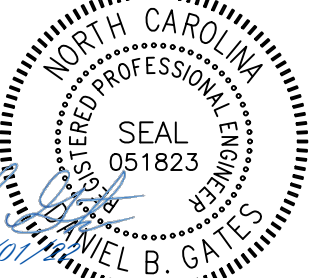
Engineer:



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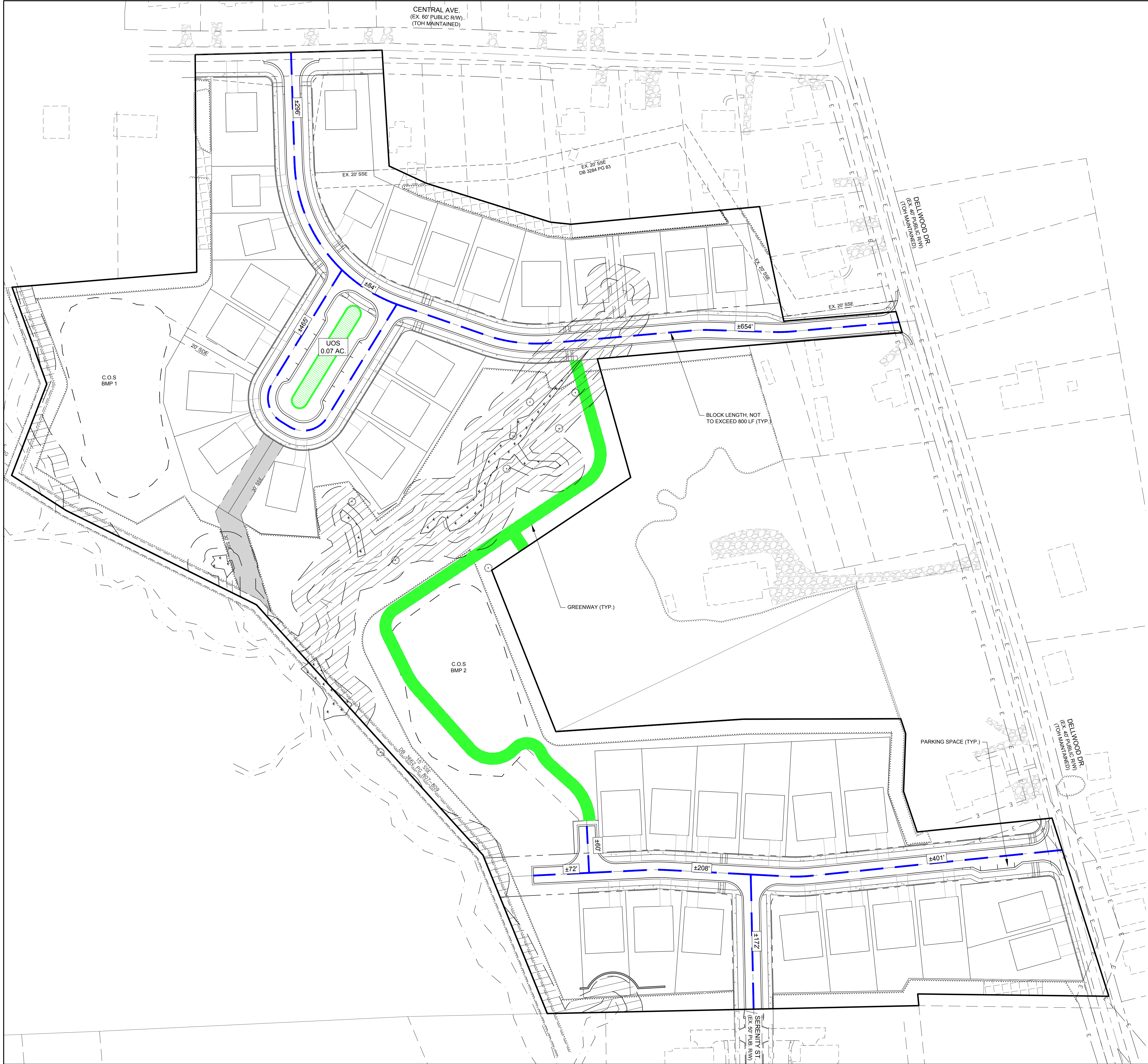
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|                                                                                       |                                                                                       |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Corporate Seal                                                                        | Engineer's Seal                                                                       |
|  |  |

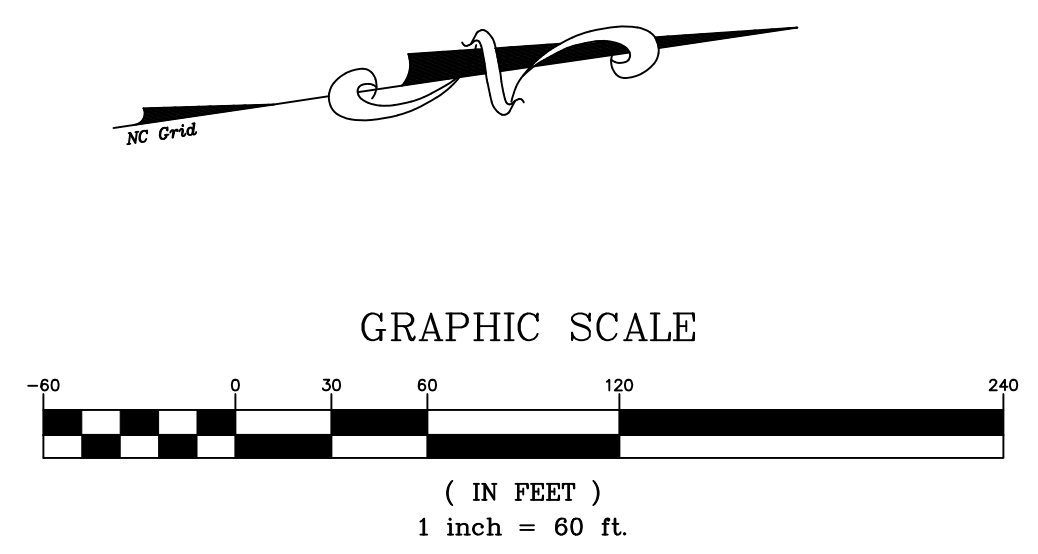
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|------------------------------------------------------------------------------------------------------------|--------------|
| Project Manager                                                                                            | Drawn        |
| D. Gates                                                                                                   | J. Vavrina   |
| Department Manager                                                                                         | Checked      |
| P. Murphy                                                                                                  | D. Gates     |
| Print/Plot Date                                                                                            |              |
| March 1, 2022                                                                                              |              |
| Asbuilt Drawn                                                                                              | Asbuilt Date |
| -                                                                                                          | -            |
| Client                                                                                                     |              |
| Bowman Development Group<br>13815 Cinnabar Place<br>Huntersville, North Carolina 28078<br>P: (704)875-9704 |              |
| Project:                                                                                                   |              |
| Valea Subdivision Sketch Plan                                                                              |              |
| Drawing Title:                                                                                             |              |
| Utility Plan                                                                                               |              |
| Project No.                                                                                                | Drawing No.  |
| 4676                                                                                                       |              |
| DWG File Name:                                                                                             |              |
| 4676 - Utility Plan                                                                                        | C6.00        |





**LEGEND:**

- BLOCK LENGTH
- GREENWAY
- GREENWAY FRONTAGE
- EXISTING PCCO (Post Construction Control) BUFFER



| DATE       | ISSUED FOR                                | REV |
|------------|-------------------------------------------|-----|
| 10/26/2021 | Initial Submittal to Town of Huntersville | 0   |
| 01/13/2022 | Second Submittal to Town of Huntersville  | 1   |
| 03/01/2022 | Third Submittal to Town of Huntersville   | 2   |

Engineer:

**R. Joe Harris & Associates, Inc.**  
Engineering • Land Surveying • Planning  
Management  
1188 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

[www.rjoeharris.com](http://www.rjoeharris.com)

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Corporate Seal

Engineer's Seal

|                                                                                                                             |                             |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Project Manager<br><b>D. Gates</b>                                                                                          | Drawn<br><b>J. Vavrina</b>  |
| Department Manager<br><b>P. Murphy</b>                                                                                      | Checked<br><b>D. Gates</b>  |
| Print/Plot Date<br><b>March 1, 2022</b>                                                                                     |                             |
| Asbuilt Drawn<br>-                                                                                                          | Asbuilt Date<br>-           |
| Client<br><b>Bowman Development Group</b><br>13815 Cinnabar Place<br>Huntersville, North Carolina 28078<br>P: (704)875-9704 |                             |
| Project:<br><b>Valea Subdivision Sketch Plan</b>                                                                            |                             |
| Drawing Title:<br><b>Frontage Improvement Plan</b>                                                                          |                             |
| Project No.<br><b>4676</b><br>DWG File Name:<br>4676 - Frontage Improvement                                                 | Drawing No.<br><b>C7.00</b> |



Wednesday, December 15, 2021

## Valea Village Neighborhood Meeting

Meeting was held in person at the Arts Center and streamed on Zoom

- Bee Jay Caldwell
  - Q - What does a by right plan mean
    - A - David Peete - It means that what is proposed is allowed based on the current zoning
- David Doctor
  - Q - What does the developer have to do for approval?
    - A - David Peete - Should meet all the requirements in the zoning category but they can ask for a modification. Modifications are up to the town board to decide if they will grant or not. A by right plan is a quasi-judicial process.
- Jennifer Morell
  - Q - What is the plan for the southern portion of the property?
    - A - We are only purchasing the to the north of the main creek running through the property. We currently have no plans to develop the southern property because there are access issues. We would imagine that the property owner will still want to sell this in the future and that eventually it will probably be developed but we have no plans at this point.
- Varona Wynn
  - Q - Do we own any of the property yet?
    - A - We own a small portion of the property and will buy the remaining once we have approvals. We did a land swap with the town giving the town more area around the Dellwood Center and getting a couple odd pieces from the town
  - Q - Isn't the property you got from the town in the swap historical
    - A - The town looked into this and we were told they were not historic
- Wanda Swanger
  - Q - What size houses will be built?
    - A - The lots are all 60' and the houses will be similar to what has been built in Vermillion
- Janelle Harris
  - Q - Will there be any low income housing?
    - A - We are not providing any low income housing but there is a section of road that the town has property fronting. There is room there for the town to utilize the road we are building and subdivide up to 4 lots that could be low income.
- Agusin Hinojosa



- Q - What does quasi-judicial mean
  - A - David Peete explained the process again
- Reg Miller
  - Q - How will this development affect the neighborhood? Worried we will force people out.
    - A - We have not forced anyone out anywhere we have previously connected Vermillion to the surrounding Neighborhoods. We have previously connected to both Gibson Park Dr and Dellwood Dr and have not forced anyone out.
  - Q - How will this affect property taxes?
    - We can't answer that because we have no control of that. Jack Simenau did a quick study on the property taxes after we connected to Gibson Pack Dr and it appeared that the property taxes increase at a similar rate of Huntersville and did not have a drastic increase because of the connection to Vermillion.
- Varona Wynn
  - Q - How is the creek and watershed protected from the increase runoff?
    - Q - Huntersville has a storm water ordinance that we have to follow that requires us to capture and treat rain runoff before it is discharged to the creek.
- Kathy Miller
  - Q - Will this be part of Vermillion and the HOA?
    - A - Yes this will be part of Vermillion and its HOA.
- Sherri Kempf
  - Q - What is the approval and construction timeline?
    - A - The earliest we would break ground is around a year and another 6-9 months before the first houses begin construction so roughly 2 years from now before the first houses are complete.
- Corine Mack
  - Q - Have you considered a community benefits agenda?
    - A - Have not heard of that but we are open to having a discussion
  - Q - Concerned about development of property that is historically black owned.
    - A - We are buying the property from the entity that originally purchased the land for development in 2007 from the Wynn family who sold it knowing the intent was for it to be developed.
  - Q - Is there any mix of affordable or low income housing?
    - A - Not on what we are developing but the town will have property fronting one of our new streets that they could use to create 4-5 lots for affordable or low income housing.
- Bob Salinas
  - Q - Where will construction traffic access the site?
    - A - The only 2 directions to access the site are on Central Ave coming from Holbrooks Rd which is the most direct or through Vermillion and up to Dellwood Dr. We will talk to the town to see if they have a preference as these are town street we will be using to access the site.



- Bee Jay Caldwell
  - Q - Concerned about impact of construction traffic to the neighborhood and is there not another route?
  - A - The previous plan we were going to access the site directly off Holbrook Rd which would have been a lower impact but that portion of the property is not part of the plan so we are limited to access off Central Ave and Dellwood. There is just no other access point to the site.
- Lesley Brown
  - Q - Concerned about the 2 connection to Dellwood Dr. Concerned about speeding on Dellwood. Can Dellwood get speed bumps and sidewalk.
  - A - The town requires connectivity. It is a way to disperse traffic. The 2 additional connections should influence drivers to slow down as there is a chance of a car turning onto or off the road. The town has a process to request speed study before it will consider installing them you should talk to the town. Sidewalk would be a great addition to Dellwood and Central but the problem is the town acquiring ROW from all the owners.
- Agustin Hinojosa
  - Q - Also concerned about speeding on Dellwood
  - A - This was answered to the previous question
- Varona Wynn
  - Q - Why can't you just walk away from the area and not develop in the neighborhood.
  - A - The land owner that you and your family sold the land to is stuck with the land at this point and wants to sell it so we are trying to help him get out of the situation he is in which involves developing this property.
- Perry Brown
  - Q - Can you look at bringing construction traffic in on Serenity St.
  - A - Again yes we will look at all options with the town staff to determine where our construction traffic will enter
- Corine Mack
  - Q - You need to make sure you are listening to the people and understand how this development will affect their houses, their life, and push people out of their houses.
  - A - We are listening and have been since the original Vermillion rezoning back in 1999. The neighborhood invited an organization called HELP to give their opinion on what we were doing and they said connecting Vermillion and not turning our back to the neighborhood was the best thing.
- Kellie Williams
  - Q - The price point in Vermillion is higher than the neighborhood. Who are you marketing to? Seems like people from outside the neighborhood and there is a need for affordable housing.
- Lesley Brown
  - Q - With the previous plan you said you would walk away but you are bringing the property back now. Why?
  - A - This is a different plan and we are now staying off the property around the Dellwood Center. There is still a land owner stuck with this property and has been trying to sell so we have made major adjustments to the plan to try and find something that works.
- Emmanuel Allen



- Q - Swap is confusing because GIS shows that the town paid you for the land it acquired in the swap.
  - A - That is an error on GIS. We punched the piece of land from the current land owner and did an even swap with the town. The town did not purchase it from us.
- Kathy Miller
  - Q - Concerned about water drainage.
    - A - We have to capture and treat the water before it leaves our site. If there is a specific area you can come by our office and we can look at it.
- Dora Dubose
  - Q - At the town board for the previous plan you said if the community does not want this you would walk away. Must protect the historic neighborhood. Will follow up with Nate
- Brandon Nelson
  - Q - Are the existing 3 lots on Central Ave part of this project?
    - A - They are not part of this project but houses would be built at a similar time and would be part of Vermillion.
- Aleta Dunn
  - Q - What would the pricing on housing be?
    - A - with how the real estate market has gone the last 2 years its hard to say but would probably start in the 400k range
- Bee Jay Caldwell
  - Q - How does annexation affect existing adjacent owners?
    - A - There is no forced annexation. Any owner has the option to voluntarily annex into Huntersville.
- Jennifer Morell
  - Q - What is the status of sewer capacity?
    - A - This area drains to WASACC which has plans for 2 plan expansions and CLT water is working on a pump station to divert some of the flow. Its at least 2 years from now for capacity to free up.
- Wanda Swanger
  - Q - Houses will be bigger than the existing neighborhood and Dellwood is tight and has trouble backing out of driveway.
- Janelle Harris
  - Q - Heard you want to move everyone out of the neighborhood.
    - A - We don't ever want to move anyone out of the neighborhood
- David Doctor
  - Q - Where are driveways and how do the homes park?
    - A - Same as Vermillion with front loaded garages. No alleys
- Brown



- Q - Can you look at bringing construction traffic in on Serenity St.
  - A - Again yes we will look at all options with the town staff to determine where our construction traffic will enter
- Varona
  - Q - Construction traffic needs to come in from Serenity
- Corine Mack
  - Q - The neighbors are the victims
- Bevelyn Sherril
  - Q - There is a lot of emotion and hope that feelings are listened to. Would like some residents included in discussion with town of the construction traffic.
- Allen
  - Q - Central Ave has substandard paving and worried that it can't handle the construction traffic



NEIGHBORHOOD MEETING

SIGN IN SHEET

| NAME             | ADDRESS                           | PHONE #        | EMAIL ADDRESS             |
|------------------|-----------------------------------|----------------|---------------------------|
| Bachel Z         | Central Ave                       | 4127586511     |                           |
| Pauline Caldwell | 1425 New Waver Dr                 | 704-875-6811   |                           |
| BRANDON NIXSON   | 14000 DAVID ST.                   | 704-628-6762   | 665nebo@gmail.com         |
| Amey Hallman     | 100 Cambridge Rd                  | 704-458-3735   | hallmans@                 |
| Joe Hallman      | Huntersville                      | 704-840-2790   | roadrunner.com            |
| Nanda Swanger    | 605 Dellwood                      | 704-619-7886   |                           |
| Cindy Lezard     | 613 Dellwood                      | 980-273-0489   | cindylezard@aol.com       |
| Agustin Hinojosa | 613 Dellwood                      | 980-293-0353   | agustin@aol.com           |
| Taylor Hutto     | 127 Holbrook St.                  | 704-557-5670   | taylor.brock93@yahoo.com  |
| Karin Sawhill    | 18534 Oakhurst Blv                | 704-576-4246   | karin.sawhill@gmail.com   |
| John Maas        | 13925 David St                    | 704-681-1717   | johnmaas@gmail.com        |
| Beverly Sturill  | 13117 Central Ave 28078           |                | bgsnabsw@hotmail.com      |
| Lindsay Krone    | 10416 Drake Hill Dr. 28078        | 704-351-7032   | lindsay.krone@gmail.com   |
| Oralia Kears     | 9235 Feldman Dr. 28216            | 704-200-9357   | iretak@gmail.com          |
| Altanna White    | 13311 Central Ave                 | (704) 600-5120 | altannawhite@yahoo.com    |
| VINCENT FLOWERS  | 12605 Forrester Ave               | (678) 914-7995 | vinny/vinny468@yahoo.com  |
| Digne Means      |                                   | 704) 737-6450  |                           |
| Anna Gerwinck    | 25121 Serenity Street             | 704-995-7401   |                           |
| Marcus Miller    | 7819 New Market Ln.               | 803-807-0043   |                           |
| Emmanuel Allee   | 13228 Central Ave                 | 704-574-5889   | emmanuelallee64@gmail.com |
| Odys Whitley     | 12944 S Church St Huntersville NC | 980-522-1386   | whitley012441@gmail.com   |



NEIGHBORHOOD MEETING

SIGN IN SHEET

| NAME                   | ADDRESS                            | PHONE #      | EMAIL ADDRESS          |
|------------------------|------------------------------------|--------------|------------------------|
| David Peete            | TOTT                               | 704-766-2216 | dpeete@huntsville.org  |
| HELEA DUNN             | 14201 HOLBROOKS ROAD               | 949 929 7559 | BLUEIZDUNNS8@GMAIL.COM |
| Paul Lowe              | TOTH                               |              | plowe@huntsville.org   |
| Paul Miller            | 13514 Serenity St                  | 614-679-2640 | p.k.miller1@gmail.com  |
| Kathy Miller           | "                                  | 614-506-0878 | "                      |
| <del>Pat Miller</del>  |                                    |              |                        |
| Older <del>James</del> | 301 Dellwood Dr                    | 704-977-5941 | mslivers@yehoo.com     |
| Lesly Brown            | 301 Dellwood Dr                    | 704 949-5577 | lbrown442@yaho.com     |
| Helen Rivers           | 301 Dellwood DR                    | 704 977-5942 | Rivershelen4@gmail.com |
| Berlany Caldwell       | 14521 New Haven Dr.                | 704-875-0367 |                        |
| Reginald Miller        | 202 Sherrwyn Ln                    | 704-875-6076 | RstinsonM@hotmail.com  |
| Perry Brown            | 301 Dellwood Dr                    | 704 598-8157 |                        |
| Virginia Wynn          | P.O. Box 2692 / 13219 New Haven Dr | 704-948-6867 |                        |
| John Habit             | 13528 Serenity St                  | 540-226-1782 | habitj@intl.com        |
| Jennifer Morell        | 9723 ANDRES DRANUDRIAL             | 510-825-8074 | jennmorell@yahoo.com   |
| NICK WALSH             | 10320 Drake Hill Drive             | 704-577-0379 | NICK.WALSH.F@LIVE.COM  |
| BOB SZINTZ             | 13411 Serenity St                  | 407-234-1112 | BOB@LUC1961@GMAIL.COM  |
| Sherr Kempf            | 13515 SERENITY ST                  | 512-944-7028 | sherr@3iinc.com        |
| David Dachtel          | 13515 SERENITY ST                  | 704-661-8131 | david@3iinc.com        |
| Janet Webb             | 109 Joyce Ave                      | 704-977-2784 |                        |
| Janette Harris         | 14111 Holbrooks Rd                 | 254 661-4960 | patsturnbael@yehoo.com |



## SIGN IN SHEET

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SIGN IN SHEET **ONLINE ATTENDEES**

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## Town of Huntersville: Valea Subdivision Sketch Plan Revised

### **IMPACT OF THE PROPOSED DEVELOPMENT**

*Proposed Housing Units:* 34 single family detached dwellings under NR zoning.

*CMS Planning Area:* North

*Average Student Yield per Unit:* 0.5118

This development may add 17 students to the schools in this area.

The following data is as of 20<sup>th</sup> Day of the 2020-21 school year.

| <i>Schools Affected</i>   | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-ec)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|---------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| LEGETTE BLYTHE ELEMENTARY | 53                              | 50                                           | 871                                             | 822                                                            | 106%                                                               | 7                                                          | <b>106%</b>                                                           |
| JM ALEXANDER MIDDLE       | 48                              | 54                                           | 938                                             | 1055                                                           | 89%                                                                | 4                                                          | <b>89%</b>                                                            |
| NORTH MECKLENBURG HIGH    | 116.5                           | 108                                          | 2146                                            | 1989                                                           | 108%                                                               | 6                                                          | <b>108%</b>                                                           |

The total estimated capital cost of providing the additional school capacity for this new development is \$502,000; calculated as follows:

Elementary School: **7**x \$34,000 = \$238,000

High School: **6**x \$44,000 = \$264,000

### **RECOMMENDATION**

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.



**Town of Huntersville  
Planning Board  
March 22, 2022**

**To:** Town Board

**From:** Brian Richards, Assistant Director

**Date:** March 22, 2022

**Subject:** Consider Recommendation 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-u

---

**EXPLAIN REQUEST:**

Consider Recommendation 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:**

Consider Recommendation 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).

**FINANCIAL IMPLICATIONS:**

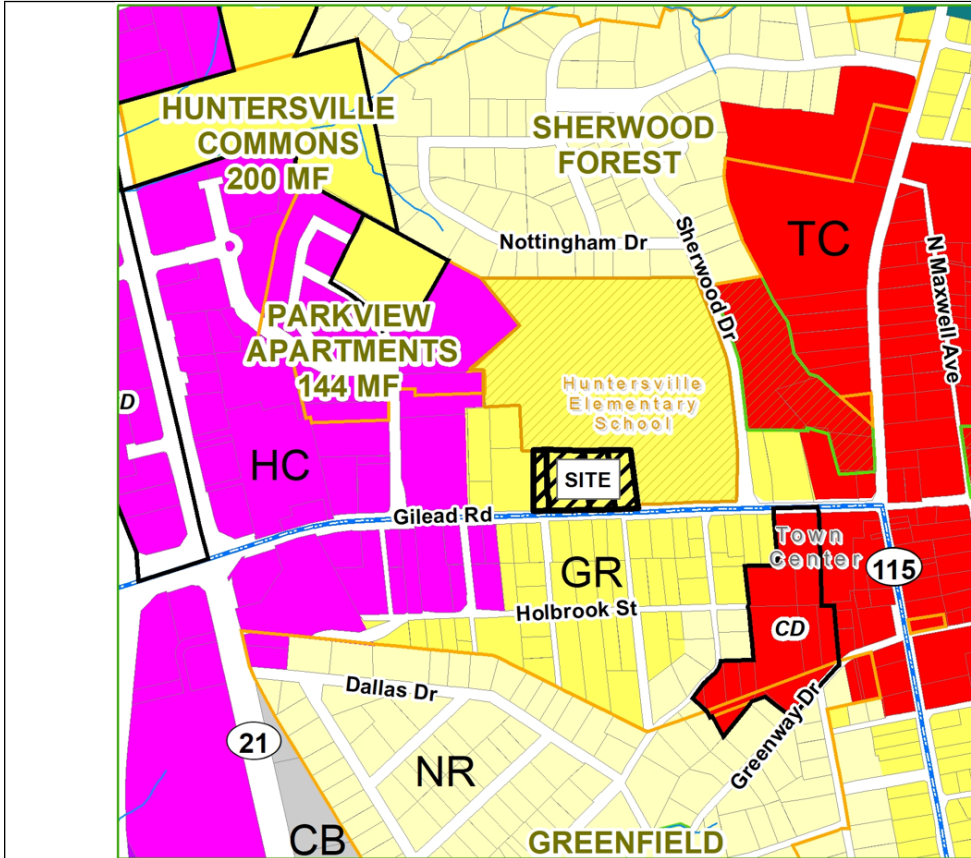
**ATTACHMENTS:**

1. R21-17 PB Gilead Mixed Use Staff Report 3-22-22 Update
2. A - R21-17 GRMU Application
3. B - R21-17 GRMU Rezoning Plans
4. C - GRMU Neighborhood Meeting Report (December 14, 2021)
5. D - CMS GRMU Report
6. E - Charlotte Water WTS Letter GRMU



## Petition R21-17 Gilead Road Mixed Use

### PART 1: PROJECT SUMMARY



**Applicant:** HFH Partners, LLC

**Property Owner:** HFH Partners & Irvin Hager

**Property Address:** 202, 204, 206, 208 Gilead Rd

**Project Size:** (+/-) 3.8 acres

**Parcel Numbers:** 01712109, 01712110, 01712111, 01712112

**Current Zoning:** Neighborhood Residential (NR)

**Current Land Use:** Single Family & Vacant.

**Proposed Zoning:** Traditional Neighborhood Development Urban Conditional District (TND-U-CD)

**Proposed Land Use:** Commercial & Townhomes.

1. Purpose: Rezone 3.8 acres along Gilead Rd east of US 21 from Neighborhood Residential (NR) to Traditional Neighborhood Development Urban Conditional District (TND-U-CD) for 29 Townhomes (7.6 DUA) and up to 19,000 sf of Commercial Use.
2. Adjoining Zoning and Land Uses.
  - North: Neighborhood Residential – Huntersville Elementary School.
  - South: Neighborhood Residential – Residential & Commercial Uses.
  - East: Neighborhood Residential – Huntersville Elementary School.
  - West: Neighborhood Residential – Residential Use.
3. A neighborhood meeting was held on December 14, 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 Gilead Rd.

### PART 2: REZONING/SITE PLAN

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

- Two Commercial Buildings and Twenty-nine Townhomes are being proposed.

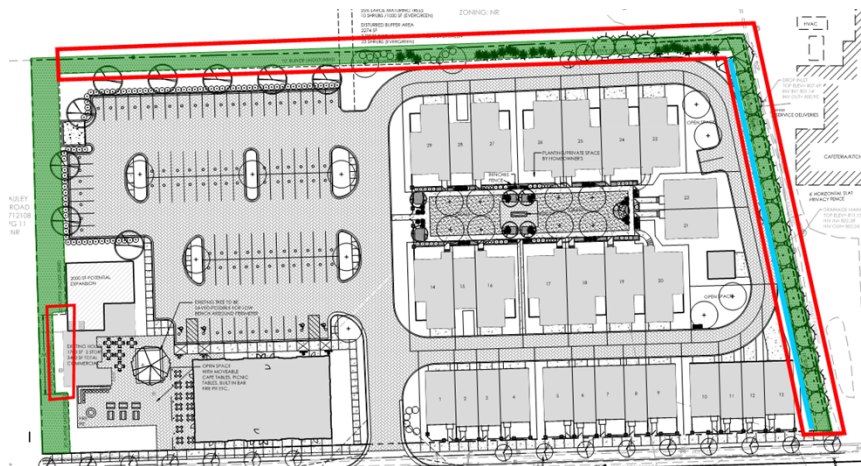


- Two Urban Open Spaces (Plaza and Pedestrian Passageway).
- A Vegetated Buffer is being offered around the perimeter as well as a privacy fence (along the eastern boundary).
- A future greenway connection is being offered along the northern property boundary.
- Minimum Tree Preservation (specimen tree save) for the Traditional Neighborhood Development District is 30%. The Rezoning Plan contains 19 specimen trees and proposes to save 2 trees (12%). Staff is working with the applicant to create a compliant mitigation plan.
- The Traditional Neighborhood Development District does not have a canopy tree save requirement.
- There are no identified Heritage Trees on site.
- Building elevations for the proposed structures have been submitted. Architectural renderings have been provided (Attachment B).
- Planning, Transportation, and Storm Water Engineering staff have site plan comments outstanding that need to be addressed prior to final plan approval.
- The intent statement of the TND-U zone is to be at least 40 acres in area and optimum size of ¼ mile from center. The 3.8-acre site is adjacent to a 30-acre school and which is adjacent to a 8-acre town park. The site is ¼ mile from the center of downtown at the intersection of NC 115 and Gilead Road.

• Four (4) Ordinance Modifications are proposed:

1. Article 7.5: Buffer Yards – Requires a 20' Buffer along the perimeter of the Development. The applicant is requesting to reduce the buffer yard to 10' along the east and north property lines as well as a small reduction on the west property line where there is an existing HVAC system.

**STAFF COMMENT** – The applicant is offering a higher percentage of evergreen plantings for the entire buffer area as well as a 6' privacy fence along the east property line to mitigate the visual impact of the reduced buffer yard. The north and east property lines abut Huntersville Elementary School and there are no residential impacts in these areas. Additionally, LU Policy 8.2 supports buffer reductions when projects of high design standards are proposed. This is in keeping with the Spirit of the Ordinance, staff DOES SUPPORT this modification request



2. Article 4 Attached House Building Type (Rear Setback) – Requires a Rear Setback of 20-25'. The applicant is requesting a minimum Rear Setback of 14'. This is to allow for Urban Open Space size to be maximized.

**STAFF COMMENT** – The applicant is offering a well-designed Pedestrian Passageway for the interior Townhomes to front upon. Article 8.1.4 A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, CI, VS and both TND and TOD districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in [Article 7, part B](#), where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street. Additionally, LU Policy 8.1 encourages flexibility in design

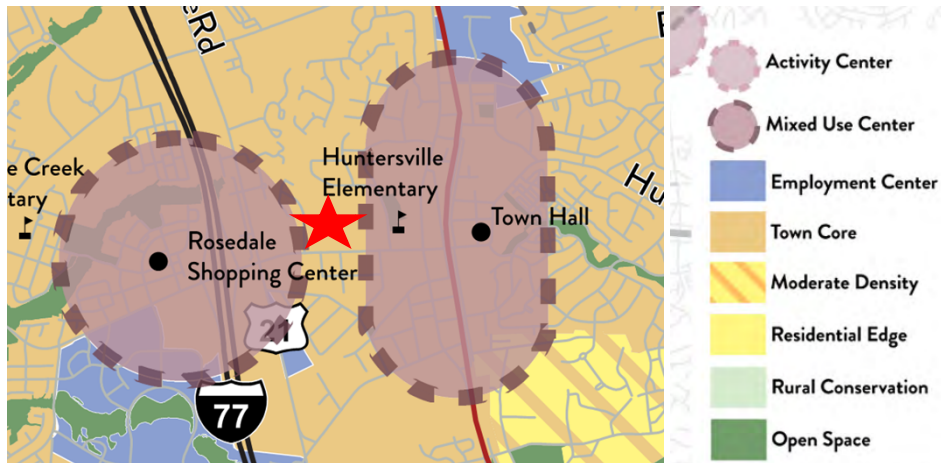






Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to,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

2040 Huntersville Community Plan



### Town Core

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.



### Downtown - Tier 2

Generally 2-3 stories. Predominately residential with some small-scale commercial and/or office. Reuse of structures on main roads. Residential can include townhomes, duplexes, triplexes, quadplexes, and urban single-family home types, including alley-loaded bungalows, pocket neighborhoods and cottage courts.

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.

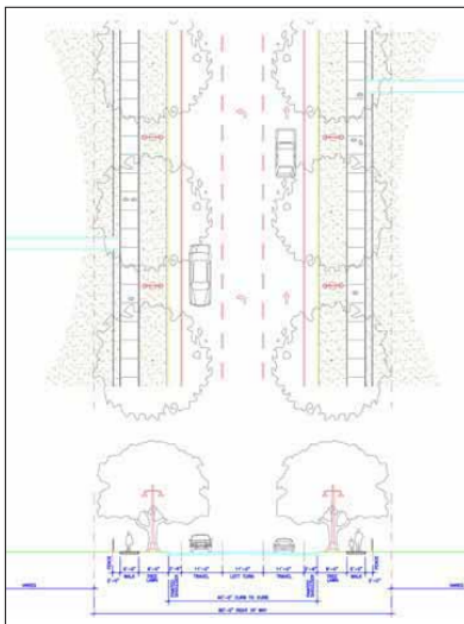
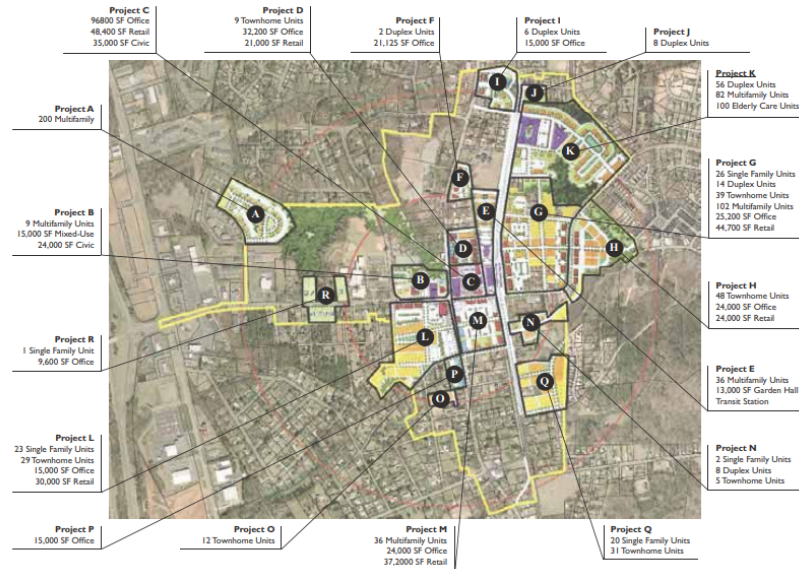


- **Policy LU 5.3:** Support infill housing options near services, shopping, employment, and transit stations.
  - Encourage infill development opportunities to increase housing options with proximity to nearby services, shopping, employment opportunities, and transit stations.
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
- **Policy LU 6.3:** Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.
- **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 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards.
  - Incentives that could include:
  - Modification of height limit.
  - Reduced buffer yard requirements.
- **Policy EV 2.3:** Attract business to Downtown.
  - Encourage new businesses that help Downtown meet the 10|10|10 goal of having 10 places that serve food, 10 retail establishments (non-chain and not thrift stores) and 10 businesses open after 6 pm.
- **Policy DT 1.3:** In Tier 2 areas, create a transitional area from the core of Downtown to surrounding residential neighborhoods.
  - This area contains mostly residential uses with some office and commercial space at lower intensities than Tier 1.
  - Residential can include townhomes, duplexes, triplexes, quadplexes, and urban single-family home types including alley-loaded bungalows and other house-scale development types such as pocket neighborhoods and cottage courts.
- **Policy DT 11.1:** Allow and encourage residential development in Downtown Huntersville, including for-sale and rental housing integrated with commercial uses.



## Downtown Master Plan (2006)

The 2006 Plan identified this site for potential redevelopment (as shown 9,600 sf office and 1 additional Single-Family Unit).



*Alternate Streetscape treatment for Gilead Road with relocated utilities, canopy trees between the sidewalk and the street, and bike lanes*

The 2006 Plan also recommends relocating utilities for the Gilead Road Gateway Corridor (80' of Right of Way with Bike Lanes, Wide Sidewalks, and a single row of street trees).



**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 Gilead Road Mixed Use Development is consistent with envisioned uses and development pattern set forth in the 2040 Community Plan and 2006 Downtown Master 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. The site is not encumbered by any historic easements or deed restrictions.

## **PART 5: STAFF RECOMMENDATION**

In considering the proposed rezoning petition R21-17, Gilead Road Mixed Use Staff could recommend approval if outstanding Staff comments are addressed as well as resolving Modification #4 (Internal Landscaping). The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 5.1, LU 5.3, LU 6.2, LU 6.3, LU 7.1, LU 8.1, LU 8.2, EV 2.3, DT 1.3, and DT 11.1

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 2006 Downtown Master Plan. Modification #1 (Buffer Yard), Modification #2 (Rear Setback), and Modification #3 (Building Height) are in keeping with the Spirit of the Ordinance and therefore supported.

## **PART 6: PUBLIC HEARING COMMENTS**

A Public Hearing was held on March 7, 2022.

## **PART 7: PLANNING BOARD RECOMMENDATION**

Planning Board is scheduled for March 22, 2022.

## **PART 8: TOWN BOARD CONSIDERATION**

Town Board consideration is scheduled for April 18, 2022.

## **PART 9: ATTACHMENTS/ENCLOSURES**

### Attachments

A – R21-17 GRMU Application

B – R21-17 GRMU Rezoning Plan

C – GRMU Neighborhood Meeting Report (December 14, 2021)

D – CMS GRMU Report

E – Charlotte Water WTS Letter GRMU



**PART 10: CONSISTENCY STATEMENT – R21-17 Gilead Road Mixed Use**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Planning Board                                                                                                                                                                                                                                                                                                                                                       | Board of Commissioners                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>APPROVAL: In considering the proposed rezoning petition R21-17, Gilead Road Mixed Use Staff could recommend approval if outstanding Staff comments are addressed as well as resolving Modification #4 (Internal Landscaping). The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 5.1, LU 5.3, LU 6.2, LU 6.3, LU 7.1, LU 8.1, LU 8.2, EV 2.3, DT 1.3, and DT 11.1.</p> <p><u><b>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 2006 Downtown Master Plan. Modification #1 (Buffer Yard), Modification #2 (Rear Setback), and Modification #3 (Building Height) are in keeping with the Spirit of the Ordinance and therefore supported</b></u></p> | <p>APPROVAL: In considering the proposed rezoning application R21-17, Gilead Rd Mixed Use, the Planning Board recommends approval based on the Plan being consistent with <u><b>(insert applicable plan reference)</b></u>.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p>                   | <p>APPROVAL: In considering the proposed rezoning application R21-17, Gilead Rd Mixed Use, the Town Board recommends approval based on the Plan being consistent with <u><b>(insert applicable plan reference)</b></u>.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p>                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>DENIAL: In considering the proposed rezoning application R21-17, Gilead Rd Mixed Use, the Planning Board recommends denial based on the Plan being <u><b>(consistent OR inconsistent) with (insert applicable plan reference)</b></u>.</p> <p><u><b>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p> | <p>DENIAL: In considering the proposed rezoning application R21-17, Gilead Rd Mixed Use, the Town Board recommends denial based on the Plan being <u><b>(consistent OR inconsistent) with (insert applicable plan reference)</b></u>.</p> <p><u><b>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p> |





# 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 3, 2021

Name of Project Gilead Road Mixed Use Phase # (if subdivision) \_\_\_\_\_

Project Address 202,204,206,208 Gilead Road

Parcel Identification Number(s) (PIN) 01712112, 01712111, 01712110, 01712109

Current Zoning District NR Proposed District (for rezoning only) TND (CD)

Property Size (acres) 3.8 Street Frontage (feet) 560'

Current Land Use Residential and vacant

Proposed Land Use(s) Activity Center (Townhomes, commercial)

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.

Rezone parcels to allow mixed-use commercial and attached townhomes. The parcel is to be developed in  
harmony with adjacent land uses to form an overall Traditional Neighborhood Development project that compliments  
the Activity Center designation on the 2040 plan for Downtown Huntersville.

## 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 HFH Partners, LLC Phone 704-875-1615  
☐ 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 Jay A. Henson Printed Name: Jay Henson

Title Member/Manager Email jay@hensonfoley.com

Address of Applicant 121 Gilead Road Huntersville, NC 28078

## 7. Property Owner (if different than applicant)

\*Printed Name HFH Partners, LLC (01712109, 01712110) Phone 704-875-1615 (see attached addendum for other parcels)  
☐ 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 Jay A. Henson Printed Name Jay Henson

Title Member/Manager Email jay@hensonfoley.com

Address of Property Owner 121 Gilead Road Huntersville, NC 28078

\* 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

|                   |                 |              |                     |
|-------------------|-----------------|--------------|---------------------|
| HFH Partners, LLC | Jay Henson      | 704-875-1615 | jay@hensonfoley.com |
| Development Firm  | Name of Contact | Phone        | Email               |
| HensonFoley       | Jay Henson      | 704-875-1615 | jay@hensonfoley.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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



General Application  
Owner/Applicant Signature Addendum

Application Information

Date of Application November 3, 2021 Application Number \_\_\_\_\_

Name of Project Gilead Road Mixed Use Phase # (if subdivision) \_\_\_\_\_

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

\* ^ Printed Name HFH Partners, LLC Phone Number 704-875-1615

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 [Signature] Parcel ID(s): 01712111, 01712112

Title Member/Manager Email jay@hensonfoley.com

Address of Property Owner/Applicant 121 Gilead Road Huntersville, NC 28078

\* ^ Printed Name Irvin R. Hager Phone Number 704-363-2710

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 [Signature] Parcel ID(s): 01712111

Title Owner Email irv and Beccy @ AOL.Com.

Address of Property Owner/Applicant \_\_\_\_\_

\* ^ Printed Name Hager Enterprises, LLC Phone Number 704-363-2710

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 [Signature] Parcel ID(s): 01712112

Title Owner Email irv and Beccy @ AOL.Com.

Address of Property Owner/Applicant \_\_\_\_\_

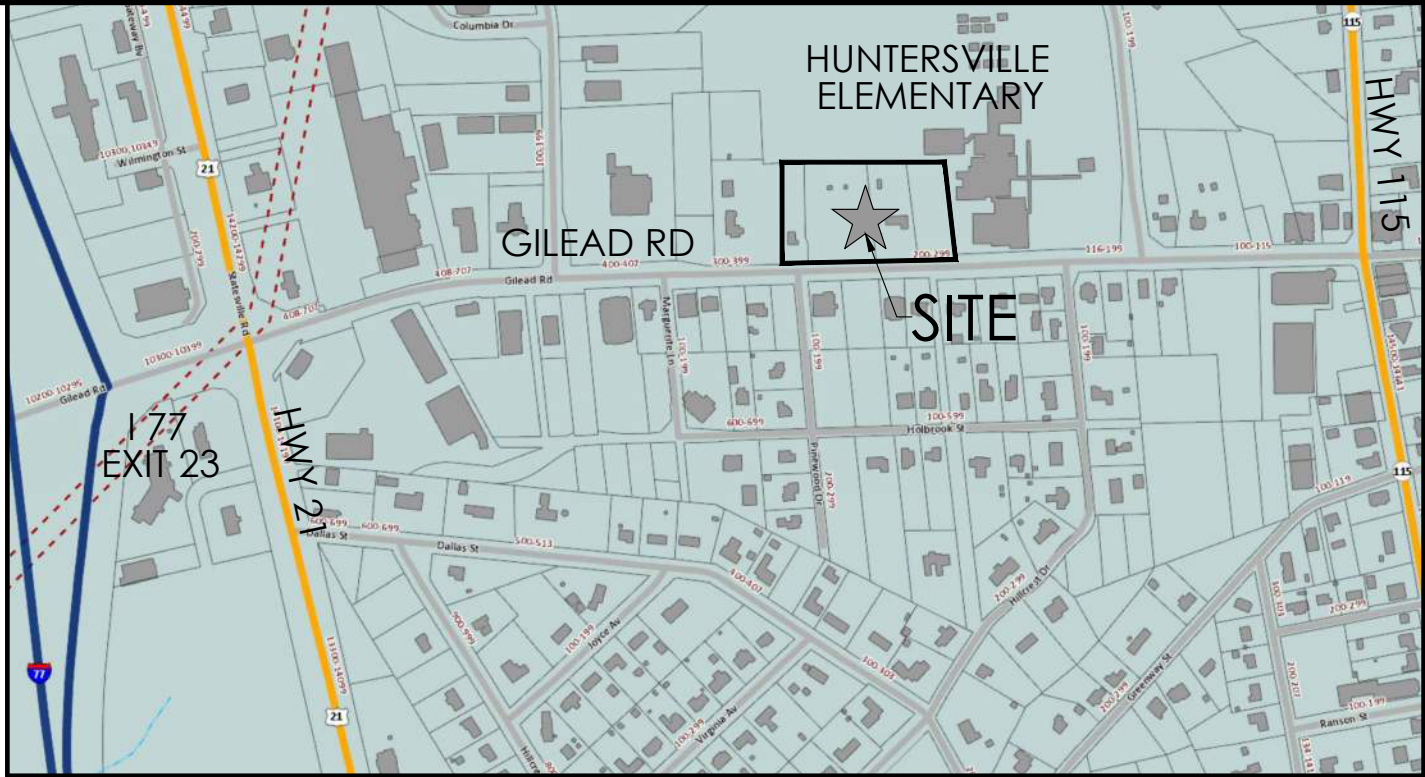
\* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



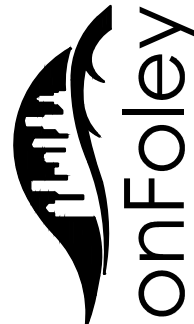
SHEET INDEX

|     |                              |
|-----|------------------------------|
| C01 | COVER SHEET                  |
| C02 | DEMO AND EXISTING CONDITIONS |
| C03 | TREE SAVE PLAN               |
| C04 | SITE PLAN                    |
| C05 | GRADING PLAN                 |
| C06 | UTILITY PLAN                 |
| C07 | DETAILS                      |
| C08 | LANDSCAPE PLAN               |
| C09 | SIGHT DISTANCE PROFILE       |



VICINITY MAP  
SCALE: N.T.S.





HensonFoley

LandscAPE Architecture | Civil Engineering

121 Gilead, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-3781

NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

R 21-17  
REZONING PLAN PACKAGE

GILEAD ROAD MIXED USE PROJECT  
HUNTERSVILLE, NC  
EPM # 430772

DEVELOPER:  
HFH PARTNERS, LLC  
121 GILEAD ROAD  
HUNTERSVILLE, NC 28078  
PH: (704) 875-1615

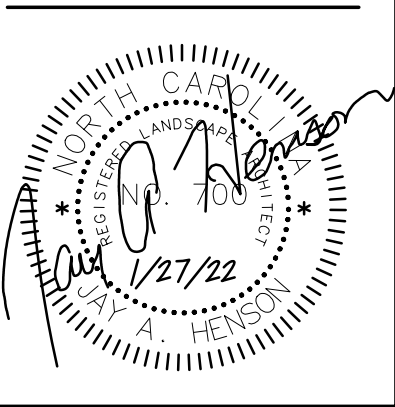
OWNER:  
HFH PARTNERS, LLC  
121 GILEAD ROAD  
HUNTERSVILLE, NC 28078  
PH: (704) 875-1615

TIA  
A TIA SCOPING PLAN WAS SUBMITTED TO THE TOWN OF HUNTERSVILLE AND NCDOT. THERE ARE NO REQUIREMENTS FOR A TIA.

LIST OF MODIFICATIONS

- ARTICLE 7.5 BUFFERS
- DUE TO THE EXISTING CONDITIONS, THE APPLICANT REQUESTS A WAIVER TO THE 20' BUFFER ALONG THE EAST AND NORTH PROPERTY LINES. (AS SHOWN) THE ADJACENT PROPERTY TO THE EAST AND NORTH IS OWNED BY CHARLOTTE/MECKLENBURG COUNTY BOARD OF EDUCATION AND IS OCCUPIED BY HUNTERSVILLE ELEMENTARY. THE REQUEST IS TO ALLOW A 10' UNDISTURBED BUFFER EAST, 10' DISTURBED BUFFER WHERE SHOWN ALONG THE NORTH, AND A 10' UNDISTURBED BUFFER NEAR THE COMMERCIAL PARKING AREA AS NOTED ON PLAN.

THERE IS A PORTION OF THE EXISTING HOME (TO REMAIN) THAT WILL NOW ENCROACH INTO THE BUFFER. THIS IS AN EXISTING CONDITION. THE REQUEST IS TO ALLOW THE BUFFER WITHIN THE VICINITY OF THE EXISTING STRUCTURE BE MODIFIED TO 10'. THIS WILL ALLOW THE EXISTING ACCESS, MAINTENANCE AND HVAC SYSTEM TO REMAIN.
- ARTICLE 4 ATTACHED HOUSE SETBACKS
- RELIEF FROM THE REQUIRED REAR SETBACK OF 20'-25' IS REQUESTED. THE PETITIONER REQUEST MINIMUM REAR SETBACK OF 14'. THIS REQUEST WILL ALLOW THE INTERIOR OPEN SPACE TO BE MAXIMIZED.
- ARTICLE 4 ATTACHED HOUSE BUILDING HEIGHT
- RELIEF FROM THE 30' BUILDING HEIGHT IS REQUESTED IN ORDER TO BREAK UP THE STREET FACADES ALONG GILEAD ROAD. THE INTEGRATION OF VERTICAL RELIEF AND VARYING ARCHITECTURAL FEATURES WILL REQUIRE THE NEW BUILDING HEIGHT FOR BUILDINGS ALONG GILEAD ROAD TO BE 33'.



GILEAD ROAD MIXED USE

PARCEL ID #S 01712109, 01712110, 01712111, 01712112  
202,204,206,208 GILEAD ROAD HUNTERSVILLE, NC

COVER

| REVISIONS:                       |  |
|----------------------------------|--|
| JANUARY 27, 2022 PER TOWN REVIEW |  |
|                                  |  |
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|------------------|---------------|
| C01 - COVER.DWG  |               |
| PROJECT NUMBER:  | 221015        |
| DATE: 11/22/2021 | DRAWN BY: JAH |
| SHEET            | C01 OF 09     |

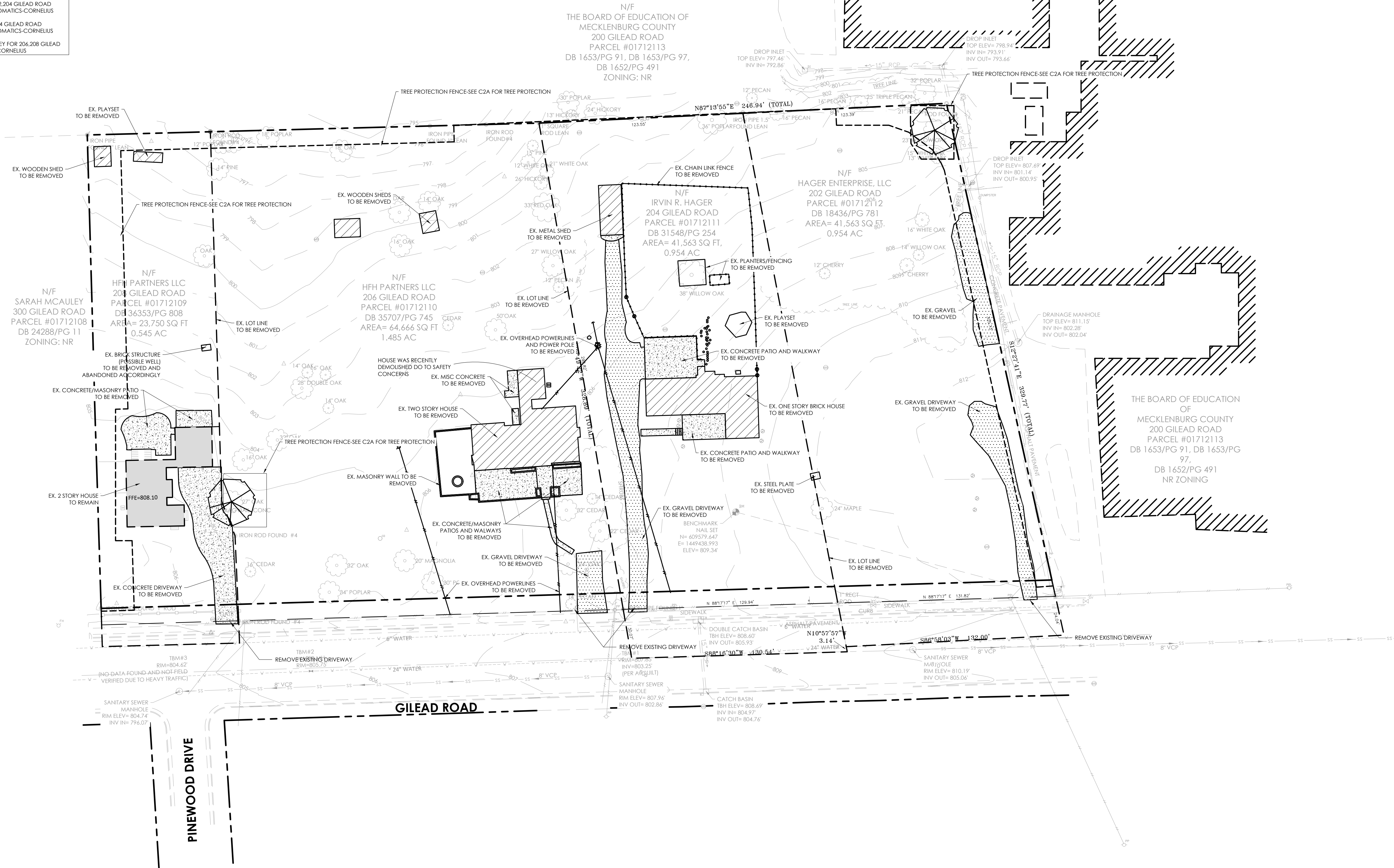


**UTILITY NOTES:**

1. CONTRACTOR RESPONSIBLE FOR COORDINATING ANY UTILITY REMOVAL WITH CORRESPONDING UTILITY COMPANY.
2. IF ANY WELLS AND/OR SEPTIC SYSTEMS ARE DISCOVERED ON SITE, CONTRACTOR TO COORDINATE ABANDONMENT WITH THE MECKLENBURG COUNTY HEALTH DEPARTMENT.

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY HENSON FOLEY, INC. IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

**SURVEY DATA**  
COMPLETE BOUNDARY FOR TRACT PREPARED BY DUNBAR GEOMATICS-CORNELIUS NC  
TOPOGRAPHIC SURVEY FOR 202,204 GILEAD ROAD PROVIDED BY DUNBAR GEOMATICS-CORNELIUS  
TREE/UTILITY SURVEY FOR 202,204 GILEAD ROAD PREPARED BY DUNBAR GEOMATICS-CORNELIUS  
TOPOGRAPHIC AND TREE SURVEY FOR 206,208 GILEAD ROAD PREPARED BY PPLS-CORNELIUS



## GILEAD ROAD MIXED USE

PARCEL ID#S 01712109, 01712110, 01712111, 01712112  
202,204, 206, 208 GILEAD ROAD HUNTERSVILLE, NC

## DEMO AND EXISTING CONDITIONS

### REVISIONS:

JANUARY 27, 2022 PER TOWN REVIEW

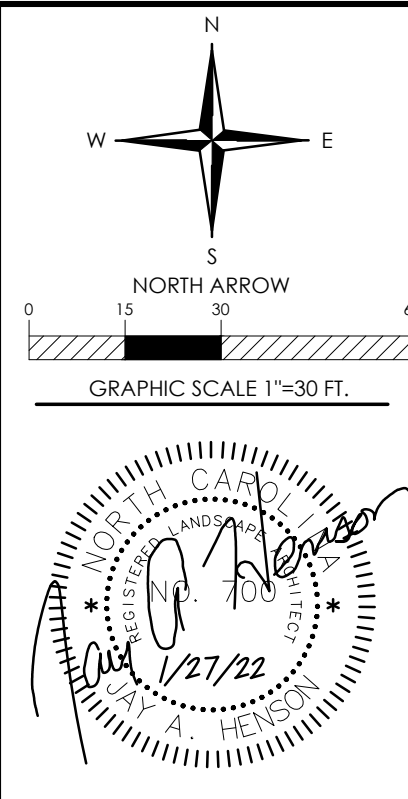
C02 - SURVEY.DWG

PROJECT NUMBER: 221015

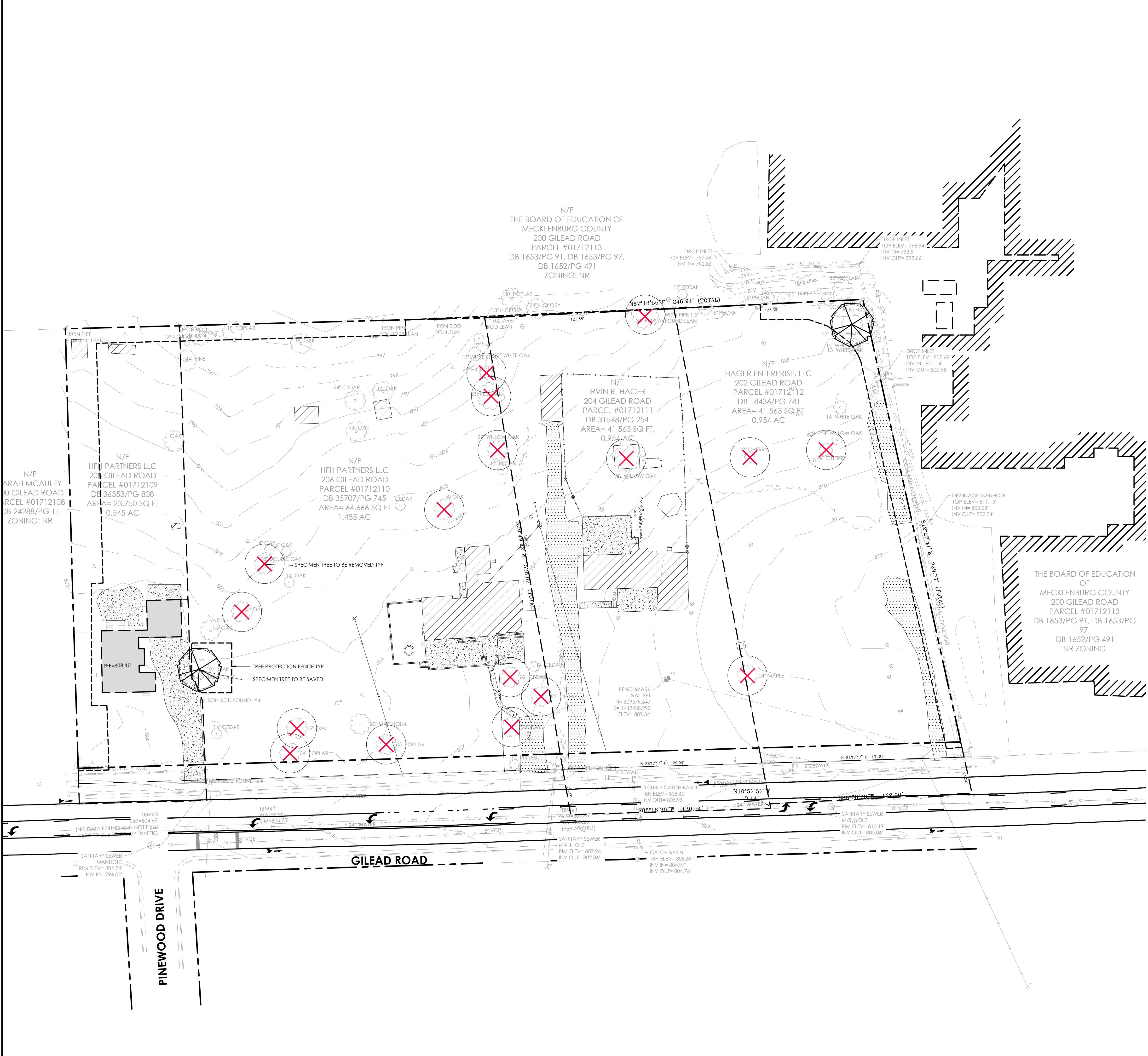
DATE: 11/22/2021 DRAWN BY: JDC

C02 09  
SHEET OF

**HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Gilead, Huntersville, NC 28078  
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com  
NC ENGINEERING BOARD LICENSE #: C-3981  
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399







TREE SAVE CALCULATIONS

|                                     |         |
|-------------------------------------|---------|
| TOTAL EXISTING SPECIMEN TREES       | 19      |
| TOTAL SPECIMEN TREES REMOVED        | 17      |
| TOTAL SPECIMEN TREES SAVED          | 2 (10%) |
| REQUIRED SPECIMEN TREES TO BE SAVED | 6 (30%) |
| TREES TO BE MITIGATED               | 4       |



HensonFoley

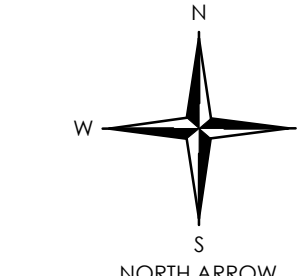
Landscape Architecture | Civil Engineering

121 Gilead, Huntersville, NC 28078

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NC ENGINEERING BOARD LICENSE #: C-3981

NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



NORTH ARROW

GRAPHIC SCALE 1"=30 FT.



GILEAD ROAD MIXED USE

PARCEL ID#S 01712109, 01712110, 01712111, 01712112  
202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC

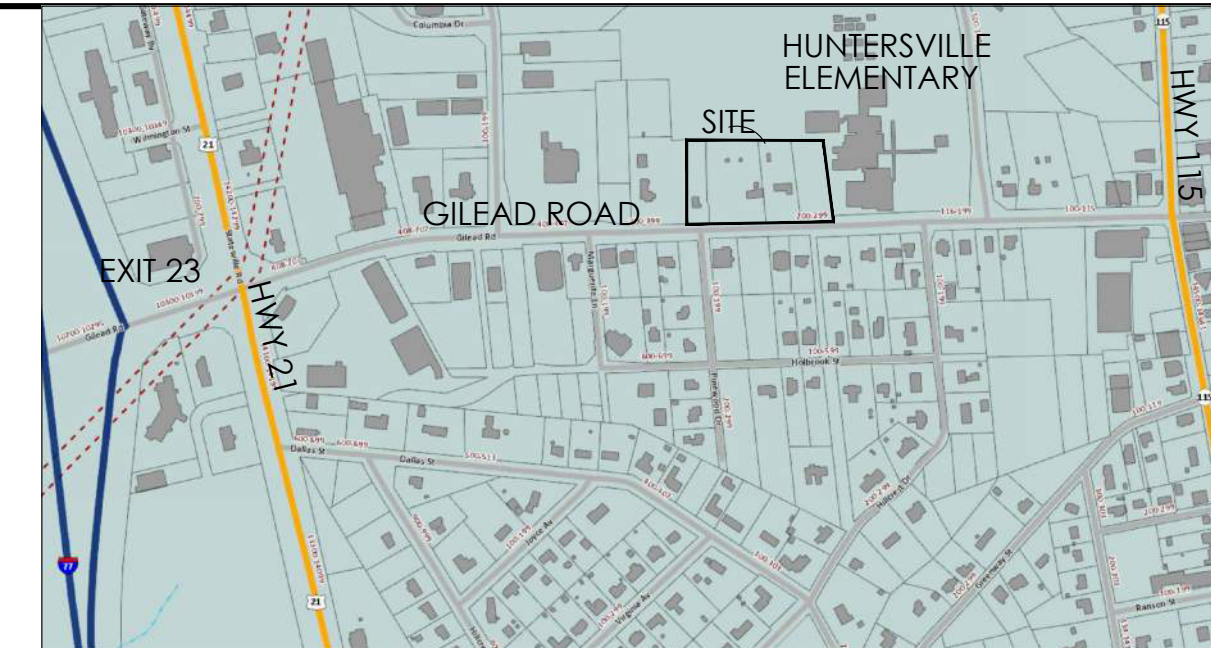
TREE SAVE PLAN

|                                  |
|----------------------------------|
| REVISIONS:                       |
| JANUARY 27, 2022 PER TOWN REVIEW |
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|                                |
|--------------------------------|
| C02A - TREE SAVE PLAN.DWG      |
| PROJECT NUMBER: 221015         |
| DATE: 11/22/2021 DRAWN BY: JAH |
| C03 09                         |
| SHEET OF                       |

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY HENSON FOLEY, INC IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.





| <div style="display: flex; justify-content: space-between;"> <span style="font-size: 1.2em; font-weight: bold;">SITE DATA</span> <span style="font-size: 0.8em;">(Printed on 04/22/2015 10:07:12 AM)</span> </div>           |                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| LOCATION:                                                                                                                                                                                                                    | 202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC<br>(PIN #01712109,01712110,01712111,01712112) |
| CURRENT ZONING: NR                                                                                                                                                                                                           | PROPOSED ZONING: TND-CD                                                                    |
| CURRENT USE: SINGLE FAMILY RESIDENTIAL/VACANT<br>(COMMERCIAL/SF RESIDENTIAL)                                                                                                                                                 | PROPOSED USE: MIXED USE                                                                    |
| CONTACT:                                                                                                                                                                                                                     | HENSONFOLEY (JAY HENSON)<br>704-875-1615                                                   |
| BUILDING TYPE: SHOPFRONT FOR NEW COMMERCIAL, ATTACHED HOUSE FOR TOWNHOMES                                                                                                                                                    |                                                                                            |
| <b>ITEM</b>                                                                                                                                                                                                                  | <b>PROVIDED</b>                                                                            |
| LOT AREA                                                                                                                                                                                                                     | 3.91 AC                                                                                    |
| FRONT BUILD TO LINE                                                                                                                                                                                                          | SEE PLAN                                                                                   |
| MIN. SIDE SETBACK                                                                                                                                                                                                            | 20' (WEST PROPERTY LINE) 10' (EAST PROPERTY LINE)                                          |
| MIN. REAR SETBACK                                                                                                                                                                                                            | 14'                                                                                        |
| PARKING                                                                                                                                                                                                                      |                                                                                            |
| EXISTING HOUSE:<br>1700 SF 1ST FLOOR + 2000 FUTURE EXPANSION + 800 SF PATIO SEATING=4500 SF<br>1700 SF 2ND FLOOR SMALL OFFICE<br>TOTAL SF FOR EXISTING BUILDING=6200 SF (12 SPACES REQUIRED)                                 |                                                                                            |
| COMMERCIAL BUILDING:<br>6000 SF OFFICE ON 2ND FLOOR<br>2000 SF RESTAURANT + 800 SF PATIO SEATING=2800 SF<br>4000 SF RETAIL ON FIRST FLOOR=4000 SF<br>TOTAL SF FOR COMMERCIAL BUILDING=12,800 SF (26 PARKING SPACES REQUIRED) |                                                                                            |
| TOWNHOMES:<br>29 UNITS AT 1.5/UNIT=44 SPACES REQUIRED<br>21 UNITS HAVE 2 CAR GARAGE (44 SPACES)<br>8 UNITS HAVE 1 CAR GARAGE (8 SPACES)<br>TOTAL PARKING PROVIDED: 56 SPACES                                                 |                                                                                            |
| FEMA MAP NUMBER                                                                                                                                                                                                              | 371044000K                                                                                 |
| FEMA EFFECTIVE DATE                                                                                                                                                                                                          | 09/02/2015                                                                                 |
| WATERSHED                                                                                                                                                                                                                    | MCDOWELL                                                                                   |
| SOIL TYPE                                                                                                                                                                                                                    | CeB2, CeD2, CuB [Type B Soils]                                                             |

#### SCHEMATIC NATURE OF REZONING PLAN

- THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY CONTEMPLATED AS SHOWN ON THIS REZONING PLAN.
- THIS IS A REZONING PLAN AND AS SUCH IS TO BE GRAPHICALLY REPRESENTATIVE OF WHAT IS PROPOSED. THE FINAL ENGINEERING PLAN WILL HAVE MINOR CHANGES. THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEER DESIGN. AS APPROVED BY STAFF

- THE SITE IS LOCATED ALONG THE NORTH SIDE OF GILEAD ROAD WITHIN CLOSE PROXIMITY TO THE TOWN CENTER AREA. THE ADJACENT LAND USES CONSIST OF AN ELEMENTARY SCHOOL, COMMERCIAL OFFICE AND RESIDENTIAL. BASED UPON PROXIMITY TO THE TOWN CENTER AND WITH ADJACENT LAND USES, THE PROJECT REQUEST WILL BE TO REZONE INTO THE TND (CD) DISTRICT THAT FITS INTO THE ADJACENT COMMUNITY AND ACTIVITY CENTER DEFINED IN THE 2040 PLAN.

## SINGLE FAMILY TOWNHOMES, RESIDENTIAL, AND COMMERCIAL USES.

## SEE C 1 COVER SHEET FOR MODIFICATION REQUESTS

- THE PRIMARY VEHICULAR ACCESS IS THE SINGLE ACCESS DRIVEWAY LOCATED ON GILEAD ROAD.

- ALL SIGNS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE CODE.

- GARBAGE SERVICES WILL BE PROVIDED IN A DUMPSTER FACILITY ON SITE FOR COMMERCIAL AND ROLL OUT TRASH IN ALLEY FOR RESIDENTIAL UNITS.

- HVAC UNITS FOR TOWNHOMES WILL BE ADJACENT TO THE GARAGES
- HVAC FOR LARGE COMMERCIAL BUILDING WILL BE ON THE ROOFTOP
- HVAC FOR EXISTING HOUSE WILL BE ON THE SIDE
- HVAC UNITS WILL BE SCREENED PER THE ORDINANCE

- WATER AND SEWER AVAILABLE WITHIN GILEAD ROAD.

- THE LIGHTING FOR THIS PROJECT WILL MEET THE REQUIREMENTS OF 8.26.

- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE COMMERCIAL SITE PLAN PROCESS.
- WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT WILL COMPLY WITH THE CURRENT ORDINANCES AND WILL BE APPLIED FOR DURING THE SITE PLAN PROCESS.

- BUFFER YARDS SHALL BE PLANTED IN ACCORDANCE WITH ARTICLE 7.5 OF THE ZONING ORDINANCE. THE BUFFER WILL BE NATURAL, UNDISTURBED WOODED AREAS, AND SUPPLEMENTED IF AN OPAQUE BUFFER IS NOT CREATED WITH EXISTING VEGETATION PER ARTICLE 9.5 OF THE ORDINANCES.

| PROPOSED BUA  |        |       |
|---------------|--------|-------|
|               | (SF)   | (AC)  |
| PAVEMENT/CURB | 53,817 | 1,121 |
| TOWNHOMES     | 27,766 | 0,637 |
| COMMERCIAL    | 6,200  | 0,142 |
|               | 5,311  | 0,122 |
|               | 413    | 0,009 |
| SIDEWALK      | 2,116  | 0,049 |
| CONCRETE      | 2,870  | 0,066 |
| DRIVEWAYS     | 87     | 0,002 |
|               | 500    | 0,011 |
| TOTAL         | 98,450 | 2,260 |

| EXISTING BUA SUMMARY   |        |       |
|------------------------|--------|-------|
|                        | (SF)   | (AC)  |
| TOTAL EXISTING         | 18,438 | 0,423 |
| EXISTING TO BE REMOVED | 16,721 | 0,384 |
| EXISTING TO REMAIN     | 1,717  | 0,039 |

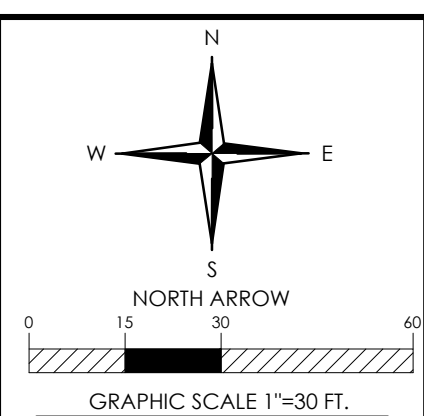
  

| TOTAL BUA          |         |       |
|--------------------|---------|-------|
|                    | (SF)    | (AC)  |
| PROPOSED           | 98,450  | 2,260 |
| EXISTING TO REMAIN | 1,717   | 0,039 |
| TOTAL BUA          | 100,167 | 2,300 |

### PROJECT TIME TABLE

SUBMIT REZONING - DEC 1, 2021  
TOWN BOARD APPROVAL - SPRING 2022  
SUBMIT COMMERCIAL SITE PLAN - JAN 2022  
BEGIN CONSTRUCTION - SUMMER 2022  
COMPLETE CONSTRUCTION - SPRING 2023

|                     |               |
|---------------------|---------------|
| C03 - SITE PLAN.DWG |               |
| PROJECT NUMBER:     | 221015        |
| DATE: 11/22/2021    | DRAWN BY: JAH |
| C04                 | 09            |
| SHEET               | OF            |

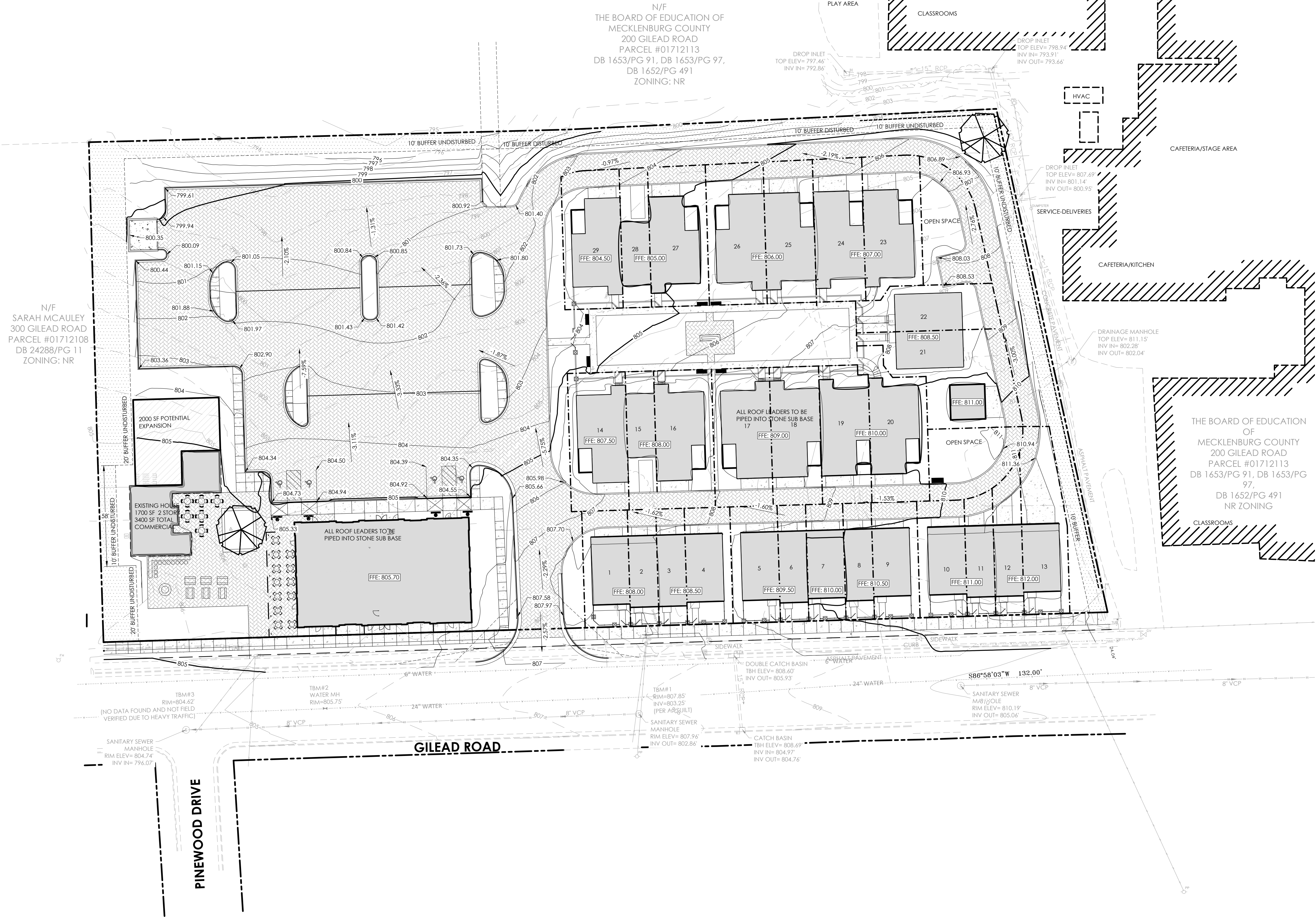


# GILEAD ROAD MIXED USE

PARCEL ID#S 01712109, 01712110, 01712111, 01712112  
202,204,206,208 GILEAD ROAD HUNTERSVILLE, NC

# SITE PLAN





| PERMEABLE PAVER / DETENTION BMP SUMMARY CHART |                        |                         |                          |                     |                          |
|-----------------------------------------------|------------------------|-------------------------|--------------------------|---------------------|--------------------------|
| PEAK CONTROL STORM EVENT                      | PRE DEVELOPMENT RUNOFF | POST DEVELOPMENT RUNOFF | POST-ROUTING INFILTRATED | POST-ROUTING RUNOFF | ELEVATION                |
| 50YR-24HR                                     | 13.18                  | 32.30                   | 0.54                     | 0.00                | 800.78                   |
| 25YR-24HR                                     | 10.32                  | 27.62                   | 0.51                     | 0.00                | 800.47                   |
| 10YR-24HR                                     | 6.79                   | 21.43                   | 0.46                     | 0.00                | 800.07                   |
| 2YR-24HR                                      | 1.76                   | 10.92                   | 0.39                     | 0.00                | 799.46                   |
| 1YR-24HR                                      | 0.68                   | 7.77                    | 0.37                     | 0.00                | 799.29                   |
| BMP                                           | REQUIRED               | PROVIDED                |                          |                     | ELEVATION                |
| CPV                                           | 11,456 CU.FT           | 11,520 CU.FT            |                          |                     | 799.48                   |
| WQV                                           | 6,887 CU.FT            | 6,960 CU.FT             |                          |                     | 799.29                   |
| PAVER AREA                                    |                        | 60,000 S.F.             |                          |                     | BOTTOM OF AGGREGATE: 799 |

| PAVER DESIGN SUMMARY          |             |
|-------------------------------|-------------|
| TOP OF AGGREGATE COURSE       | 801         |
| BOTTOM OF AGGREGATE COURSE    | 799         |
| DEPTH OF AGGREGATGE COURSE    | 24 INCHES   |
| MIN. DEPTH REQUIRED PER MDC 5 | 3.44 INCHES |
| DRAWDOWN TIME PER MDC 8       | 28.11 HRS   |

CONCEPT STORMWATER PLAN NARRATIVE

Option 1 for Storm Water Detention, Water Quality/Channel Protection  
Detention of the storm drainage is required to control the peak flow of the 2-year and 10-year 24-hour storm events while water quality measures will be provided to treat the 1st inch of runoff.

A preliminary design has been provided consisting of permeable pavers. Soil testing is currently underway however per the Web Soil Survey from the USDA, the site consists of B-Class Hydrologic soils. Approximate water table depths and soil conductivity have been provided from these results.

A total of 40,000 SF of pavers are proposed at this time, but this number may differ once the construction documents are started, and the design is finalized. Preliminary designs have provided 24" of stone storage under the pavers, exceeding the minimum calculated water quality depth of 3.44 inches per the NCDEQ Design Manual MDC 5. The storage area for these preliminary calculations is also assumed to be flat even though the site has slopes ranging from 1.5% to 5%. Baffles will be provided in final designs to account for this variation and provide adequate storage per MDC 4.

Option 2 for Storm Water Detention/Water Quality  
Option 2 would be to provide an underground pipe detention system. The pipes would need to be approximately 48" in to 60" as cover allows. An above ground sand filter and small retaining wall would be provided at the north side of the site for water quality and a small amount of stormwater detention. If needed, open space areas of the courtyard could serve as additional water quality areas.



HensonFoley

Landscape Architecture | Civil Engineering

121 Gilead, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-3981

NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

01/27/22

121 GILEAD ROAD

PARCEL #01712113

MECKLENBURG COUNTY

THE BOARD OF EDUCATION

0 15 30 45

W N E S

NORTH ARROW

GRAPHIC SCALE 1"=30 FT.

01/27/22

121 GILEAD ROAD

PARCEL #01712113

MECKLENBURG COUNTY

THE BOARD OF EDUCATION

GILEAD ROAD MIXED USE

PARCEL ID#S 01712109, 01712110, 01712111, 01712112

202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC

GRADING PLAN

| REVISIONS:                       |  |
|----------------------------------|--|
| JANUARY 27, 2022 PER TOWN REVIEW |  |
|                                  |  |
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C06 - GRADING.DWG

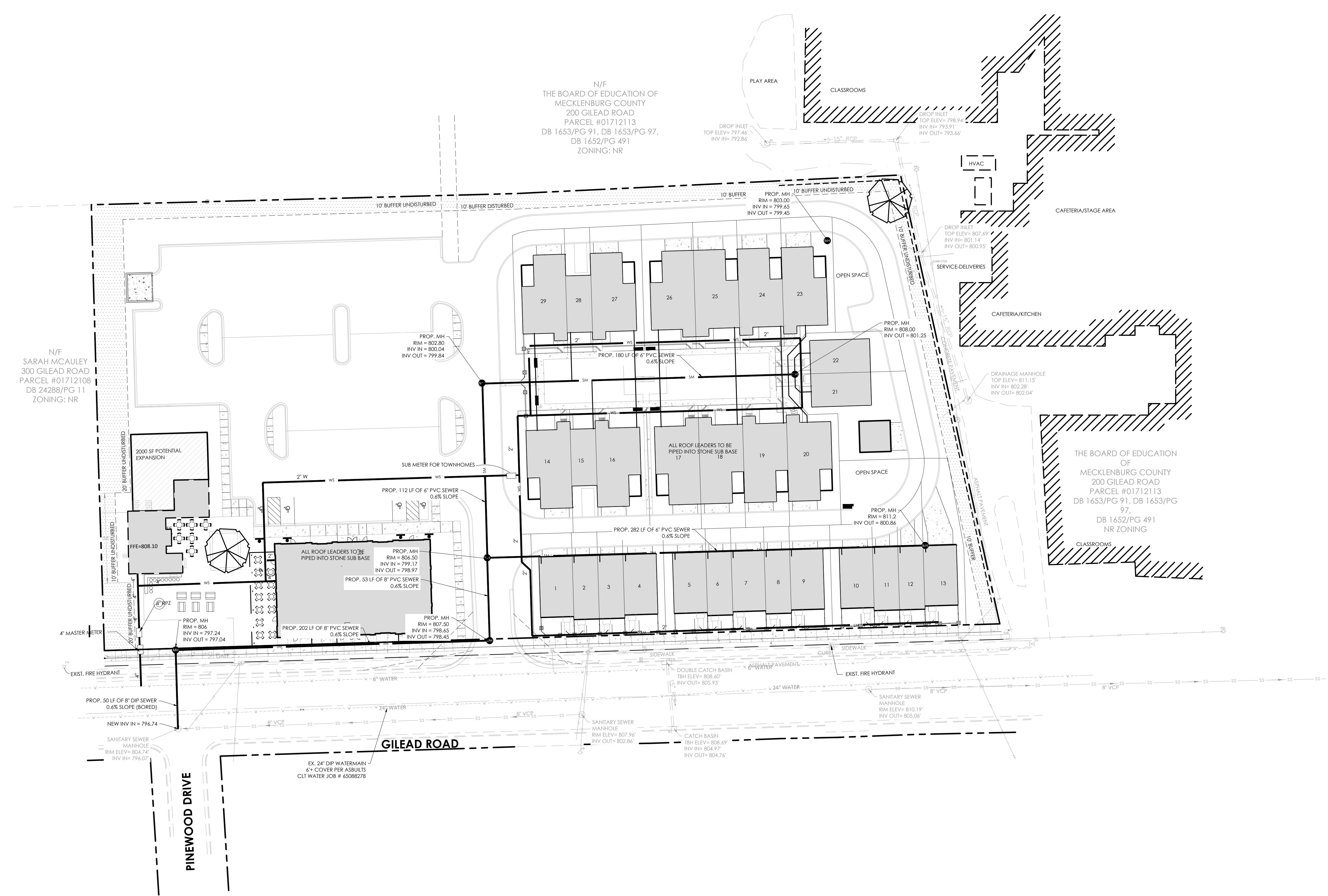
PROJECT NUMBER: 221015

DATE: 11/22/2021 DRAWN BY: JDC

C05 09

SHEET OF







HensonFoley

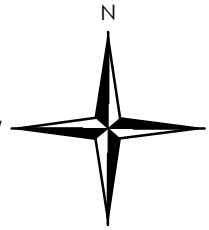
Landscape Architecture | Civil Engineering

121 Gilead, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-3981

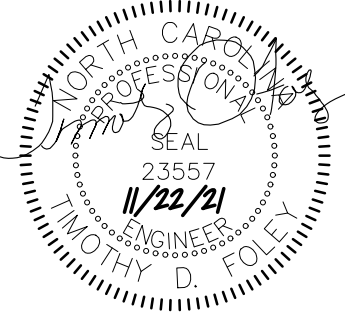
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



0 15 30 45

NORTH ARROW

GRAPHIC SCALE 1"=30 FT.



GILEAD ROAD MIXED USE

PARCEL ID#S 01712109, 01712110, 01712111, 01712112

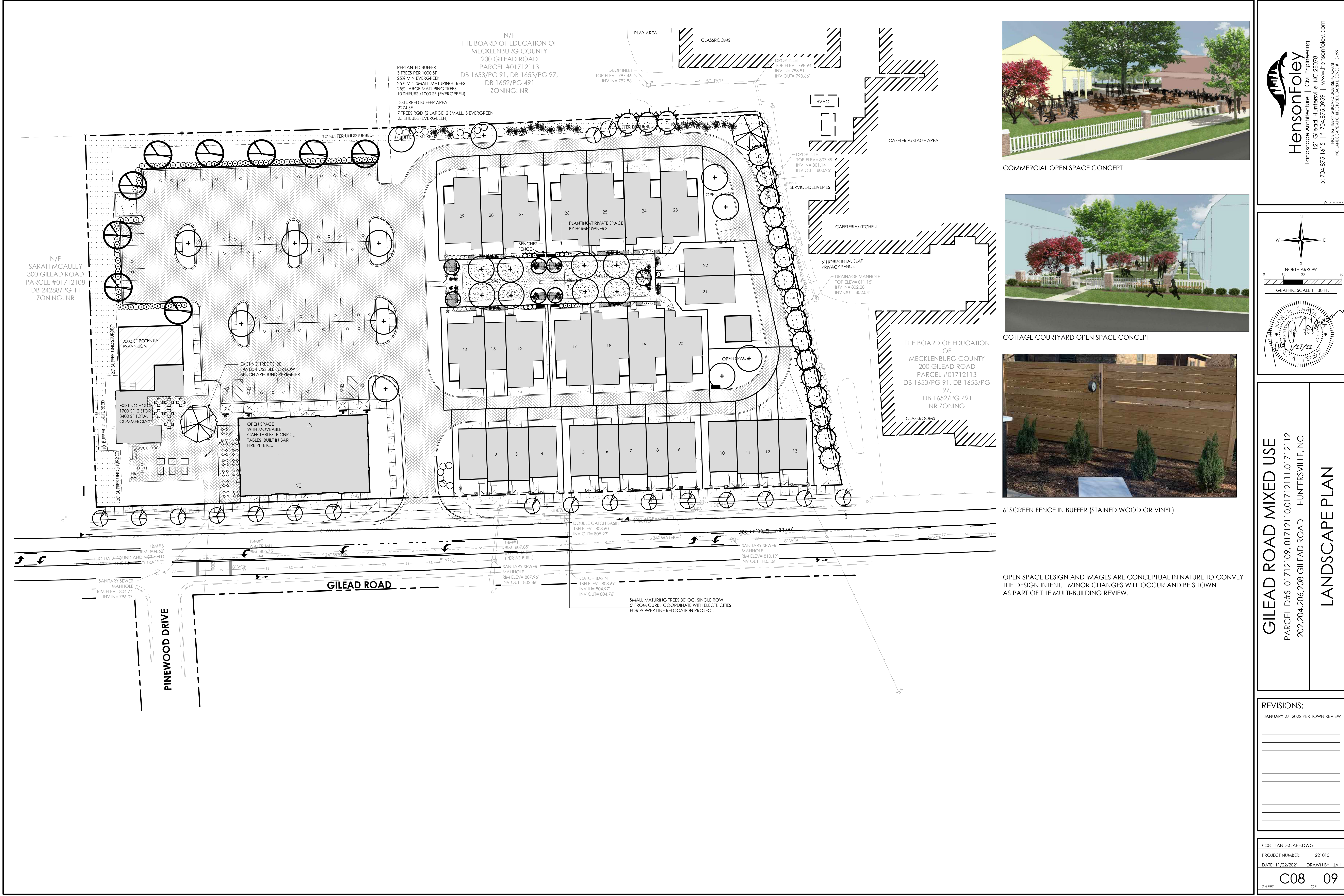
202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC

UTILITY PLAN

| REVISIONS:                       |  |
|----------------------------------|--|
| JANUARY 27, 2022 PER TOWN REVIEW |  |
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|-------------------|---------------|
| C07 - UTILITY.DWG |               |
| PROJECT NUMBER:   | 221015        |
| DATE: 11/22/2021  | DRAWN BY: JAH |
| C06 09            |               |
| SHEET             | OF            |





COMMERCIAL OPEN SPACE CONCEPT



COTTAGE COURTYARD OPEN SPACE CONCEPT

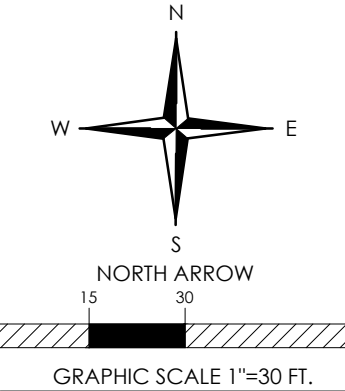


6' SCREEN FENCE IN BUFFER (STAINED WOOD OR VINYL)

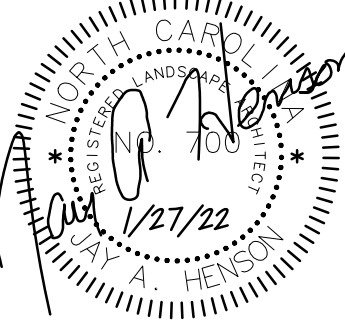
OPEN SPACE DESIGN AND IMAGES ARE CONCEPTUAL IN NATURE TO CONVEY THE DESIGN INTENT. MINOR CHANGES WILL OCCUR AND BE SHOWN AS PART OF THE MULTI-BUILDING REVIEW.



**HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Gilead, Huntersville, NC 28078  
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com  
NC ENGINEERING BOARD LICENSE #: C-3981  
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



0 15 30 45 60  
GRAPHIC SCALE 1"=30 FT.



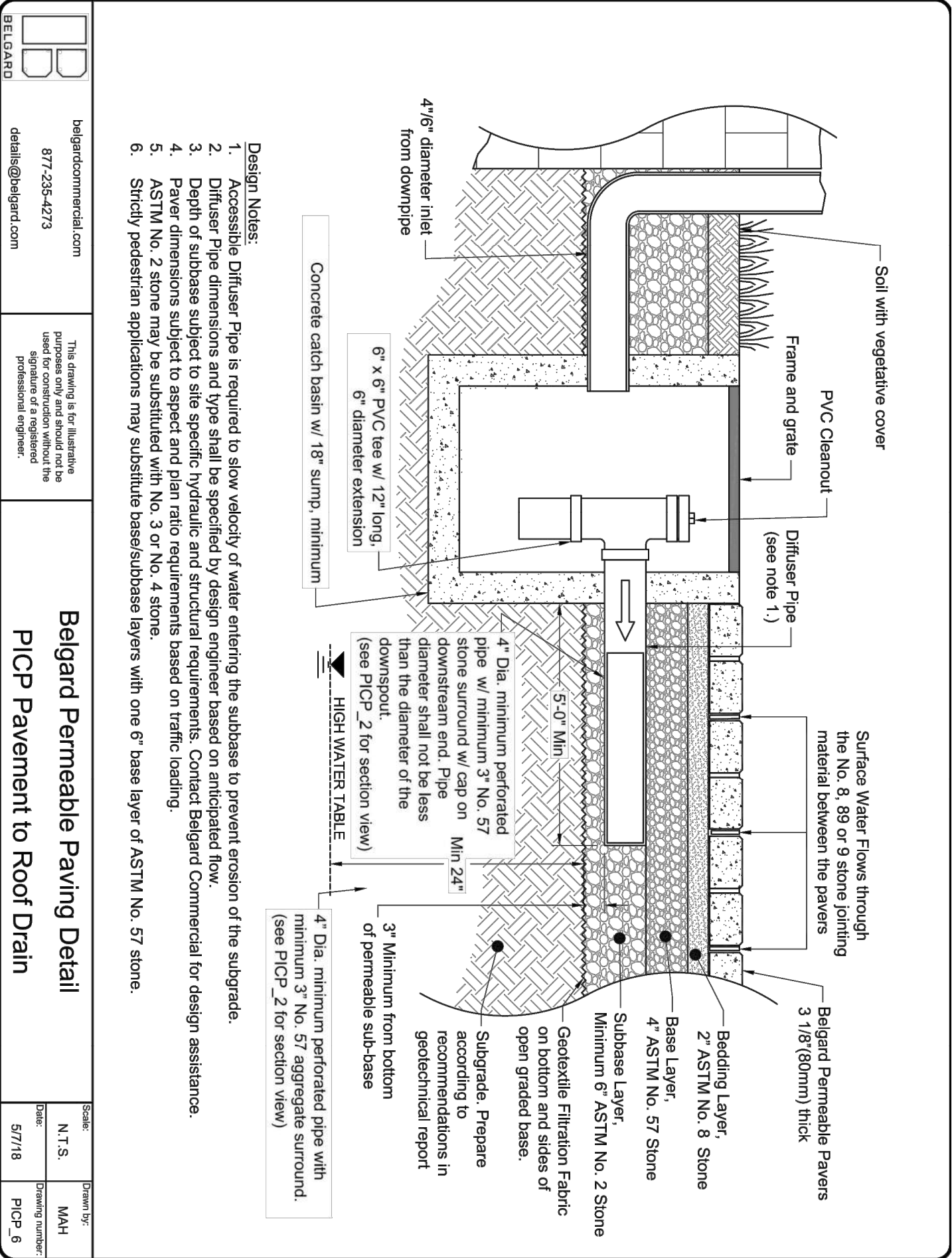
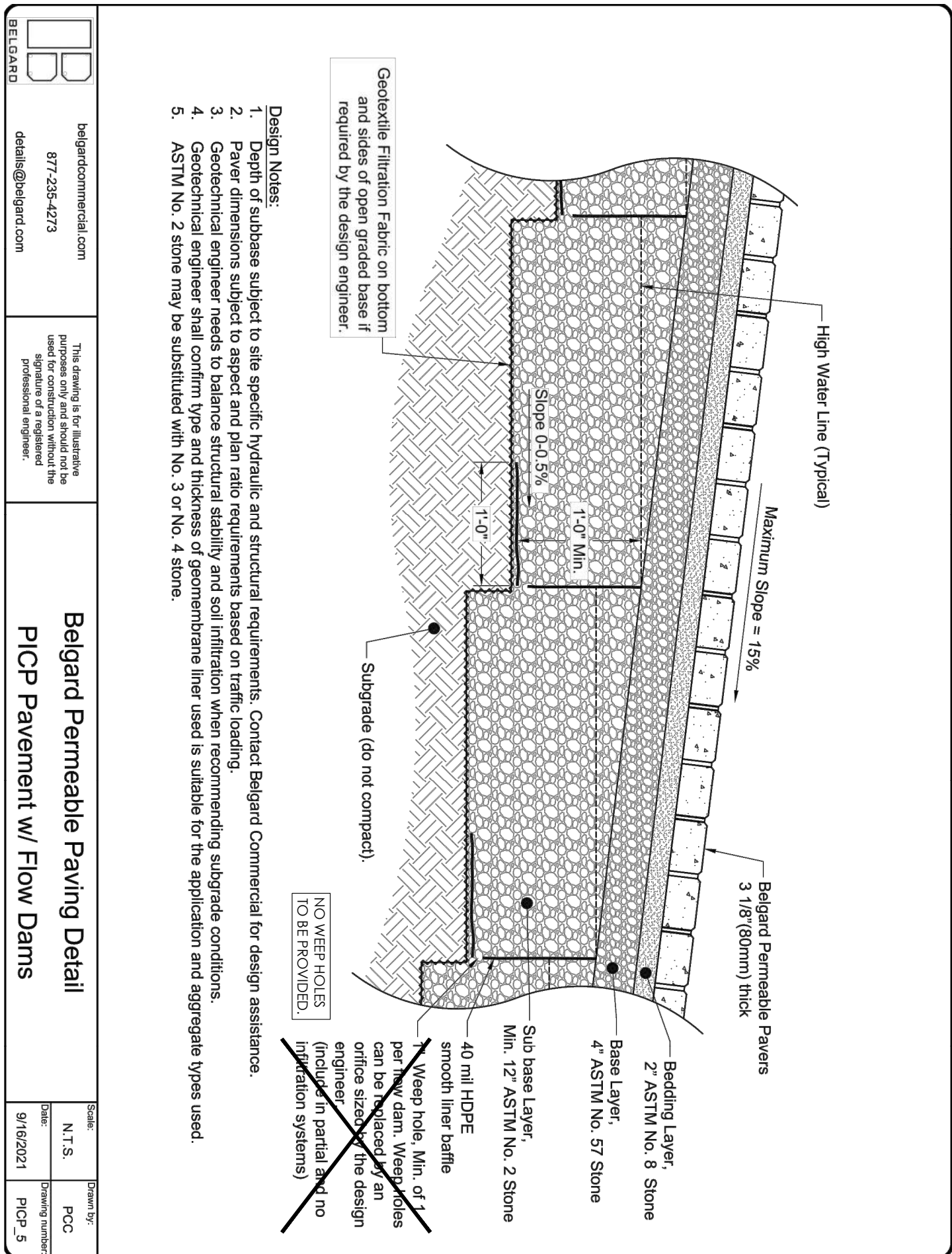
**GILEAD ROAD MIXED USE**  
PARCEL ID#S 01712109, 01712110, 01712111, 01712112  
202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC

**LANDSCAPE PLAN**

| REVISIONS:                       |  |
|----------------------------------|--|
| JANUARY 27, 2022 PER TOWN REVIEW |  |
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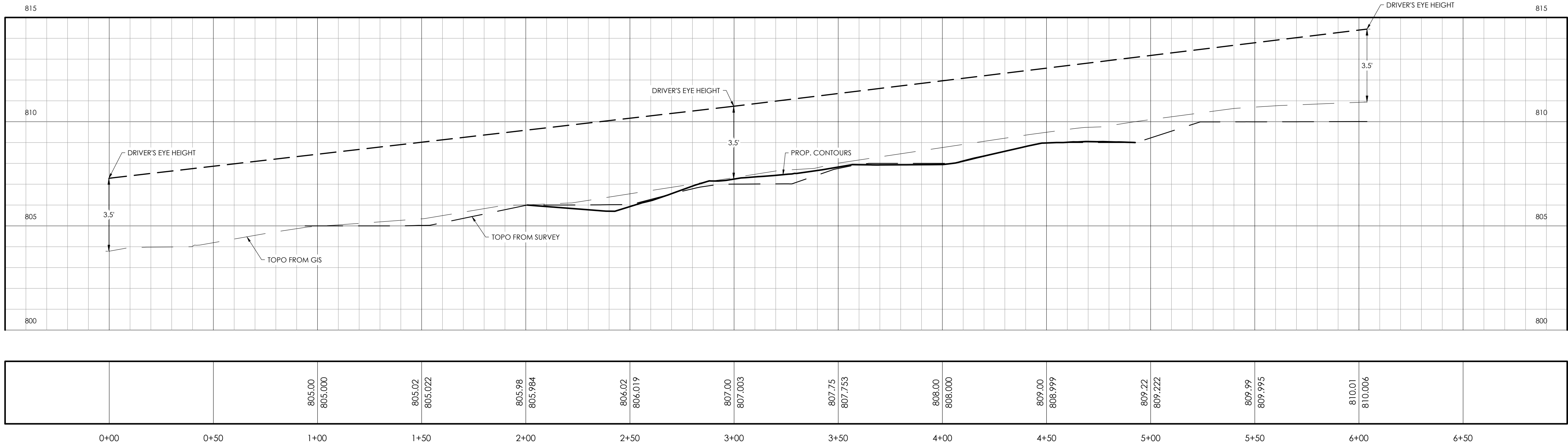
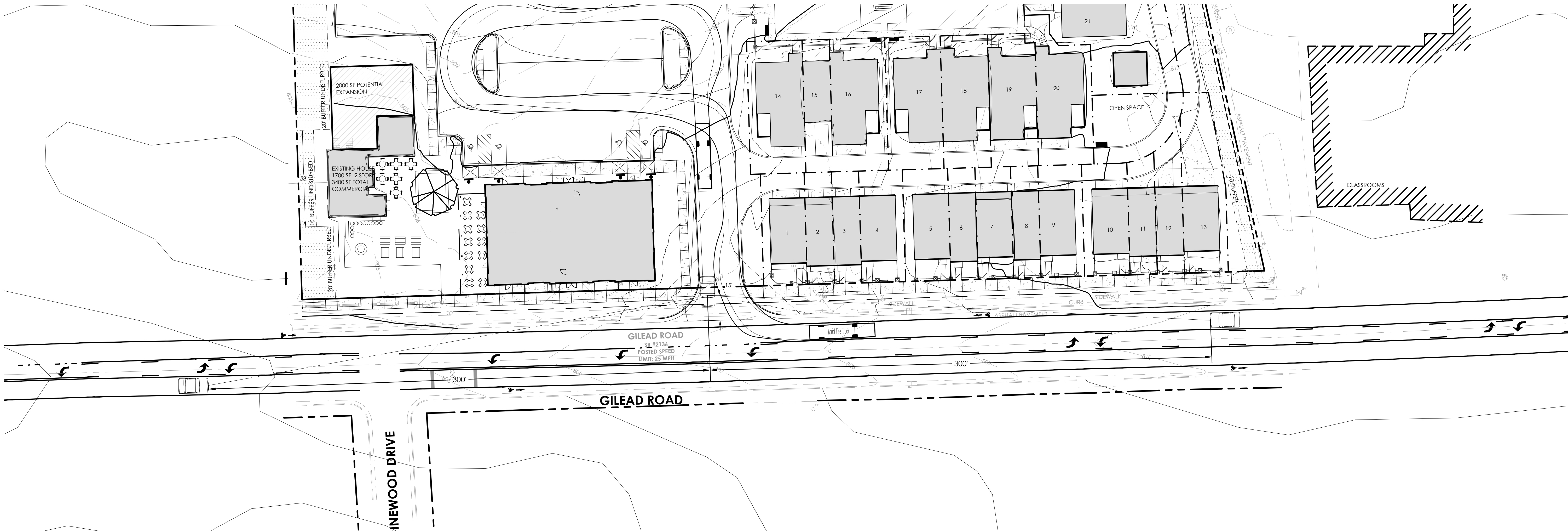
|                     |               |
|---------------------|---------------|
| C08 - LANDSCAPE.DWG |               |
| PROJECT NUMBER:     | 221015        |
| DATE: 11/22/2021    | DRAWN BY: JAH |
| SHEET               | C08 OF 09     |





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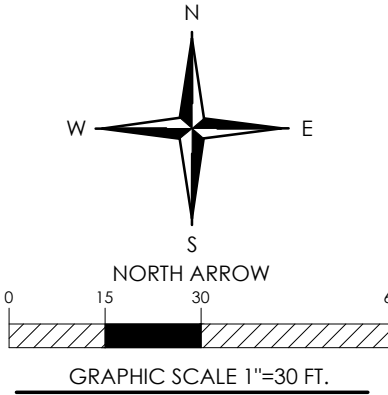
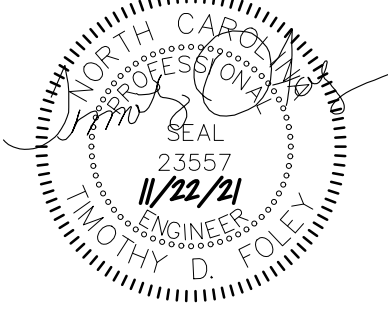


SIGHT DISTANCE PROFILE  
H: 1" = 30'  
V: 1" = 3'

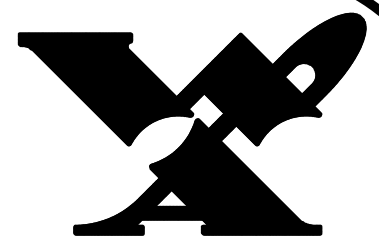
| REVISIONS: |                                  |
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| 1          | JANUARY 27, 2022 PER TOWN REVIEW |
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| C10 - SIGHT DISTANCE PROFILE.DWG |               |
| PROJECT NUMBER:                  | 221015        |
| DATE: 11/22/2021                 | DRAWN BY: JDC |
| C09 09                           |               |
| SHEET                            | OF            |

GILEAD ROAD MIXED USE  
PARCEL ID#S 01712109, 01712110, 01712111, 01712112  
202.204.206.208 GILEAD ROAD HUNTERSVILLE, NC  
SIGHT DISTANCE PROFILE







Wilber Associates  
Architecture / Planning  
P.O. Box 428 - 20044 N. Zion St.  
Carrabius, N.C. 28031  
704-892-3633

NOTE  
This drawing is property of  
the firm, Wilber Associates.  
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forbidden.

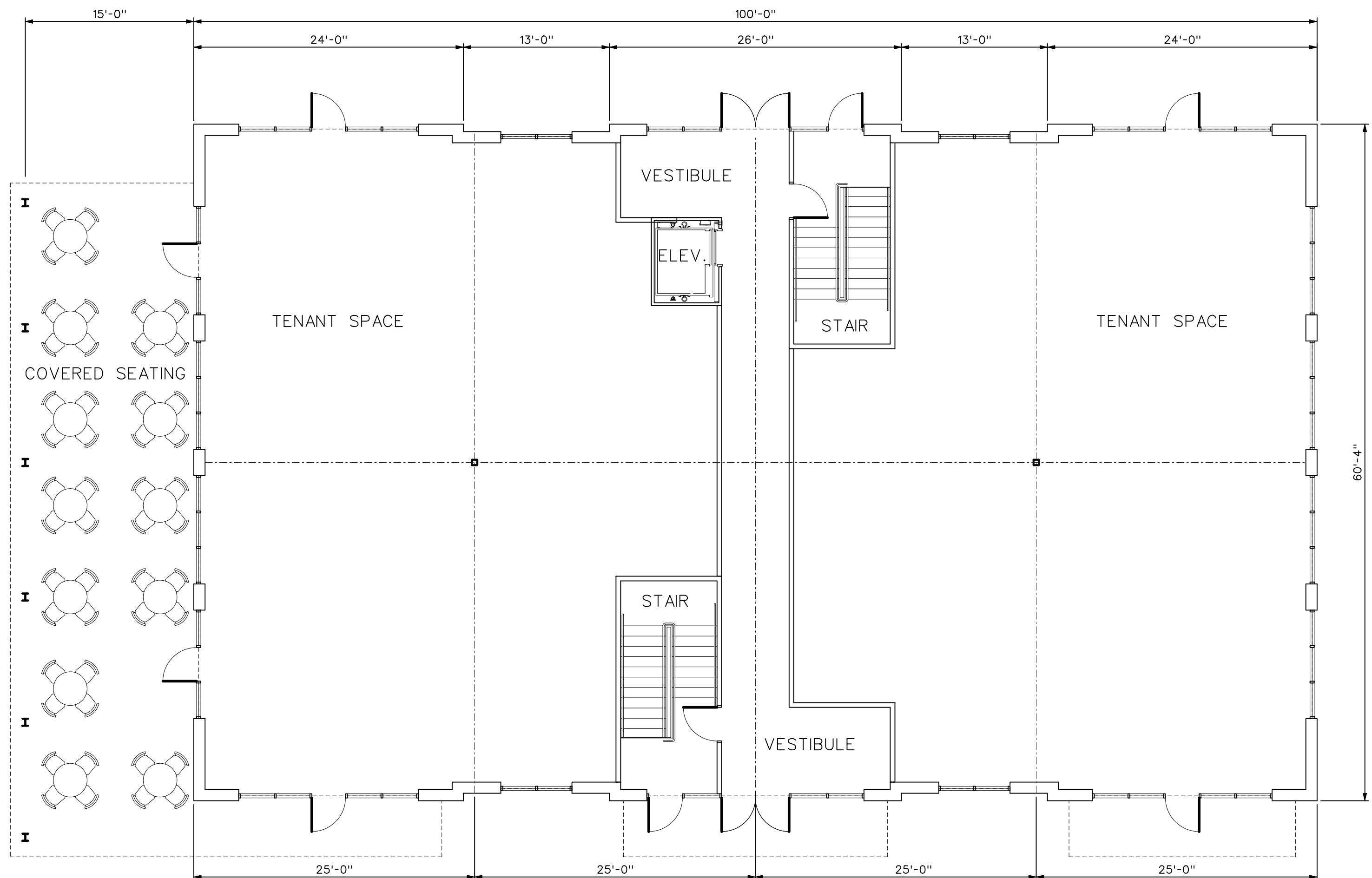
SEAL

TITLE

PROPOSED NEW BUILDING FOR  
GILEAD RD. MIXED USE  
GILEAD RD., HUNTERVILLE NC

COMM. NO. 21-49  
DATE 1/25/22  
REVISIONS

SHEET  
SKA-1  
OF  
1



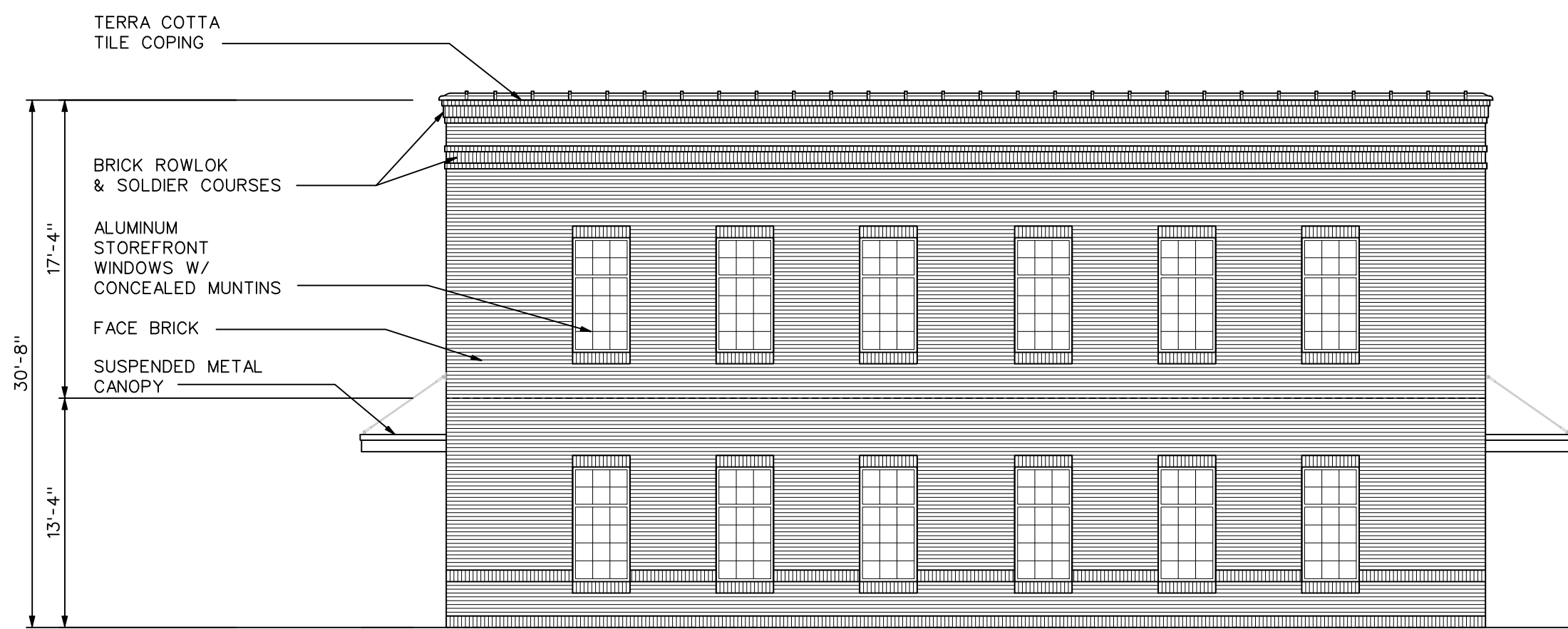
FIRST FLOOR PLAN

1/8"=1'-0"



FRONT ELEVATION (REAR SIMILAR)

1/8"=1'-0"



SIDE / PATIO ELEVATION

1/8"=1'-0"



SIDE / PATIO ELEVATION

1/8"=1'-0"





BLDG. 1



BLDG. 2

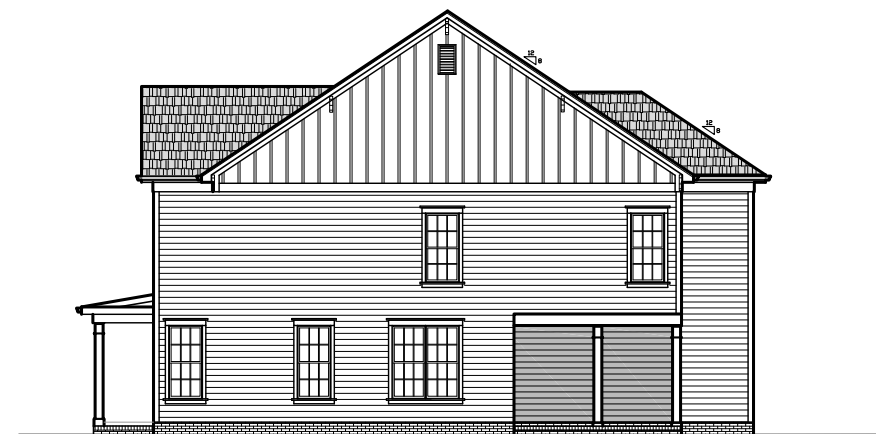


BLDG. 3



|                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------|
| MODEL                                                                                                                         |
| <b>GILEAD</b>                                                                                                                 |
| VERSION<br>JAN. 13, 2022                                                                                                      |
| DRAWN BY<br>AJL                                                                                                               |
| SHEET NO.<br><b>2.0</b>                                                                                                       |
| THESE PLANS ARE THE SOLE<br>PROPERTY OF MEETING STREET<br>COMPANIES AND ARE PROTECTED<br>UNDER THE FEDERAL COPYRIGHT<br>LAWS. |





1930 Abbott Street  
Suite 400  
Charlotte, North Carolina  
28203  
Office 704-714-3080  
Fax 704-714-3071

MODEL

**GILEAD**

VERSION  
JAN. 20, 2022

DRAWN BY  
AJL

COTTAGE  
GREEN

SHEET NO.

**2.0**

THESE PLANS ARE THE SOLE  
PROPERTY OF MEETING STREET  
COMPANIES AND ARE PROTECTED  
UNDER THE FEDERAL COPYRIGHT  
LAWS.



DEC 14, 2021

# SIGN IN

GILEAD PD  
MIXED USE

NAME

Charles Guignard

Gatewood Campbell

Amber Kadas

Brian Richards

Dan Boove

Frank Gannon

Janelle Morris

Ray C. Casey

Taylor Hutto

Lee Hallman

Amy Hallman

Melinda Bates

Jaison Lewis

Brian Hines

Tim Foley

JAY HENSON



The Community Meeting was held at our office on Tuesday December 14, 2021 to discuss the above reference project. A brief presentation of site location, site plan, images of design ideas, 2040 plan, and adjacent land uses were presented. Below is an overview of the questions/comments:

1. How will this project impact the greenway that is immediately adjacent to Sherwood Forest? **This project shows a spur trail to the new greenway and will require a future r/w from the County and CMS. The Sherwood Forest neighborhood is approximately 900' away from this site.**
2. Will the units be for sale or rent? **The units are SF homes, for sale.**
3. How will you address traffic? **A TIA was submitted for scoping and are awaiting on the scoping plan to be approved.**
4. What are the buffers? 20' to the west and north. **10' to the east and a portion of the north as illustrated.**
5. What is the density? **There are 29 townhomes-the project acreage is 3.9 -roughly 7.4 DUA**
6. Why TND? To allow for 100% attached single family townhomes. **The rezoning to TND was not to increase density as it is possible to add more units (apartments) and commercial space if a by right plan were proposed. Both commercial and single family uses are allowed in the existing zoning and proposed zoning.**
7. How will stormwater be handled and where will it discharge? **The current plan is to use pervious pavers with a stone sub base. This will eliminate a pond and will allow groundwater recharge/infiltration into the soil. Preliminary infiltration tests were conducted and are favorable, however additional tests will be performed to insure the infiltration rates are acceptable. The low point is to the north adjacent to the CMS property-at the existing drainage swale.**
8. What are the uses for commercial? **The uses are unknown however the intent is to utilize the existing house as a taproom/restaurant/coffee shop. The new commercial building could be the same on the first floor with some retail. 2<sup>nd</sup> floor would most likely be office.**



9. How will trash be handled? **Dumpster location will be provide for the commercial site and roll out service will be provided on townhome site.**
10. How will mail be delivered to townhomes? **A central kiosk will be provided.**
11. Is the tree within the open space being saved? **The tree shown in the open space is being saved and integrated into the plan.**
12. Is there a project name? **There is not. We are open to ideas and suggestions. There are several connections with the Blythe family but no name as of yet.**



HensonFoley Design, Inc.

Date: December 14, 2021



## Town of Huntersville: Gilead Road Mix Use

### **IMPACT OF THE PROPOSED DEVELOPMENT**

*Proposed Housing Units:* 29 single family attached units under TND (CD) zoning.

*CMS Planning Area:* North

*Average Student Yield per Unit:* 0.1812

This development may add 5 students to the schools in this area.

The following data is as of 20<sup>th</sup> Day of the 2020-21 school year.

| <i>Schools Affected</i> | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-ec)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|-------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| HUNTERSVILLE ELEMENTARY | 47.00                           | 37                                           | 734                                             | 578                                                            | 127%                                                               | 3                                                          | <b>127%</b>                                                           |
| BAILEY MIDDLE           | 76.65                           | 57                                           | 1454                                            | 1081                                                           | 134%                                                               | 1                                                          | <b>134%</b>                                                           |
| HOUGH HIGH              | 118.5                           | 100                                          | 2485                                            | 2097                                                           | 119%                                                               | 1                                                          | <b>119%</b>                                                           |

The total estimated capital cost of providing the additional school capacity for this new development is \$183,000; calculated as follows:

Elementary School: **3**x \$34,000 = \$102,000

Middle School: **1**x \$37,000 = \$37,000

High School: **1**x \$44,000 = \$44,000

### **RECOMMENDATION**

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.



November 1st, 2021

Mrs. Tess Fallova  
HensonFoley  
121 Gilead Road  
Huntersville, NC 28078

**SUBJECT: WILLINGNESS TO SERVE  
GILEAD ROAD MIXED USE  
202 – 208 GILEAD ROAD, HUNTERSVILLE, NC 28078**

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **GILEAD ROAD MIXED USE** development, it was determined that there is currently sufficient capacity to accommodate the proposed sewer flow (**12,320 gallons per day**), at the connection point(s) indicated on the submitted exhibit plan for transmission to the **McDowell Creek Waste Water Treatment Plant**; (NPDES permit number **NC0036277**),

Please note that the availability of flow is subject to change and that 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) 432-5801.

Sincerely,

*Guillermo Anzola*

Guillermo Anzola / Engineering Assistant  
**CHARLOTTE WATER** / [charlottewater.org](http://charlottewater.org)



**Town of Huntersville  
Planning Board  
March 22, 2022**

**To:** Town Board

**From:** Kayleigh Mielenz, Planner I

**Date:** March 22, 2022

**Subject:**

---

**EXPLAIN REQUEST:**

Consider recommendation 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:**

Consider recommendation

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. TA22-01 PB Staff Report
2. 1. TA22-01 Down Zoning Application 12.30.21
3. 2. TA22-01\_12.30.21 Update\_Draft Ordinance - HOAB\_01.06.22
4. 3. 160D Article\_6

## TA22-01 – Down-Zoning Text Amendment

### PART 1: DESCRIPTION

TA22-01 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 11.4.3(a) Initiation, 11.4.9 When Development Not Begun Within 3 Years, and 12.2.1 General Definitions to clarify the Down-Zoning definition and initiation of the process.

### PART 2: BACKGROUND

The North Carolina General Statutes were amended in 2019 by creating a new Chapter 160D. This new Chapter consolidated city- and county-enabling statutes for development regulations into a single, unified chapter. Local governments had until July 1, 2021, to adopt the necessary ordinance amendments to comply with Chapter 160D. At that date, the rules and procedures of Chapter 160D will apply whether or not the local ordinance has been updated.

Text Amendment TA21-01 was approved on 06/21/21 and encompassed the majority of amendments required to comply with 160D. TA21-01 did not include the updated language from 160D-601 that defines down-zoning and explains who can initiate the down-zoning of property. Therefore, the Zoning Ordinance requires a text amendment to ensure the language complies with 160D.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA22-01 is consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.

### PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

### PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval (8-0) of the proposed text amendment on January 6, 2022.

### PART 6: PUBLIC HEARING

The public hearing was held March 7, 2022. No one from the public commented.

### PART 7: PLANNING BOARD RECOMMENDATION

March 22, 2022.

### PART 8: ATTACHMENTS

1. Applicant's Text Amendment Application
2. Ordinance
3. 160D Article 6



| PART 9: STATEMENT OF CONSISTENCY – TA22-01                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning Board                                                                                                                                                                                                                                                                                                                        | Board of Commissioners                                                                                                                                                                                                                                                                                                            |
| <p><b>APPROVAL:</b> In considering the proposed amendment TA22-01, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-01, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-01, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>DENIAL:</b> In considering the proposed amendment TA22-01, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> | <p><b>DENIAL:</b> In considering the proposed amendment TA22-01, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> |



## Text Amendment Application

Date of Application 12/30/21

### Fee

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

### Type of Change

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

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

### Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 11.4.3, 11.4.9, 3 Section(s): \_\_\_\_\_

see attached 12.2.1

Current Ordinance

\_\_\_\_\_  
\_\_\_\_\_

see attached

Proposed Text

\_\_\_\_\_  
\_\_\_\_\_

Reason for Proposed  
Change

Update the definition of down-zoning to comply with 160 D. Update language on down-zoning initiation to comply with 160 D.

Attach additional pages if needed.

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



## Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_

Signature Kayleigh Miley Date 12/29/21

Title Planner I Email Kmielenz@huntersville.org

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

## Property Owner (if different than applicant)

\* Printed Name \_\_\_\_\_

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

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

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

## Contact Information

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

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

Date Received By Planning Department: 12/30/21

Staff Initials: KIM

**AN ORDINANCE TO AMEND ARTICLE 11.4.3 (a) AND ARTICLE 11.4.9 OF THE  
ZONING ORDINANCE TO CLARIFY DOWN-ZONING PROCESS CONSISTENT WITH  
N.C.G.S. 160D-601(d) AND TO AMEND THE DEFINITION OF DOWN-ZONING IN  
ARTICLE 12.2.1 OF THE ZONING ORDINANCE**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.3(a) and 11.4.3 (a)(1) Initiation of the Zoning Ordinance is hereby amended as follows:

.3 Initiation

a) Any amendment to the Zoning Ordinance text or Zoning Map, except for the classification of property to a conditional zoning district or MH Overlay **or to down-zone property as defined by N.C.G.S. 160D-601** may be initiated:

1) By the Town Board, Huntersville Ordinances Advisory Board, or the Planning Board on its own resolution;

2) By the property owner(s), upon filing an official petition, submitting the fee established by the Town Board, and providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible;

3) By someone other than the property (if not a request to down-zone property) owner following:

(a) filing of an official petition and submission of the established fee by the initiating party; and in addition, for a map amendment, providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, or, for a text amendment, submitting the prepared text and rationale for seeking the amendment;

(b) preliminary evaluation by the Planning Board to evaluate consistency of the proposal with the objectives and policies of plans adopted by the Town of Huntersville; and

(c) determination by the Town Board whether the petition should be granted a public hearing or rejected.

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.9 When Development Not Begun Within 2 Years of the Zoning Ordinance is hereby amended as follows:

.9 When Development Not Begun Within **2 3** Years

It is intended that property shall be reclassified to a conditional zoning district or a MH Overlay district only in light of firm development plans for the property. Therefore, two years after the date of approval of any petition for a conditional zoning district, or MH Overlay district, the Planning Board shall examine the progress made toward developing the property in accordance



with the approved petition and any conditions attached thereto. If the Planning Board determines that construction has not commenced in furtherance of the approved petition and conditions, the Planning Board may, at its discretion, initiate a rezoning to the general zoning district consistent with the most detailed plan adopted for the area which includes the property, according to the procedures of Section 11.4, Amendment Process **so long as the rezoning would not result in a down-zoning as defined by N.C.G.S. 160D-601(d).**

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1 General Definitions of the Zoning Ordinance is hereby amended as follows:

Down-zoning. ~~Down-zoning means a zoning ordinance~~ **Any amendment to the zoning ordinance or zoning map** that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

**No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town Board.**

**Section 4.** That these amendments shall become effective upon approval by the Town Board of Commissioners.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** January 6, 2021

**PUBLIC HEARING DATE:** March 7, 2022

**PLANNING BOARD MEETING:** March 22, 2022

**TOWN BOARD DECISION:** April 18, 2022

## Article 6.

### Development Regulation.

#### **§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) **Down-Zoning.** – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

#### **§ 160D-602. Notice of hearing on proposed zoning map amendments.**

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the



**Town of Huntersville  
Planning Board  
March 22, 2022**

**To:** Town Board

**From:** Kayleigh Mielenz, Planner I

**Date:** March 22, 2022

**Subject:**

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**EXPLAIN REQUEST:**

Consider a recommendation 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:**

Consider recommendation

**FINANCIAL IMPLICATIONS:**

n/a

**ATTACHMENTS:**

1. TA21-15 PB Staff Report
2. 1. Application 11.22.21
3. 2. TA21-15 Proposed Ordinance Language\_Update w Open Space\_Final 02.08.22
4. 3. HOAB Minutes Combined
5. 4. October 7 HOAB Documents
6. 5. Occupiable Roof Criteria per Building Code

## TA21-15 – Rooftop Amenity Space Text Amendment

### PART 1: DESCRIPTION

TA21-15 is a text amendment 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.

### PART 2: BACKGROUND

- North State Development, LLC rezoned 9.94 acres through a conditional rezoning to TC (CD) (R20-03). The developer later contacted the Planning Department about adding a 750 SF rooftop amenity space on the top corner of a mixed-use building where Gilead Rd will meet Public Street A next to Town Center.
- The conditional rezoning for this project allowed a maximum building height of 52.5'.



**Approved Rezoning**



**Potential Rooftop Amenity**

- Article 8.7 states that no area intended for human occupancy can exceed the height limit of buildings (in this case, 52.5'). Therefore, staff advised the developer a rooftop amenity space for the mixed-use building would not be permitted because it would increase the building height past the allowed maximum of 52.5'. Staff also indicated rooftop amenities would be desirable in Huntersville and Staff would investigate the potential of a zoning text amendment.
- On October 7, 2021 Huntersville staff sought feedback from the Huntersville Ordinance Advisory Board regarding rooftop amenities. Attachment 4 contains the summary of the issues presented to the HOAB for discussion including a summary description of the issue and ordinances from other communities relating to rooftop amenities. The HOAB expressed interest in the possibility of a text amendment but wanted to see proposed ordinance language.
- An initial draft of the proposed ordinance language for the rooftop amenity space text amendment went to the HOAB for discussion on December 2, 2021. Several members expressed concerns with the text amendment draft language and staff indicated a final draft would be presented in January 2022.
- A final draft of TA 21-15 was presented to the HOAB on January 6, 2022. By a 4-4 vote, the Huntersville Ordinances Advisory Board did not recommend approval of TA 21-15. NOTE: Attachment 3 contains the minutes from the 3 HOAB meetings where rooftop amenities were discussed.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- Policy LU-7: Require new development to follow design principles that reinforce the vision for the Town as expressed in this plan and other adopted plans. LU 7.2: Consider updates to the Huntersville Design Guidebook and/or Zoning Ordinance as needed to improve the commercial and multi-family design.



- Staff Comment: Rooftop amenities are typically found in in urbanized areas. The proposed amendment offers flexibility to rooftop amenities with limitations to minimize impact on adjoining residential properties.
- Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers. Policy LU 8.2: Evaluate and strengthen incentives to encourage the achievement of higher design standards.
  - Staff Comment: Each of these Future Land Use Character Areas allows for a mixed use and/or apartment building type in some capacity. This text amendment will provide greater flexibility for height regulations for mixed-used and apartment building types. The additional flexibility could act as an incentive for applicants to demonstrate excellence in design.
- Policy LU-11: Protect Existing Housing Stock. 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 proposed amendment offers flexibility to rooftop amenities with limitations to minimize impact on adjoining residential properties.
- Policy DT 1.1: Encourage vertical mixed-use development with active visual engagement between the street and the ground and upper floors along Active Frontages. Policy DT 1.4: Consider revisions to ordinances, the Design Guidebook, and/or review and approval processes to achieve an elevated design in the downtown area.
  - Staff Comment: This text amendment has the ability to encourage developers of a mixed-use building type in the downtown area to provide a rooftop amenity space, creating visual engagement between the street and the upper floors of the building along the active frontage. Rooftop amenities are an attractive feature that add a touch of luxury to buildings.
- Policy DT 11.1: Allow and encourage residential development in Downtown Huntersville, including for-sale and rental housing integrated with commercial uses.
  - Staff Comment: This text amendment could encourage residential development in Downtown by allowing greater flexibility in development regulations for mixed-used building types.

#### **PART 4: STAFF RECOMMENDATION**

Staff recommends approval of the proposed text amendment.

#### **PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD**

The Huntersville Ordinances Advisory Board did not recommend approval (4-4) of the proposed text amendment on January 6, 2022. See attachment 3 for combined minutes from all three HOAB meetings where this item was on the agenda. See attachment 4 for the documents that were presented at the HOAB meeting in October 2021 when the proposed text amendment was first brought for discussion.

#### **PART 6: PUBLIC HEARING**

The public hearing was held on March 7, 2022. One comment from the public was made that was not in favor of the text amendment due to concern of adequate protection of surrounding properties. Several commissioners made comments that this text amendment made them uncomfortable because of potential impacts to neighboring properties and its association with the North State project in downtown Huntersville. Minutes from the 03/07/22 public hearing are not available yet, so they could not be included in your packet.

**PART 7: PLANNING BOARD RECOMMENDATION**

March 22, 2022.

**PART 8: ATTACHMENTS**

1. Text Amendment Application
2. Ordinance
3. Combined HOAB Minutes
4. October 7 HOAB Agenda Item Documents: Summary and Code Research
5. Town Board Minutes from 03/07/22
6. Occupiable Roof Criteria per Building Code

**PART 9: STATEMENT OF CONSISTENCY – TA21-15**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning Board                                                                                                                                                                                                                                                                                                                              | Board of Commissioners                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA21-15, Planning Staff recommends approval based on the application based on the amendment being consistent with policies LU-8, LU 8.2, LU-11, LU 11.1, DT 1.1, DT 1.4, and DT 11.1 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest because as the Town continues to grow, it will take a more urbanized form and we expect to see greater desire for rooftop amenities.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA21-15, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                            | <p><b>APPROVAL:</b> In considering the proposed amendment TA21-15, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                            |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>DENIAL:</b> In considering the proposed amendment TA21-15, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> | <p><b>DENIAL:</b> In considering the proposed amendment TA21-15, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> |





## Text Amendment Application

Date of Application 11/22/21

### Fee

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

### Type of Change

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

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

### Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 8.7, 7.10, 7.11, 4, 12.2.1 Section(s): \_\_\_\_\_

see attached

Current Ordinance

See attached

Proposed Text

Reason for Proposed  
Change

To allow 3 place standards for Rooftop Amenity  
Spaces to exceed the maximum building height.  
These spaces are intended to be an accessory  
use for building occupants.

Attach additional pages if needed.

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

## Applicant

Printed Name Town of Huntersville Planning Department  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_  
Signature *Jack Simoneau* Date 11/22/21  
Title Planning Director Email Jsimoneau@huntersville.org  
Address of Applicant 105 Gilead Rd, 3<sup>rd</sup> Floor, Huntersville, NC 28078

## Property Owner (if different than applicant)

\* Printed Name N/A  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_ Email \_\_\_\_\_

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

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

## Contact Information

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

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

Date Received By Planning Department: 11/22/21  
Staff Initials: KIM



**AN ORDINANCE TO AMEND ZONING ORDINANCE ARTICLES 8.7: HEIGHT LIMITATION; 12.2.1: GENERAL DEFINITIONS; ARTICLE 4: BUILDING AND LOT TYPES: APARTMENT BUILDING; ARTICLE 4: BUILDING AND LOT TYPES: SHOPFRONT BUILDING; ARTICLE 7.10 OPEN SPACE; AND ARTICLE 7.11 URBAN, AGRICULTURAL, COMMON, NATURAL, & RECREATIONAL OPEN SPACE TO ALLOW AND ESTABLISH STANDARDS FOR ROOFTOP AMENITY SPACES THAT EXCEED THE MAXIMUM BUILDING HEIGHT**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.7: Height Limitation of the Zoning Ordinance is hereby amended as follows:

- .1 The height of habitable buildings and components is controlled by building type (Article 4).
- .2 Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Further, towers primarily used for manufacturing purposes that may also be occupied may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground. In all other instances, any part of a non-civic structure which extends above the height limit must be separated from lot lines by a minimum distance of one foot for every four feet in height measured from the ground.
- .3 The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- .4 Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 9.9 are met.

**.5 Rooftop Amenity Spaces & Exceedance of Maximum Building Height**

**The intent of these rooftop amenity space regulations is to allow rooftop amenity spaces for residents of an apartment building type or mixed-use building type to exceed the maximum building height allowed subject to the below standards:**

- a. **Location.**
  - i. **Rooftop Amenity Spaces shall be separated by a distance of at least 100 feet from property lines of a single-family residential use when such single-family residential use is located in the R, TR, NR, or GR zoning district.**
- b. **Size and Height.**
  - i. **The height of the rooftop amenity space and structures therein shall not exceed 15 feet above the proposed building height; and**
  - ii. **The area of the rooftop amenity space, measured to the outermost exterior element, shall not exceed 1,500 square feet.**
- c. **Access.**

- i. Rooftop amenity spaces shall be available to all residents of dwelling units in a building, but not to commercial tenants of a mixed-use building.
- d. Lighting and Noise.
  - i. Rooftop Amenity Spaces shall adhere to the lighting standards set in the Zoning Ordinance under Article 8.26.
  - ii. Rooftop Amenity Spaces shall adhere to the noise standards set in the Town Code of Ordinances under Title IX, Chapter 93, Article III. Noise.
  - iii. The use of sound amplifying equipment shall be prohibited.
  - iv. All exterior lighting associated with rooftop amenity spaces shall be on a timer that turns the lights off at 11:00 p.m., except for necessary lighting for site security.
- e. Open Space.
  - i. Rooftop Amenity Spaces may count towards Urban Open Space requirements in accordance with Articles 7.10 and 7.11.

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1: General Definitions of the Zoning Ordinance is hereby amended as follows:

**Rooftop Amenity Spaces. A covered, uncovered, or enclosed space on a building rooftop that is intended to be an accessory use for building occupants.**

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4: Building and Lot Types: Apartment Building of the Zoning Ordinance is hereby amended as follows:

Permitted Heights and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.

**5. Rooftop Amenity Spaces for Apartment Building Types may exceed the maximum building height in accordance with Article 8.7.**

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

Description



The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. **A mixed-use building duplicates the shopfront building type in accordance with the applicable Zoning District, see applicable Zoning District for additional standards.** Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

#### Permitted Heights and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.

**6. Rooftop Amenity Spaces for residents of Mixed-Use Building Types may exceed the maximum building height in accordance with Article 8.7.**

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.10 Open Space – Purpose, Intent, and Definitions of the Zoning Ordinance is hereby amended as follows:

#### 7.10 Open Space – Purpose, Intent and Definitions

Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development.

There are five types of open space Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

#### .1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. For small lot subdivisions urban open space shall be provided to persons living within ¼ mile

measured along rights-of-way. In large lot subdivisions, urban open space application is required at ½ mile.

- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional development approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

.2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies, Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.

.3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.

.4 Below is a table outlining what types of open space options are available to meet zoning district standards.



| <b>Open Space Type:</b>         | <b>Zoning Districts:</b>            | <i>R</i> | <i>TR</i> | <i>GR</i> | <i>NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E</i> |
|---------------------------------|-------------------------------------|----------|-----------|-----------|-----------------------------------------------------------------------|
| <i>Common (7.10.1.c)</i>        |                                     | ◇        | ◇         | ◇         | ◇                                                                     |
| <i>Agricultural (7.10.1.b)</i>  |                                     | ◇        | ◇         |           |                                                                       |
| <i>Natural (7.10.1.d)</i>       |                                     | ◇        | ◇         |           |                                                                       |
| <i>Recreational (7.10.1.e)</i>  |                                     | ◇        | ◇         |           |                                                                       |
| <b><u>Urban (7.10.1.a):</u></b> | <b>Urban Types:</b>                 |          |           |           |                                                                       |
|                                 | <i>Community Garden</i>             |          | ◇         |           | ◇                                                                     |
|                                 | <i>Forcourt</i>                     |          | ◇         |           | ◇                                                                     |
|                                 | <i>Green</i>                        |          | ◇         |           | ◇                                                                     |
|                                 | <i>Greenbelt</i>                    |          | ◇         |           | ◇                                                                     |
|                                 | <i>Greenway</i>                     |          | ◇         |           | ◇                                                                     |
|                                 | <i>Park</i>                         |          | ◇         |           | ◇                                                                     |
|                                 | <i>Parkway</i>                      |          | ◇         |           | ◇                                                                     |
|                                 | <i>Pedestrian Passage</i>           |          | ◇         |           | ◇                                                                     |
|                                 | <i>Plaza</i>                        |          | ◇         |           | ◇                                                                     |
|                                 | <i>Promenade</i>                    |          | ◇         |           | ◇                                                                     |
|                                 | <i>Square</i>                       |          | ◇         |           | ◇                                                                     |
|                                 | <i>Woonerf</i>                      |          | ◇         |           | ◇                                                                     |
|                                 | <b><u>Rooftop Amenity Space</u></b> |          | ◇         |           | ◇                                                                     |

**Section 6.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space of the Zoning Ordinance is hereby amended as follows:

7.11 Urban, Agricultural, Common, Natural and Recreational Open Space

.1 Urban Open Space:

(a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.

(b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.

(c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within  $\frac{1}{4}$  mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within  $\frac{1}{2}$  mile of all building lots, as measured along the rights-of-way of streets providing access between the two.

(d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.

(e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design may be submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPs are not limited.

(f) Urban Open Space types include Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, ~~and~~ Woonerf, and Rooftop Amenity Space, and are characterized as described below or to a minor variation of same.

**Community Gardens** should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.





**Forecourts** are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.



**Greenbelts** run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.

Greenbelts are left natural, but may include walking trails or passive recreation. In addition, schools located adjacent to Greenbelts can provide all recreational and athletic fields within the greenbelt. Streets bordering greenbelts shall match the Residential Street standards in Article 5 and the Huntersville Engineering Standards and Procedures Manual.



A **Green** is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.



Green continued.



**Greenways** are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by a public street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway





plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.



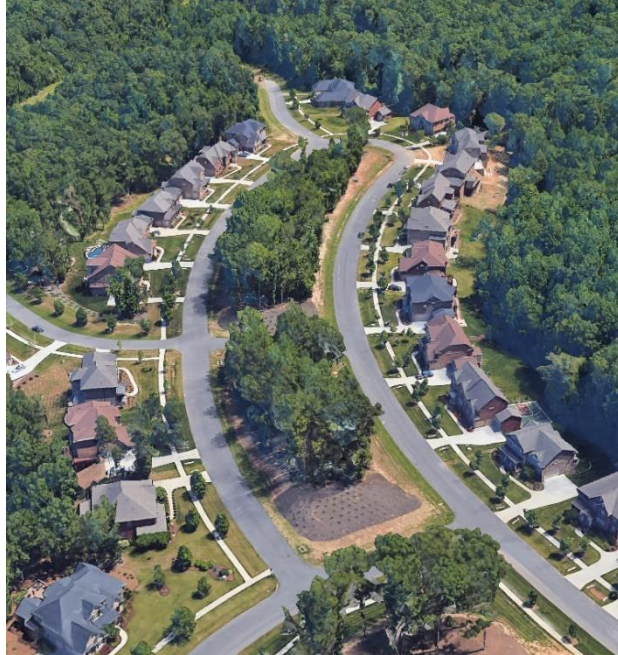
**Parks** may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.



Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space, which services an entire neighborhood or group of neighborhoods; or incorporates physical features, which are an asset to the community (i.e. lake, high ground, significant stand of trees).



**Parkways** are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways. Streets bordering the parkway shall match the Residential Street standards in Article 5 and the Huntersville Engineering Standards and Procedures Manual.



Parkways continued.



A **Plaza** is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal





|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>length or width be greater than 3 times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</p>                                                                                                                   |                                                                                                                                                                          |
| <p><b><u>Pedestrian passageways</u></b> are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays, café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</p> <p>Pedestrian passageways continued.</p> |   |
| <p>A <b><u>Promenade</u></b> is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</p>                                                                                                                                                                                                                                                                                        |                                                                                      |

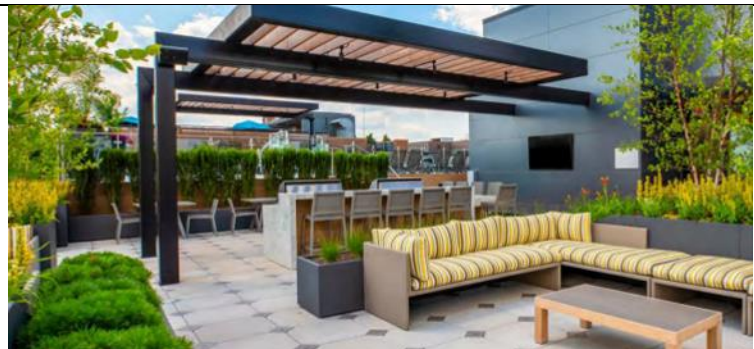
**Squares** are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.



A **Woonerf** is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed.



**A Rooftop Amenity Space is a covered, uncovered, or enclosed space on a building rooftop that is intended to be an accessory use for residents of apartment building type or mixed-use building type. Rooftop Amenity Space must be accessible to all residents in a development to count towards Urban Open Space. Maximum of 1,500 SF of Rooftop Amenity Space**





**able to count towards Urban Open Space requirements. Rooftop Amenity Space improvements shall include, but are not limited to, seating, landscape materials, and lighting. Rooftop Amenity Space improvements can include, but are not limited to, shade structures, fountains, sculptures, and other decorative elements.**



**Section 7. Effective Date.**

This ordinance shall become effective immediately.

**Text Amendment Timeline**

Recommendation by HOAB: 01/06/22

Public Hearing: 03/07/22

Recommendation by Planning Board: 03/22/22

Final Decision by Town Board: 04/18/22



## Huntersville Ordinances Advisory

### Board Minutes

**October 7, 2021**

**3:30 p.m. – 5:00 p.m.**

**Location: VIRTUAL MEETING**

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#### **A. Call to Order**

Attendance: M. Jones, T. Taylor, L. Munger, K. Jones, J. Henson, S. Moore, F. Gammon, T. Finlay (arrived at 3:43 p.m.), and B. Skelly

Non-voting members present: J. Simoneau, J. Glass & T. Barron

#### **A. Adoption of September 2, 2021 Minutes (Attachment 1)**

S. Moore made a Motion to Approve the September 2, 2021 Minutes. J. Henson seconded the motion. The motion passed (8-0).

#### **B. Decision on amending the agenda to include item 5 under D. Other Business.**

L. Munger made a Motion to Approve amending the agenda to include Item 5 – Discussion and possible recommendation on amendment to multiple ordinances to comply with SB 300, decriminalization of certain ordinances. S. Moore seconded the motion. The motion passed (8-0).

#### **C. Comments from Audience (3 minutes per person allocation)**

#### **D. Other Business**

1. **Discussion on Rooftop Amenity Spaces and building height limits (amenity to comply with existing building height or establish special provisions for rooftop amenities? Attachment 2, 3).**

J. Simoneau, Planning Director reviewed that a project proposed for Downtown Huntersville has proposed a design that would include a rooftop amenity for its residents. Staff determined a text amendment was reasonable to allow this type of feature within the Town. Staff reviewed the current ordinance Article 8.7 – height limitation and the research completed on surrounding municipalities relative to what is permitted and what is restricted such as ensuring privacy for adjacent neighbors, lighting, noise, size and height, and access standards.

K. Jones asked Staff if we know what the applicant in Downtown Huntersville is proposing to use the space for, what size is proposed and where it would be located. Staff responded it would be for resident use only, located on the Northeast corner nearest Discovery Place Kids and the size would be limited by building code which Staff understands may be a maximum of 750 square feet. She commented she would like to see staff focus on where they are allowed, lighting and noise provisions.

F. Gammon commented that he has seen many of these in other locations and they are an attractive amenity, he asked if we know what the applicant will use the space for and how the setbacks are calculated with the additional height. Staff commented that it will be for the residents to go sit outside, there is a proposed pergola to create some shade and if the building meets setback requirements, then it would qualify there would not be additional setback requirements.



T. Taylor commented that the building code has additional requirements when a rooftop area exceeds 10% of the total area which may be what would limit the applicant to 750 square feet. He is not opposed to rooftop amenities and would recommend focusing on what the use of the space is because this could be something they would quickly want to turn into a bar and that would create noise and light pollution concerns. Staff commented that our position is that commercial type uses would need to comply with the building height requirements as they exist now and this ordinance would address amenity uses only.

K. Jones commented that she is familiar with a rooftop space that works as a clubhouse type amenity for residents. It can be reserved or rented by the residents and unless there are specific rules regarding the noise and use it cannot be controlled. Staff thanked her for her feedback and said that will be useful in formulating the ordinance.

L. Munger asked where Staff would propose adding this amendment to the ordinance, if Staff considered applying this to residential and commercial zoning, and residential buildings that face a greenway. Staff commented that the amendment will be word smithed and the ordinance reviewed to determine all the references needed in the ordinance. The height will be measured from the street, not the greenway.

M. Jones asked if safety needs to be addressed relative to preventing a falling risk or objects going over the side and potential risks below. Staff stated that in their research they did notice setbacks from the building and all buildings are allowed to have balconies so there is always going to be a potential risk of something being thrown or falling. T. Taylor commented that the building code will require a 42-inch railing.

S. Moore recommended incentivizing this option as being able to count towards open space requirements for the developer to get them to think outside the box.

F. Gammon agreed with S. Moore's comment and suggested that it be dependent on what the rooftop amenity is being used for when considering counting it as open space.

2. Recommendation on TA21-11, an amendment to 1) standardize existing requirements for Special Use Permits and delete repetitive standards; and 2) amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code (Attachment 4).

L. Speight, Planner II reviewed the proposed amendments which are being removed where duplicative and added to be consistent. No amendments represent new standards which must be met by the applicant, only an amendment to where you may find these standards within the ordinance. The second portion of the amendment related to major and minor variances to ensure that the ordinances are consistent with the North Carolina Administrative Code.

L. Munger confirmed that this amendment is housekeeping to keep us in compliance and not creating any substantive changes. E. Sloop, Town Attorney confirmed she worked with staff on all of these proposed amendments, and they are all compliance related.

M. Jones asked E. Sloop to state on the record that in her legal opinion these amendments are in compliance with special use permits statute case law and constitutional limits. E. Sloop commented that she drafted the edits and she would not do so if they were not in compliance with state law.



## Huntersville Ordinances Advisory

### Board Minutes

**December 2, 2021**

**3:30 p.m. – 5:00 p.m.**

**Location: VIRTUAL MEETING**

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## - NOTICE VIRTUAL MEETING -

### A. Call to Order

Members present: Chairman M. Jones, Commissioner L. Munger, K. Jones, T. Finlay, J. Henson, B. Skelly, T. Taylor, J. Snv

Member absent: S. Moore

### B. Adoption of November 4, 2021, Minutes (Attachment 1)

T. Taylor made a Motion to Approve the November 4, 2021, Minutes. J. Henson seconded the motion. The motion passed (6-0-2) with T. Finlay and J. Snv abstaining.

### C. Comments from Audience (3 minutes per person allocation)

### D. Other Business

1. Discussion on language for TA21-15, an amendment to allow rooftop amenity spaces to exceed the maximum building height on multi-family and mixed-use structures and to add regulations for rooftop amenity spaces that exceed the maximum building height.

K. Mielenz, Planner I reviewed the proposed amendment and indicated that staff has taken the feedback provided at the October meeting in conjunction with neighboring municipalities ordinances related to rooftop amenities to draft a proposed text amendment. Staff expressed that this text amendment will only add regulations for rooftop amenities that exceed the allowed building height, it does not add regulations for rooftop amenities that are below the allowed building height. This proposed ordinance is intended to be for resident use only of apartment building types and residential mixed-use types, not commercial or to be used by the commercial tenant in a mixed-use building type.

Staff reviewed that staff is comfortable with the proposed amendment which would be allowed for shopfront (mixed-use) and apartment building types in the NR, NC, HC, CI, CB, TC, TND, TOD-R & TOD-E zones. Staff reviewed the proposed amendments to Article 8.7 related to height limit.

L. Munger commented that he would be open to a setback when adjacent to Neighborhood Residential.

K. Jones commented that she agreed with L. Munger and a setback adjacent to Neighborhood Residential may be important to avoid a problem similar to Community School of Davidson.

J. Snv asked what prompted this text amendment. Staff shared that the question was posed by the North State Development regarding the Huntersville Town Center Mixed Use project. Staff liked



the proposed use and thought it could be a good addition to the ordinance, so the Planning Department is sponsoring the text amendment and reviewing it with the Board to see what your thoughts are on permitting this in the Town.

T. Taylor commented that he also agrees that there should be some separation of this use between single-family and rooftop structures.

B. Skelly agreed and asked if there is something similar in place from the research of neighboring municipalities. Staff responded that when referenced the research varied from not allowed to 200 to 400-foot setbacks.

M. Jones asked if expanding the amendment to include other types of buildings has been considered such as hotels and offices as an option to minimize impervious surface. Staff commented that this amendment is intended for residential use when you exceed your maximum height. Under the current ordinances other building types may include a rooftop amenity if it is in keeping with the allowed building height and in the future, it is possible this will be amended to allow additional building types as well. M. Jones responded that he would recommend a comprehensive look at all building types now versus the additional time spent in the future to possibly amend the ordinance again.

Staff reviewed the proposed height restriction of 15 feet and maximum of 1,000 square feet or 10 percent of floor area restriction which could change relative to the Mecklenburg County Building Code requirements.

K. Jones recommended a straight 15-foot height restriction regardless of the height of the building and asked if the fire code has been kept in consideration as well. Staff confirmed they will verify that the fire code is kept in consideration.

J. Snyder commented that he does not see a need to limit the floor area beyond building code and/or safety restrictions. If the developer meets those requirements and has a creative use for all the remaining allowed area, he doesn't see a reason to limit their ability to do that.

L. Munger agreed with the comments made that it should be a fixed 15-foot height restriction, the proposed floor area currently seems very restrictive and J. Snyder's comments seem more appropriate, and the setbacks should be determined by what it is directly adjacent to and not restrictive further than that as buildings with personal balconies do not incur additional setbacks.

M. Jones commented he agrees with the comments made that flexibility should be included in the floor area permitted.

Staff reviewed that the proposed access would be for resident use only and shall not be accessible to commercial tenants.

L. Munger commented that while he understands this limitation when the location is adjacent to residential he wonders if it should apply when the building is not located near residential, or if managing that this is limited to residents only is an area that Zoning should insert themselves into. Staff commented that this amendment is only relative to buildings that exceed the height limitation, not those in keeping which could have a rooftop bar or commercial use.

J. Snyder asked if this amendment having a provision for additional review based on location would create more flexibility to permit possible use without opening it all the way up.

Staff reviewed the proposed lighting and noise restrictions and stated that the existing lighting ordinances would also apply relative to type of lighting, placement, etc.

K. Jones asked for confirmation that the ordinances would protect any adjacent neighbors from light pollution. Staff stated that the existing lighting ordinances would address that.

T. Finlay asked if any setback distance would be addressed relative to lighting use and placement. Staff responded that this is also already addressed in the existing ordinances.

Staff commented that the wording for Urban Open Space has not yet been drafted but staff is working on that and will have it prepared for the January public hearing.

J. Sny expressed concern about a potential mixed-use development using this urban open space to reduce the amenities accessible to town homes because they are located within the required distance but may not actually have access to it as they are not residents of the building it is located above. Staff responded that if the townhome does not have access to the urban open space then it would not be counted for that location regardless of the distance, the resident must have access to it for it to count.

B. Skelly recommended a percentage cap on this counting towards Urban Open Space to prohibit strictly incorporating roof top space to subvert traditional Urban Open Space.

Staff reviewed the proposed definition of rooftop amenity space and commented on the additional wording that will be included in the version presented in January to identify open, covered or enclosed rooftop amenities.

J. Henson asked if the definition needs to include what is defined for Open Space. Staff agreed that it will need to include that, and the conversation and discussion is helpful to finalize the draft of the amendment.

M. Jones asked if the definition will only apply to rooftop amenities that exceed the allowed building height. Staff responded that the definition is intended to be for all rooftop amenities and will need to be improved so as not to seem to limit commercial uses for allowed building heights.

M. Jones asked if there has been any consideration to encourage or incentivize this use to reduce impervious area. Staff commented that we do not currently have that included but it could be considered.

J. Henson commented that the builder is incentivized because there will be less storm water requirement. Staff concurred and stated that the vast majority of current urban open spaces are not impervious as they are typically grass and trees.

M. Jones asked if a stormwater detention system can be placed on a roof. Staff commented that the water quality standards have flexibility for innovation included so if someone wanted to add a rooftop garden there may be an option to give them some credit and Staff will review that with the Stormwater Engineers.

Staff reviewed the amendments to allow the use in specific building types and then concluded with stating that they will return with this item for consideration of recommendation at the January 6, 2022 meeting.

## **E. Adjourn**





## Huntersville Ordinances Advisory

### Board Minutes

**January 6, 2022**

**3:30 p.m. – 5:00 p.m.**

**Location: VIRTUAL MEETING**

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## - NOTICE VIRTUAL MEETING -

### A. Call to Order

Members present: Chairman M. Jones, Commissioner L. Munger, K. Jones, F. Gammon, J. Henson, B. Skelly, T. Taylor, S. Moore

Member absent: T. Finlay

### B. Adoption of December 2, 2021, Minutes (Attachment 1)

L. Munger made a Motion to Approve the December 2, 2022, Minutes. K. Jones seconded the motion. The motion passed (7-0-1) with S. Moore abstaining.

### C. Comments from Audience (3 minutes per person allocation)

### D. Other Business

#### 1. Discuss Minor Solar Energy Facilities on the front roof slope by-right

S. Moore made a Motion to Amend the Agenda and remove Item D1 from the agenda. J. Henson seconded the motion. The motion passed unanimously (8-0).

#### 2. Recommendation on language for TA21-15, an amendment to allow rooftop amenity spaces to exceed the maximum building height on apartment building types and mixed-use building types and to add regulations for rooftop amenity spaces that exceed the maximum building height.

J. Simoneau, Planning Director reviewed the proposed amendment which would allow rooftop amenities to exceed a maximum building height for apartment and mixed-use building type. The standards were based on feedback received from this Ordinance Advisory Board. Staff does not recommend that there be a setback as decks and balconies are allowed on all other levels up to the edge and building code will require appropriate railing and safety requirements. The rooftop amenity could count towards a maximum of 1,500 square feet of Urban Open Space and must be accessible to all residents.

S. Moore asked staff why the Code of Ordinances are not being used to stipulate the noise and sound ordinances versus a zoning overlay. Staff responded that the noise ordinance is general and in reviewing neighboring ordinances that allow rooftop amenities this seemed to be the favored approach.

K. Jones asked if the sound and light ordinances that the Community School of Davidson Athletic Field are currently under would be the same ordinances that would govern rooftop amenities. Staff confirmed that they are both governed by the same ordinance and in that situation, there have been complaints, staff has gone onsite with the light meter and determined the lights do not meet our ordinances and they are having to fix the issue. If a rooftop amenity received a complaint staff would investigate and if they were found out of compliance, they would also have to fix the issue.

S. Moore asked staff why a maximum of 1,500 square feet counting towards Urban Open Space was determined. Staff responded that this was also a similarity found in neighboring zoning ordinances and reminded the Board that this limitation only applies if you exceed your maximum building height.

K. Jones asked for clarification on the height exceeding what is allowed. Staff confirmed that these ordinances only begin when the proposed rooftop amenity exceeds the allowed building height.

F. Gammon asked about the access for commercial tenants and if the zoning ordinance would allow a commercial building to have a green roof for uses such as climate control and gardening. Staff confirmed that any limitations to this would only apply if the space exceeded the maximum allowed height.

L. Munger asked if a mixed-use building would have commercial on the first floor and residential above with the uses typically contiguous to the adjacent floors. Staff confirmed that is correct you would not typically want customers using elevators to go to the roof and past the residents.

M. Jones asked if there is any community benefit and if there is any incentive to incorporate storm water or impervious surface considerations, and if the proposed amendment is too narrow in its scope. Staff responded that the amenity is for the community within that building, and nothing precludes them from incorporating storm water or impervious considerations into their use. Staff responded that they felt comfortable with the amendment as currently written and agree that this could adapt or evolve into something greater in the future.

L. Munger made a Motion to Recommend Approval of TA21-15 as written. T. Taylor seconded the motion.

S. Moore stated he would not be voting in favor of this because while a step in the right direction he thinks that the sound/noise additions are unnecessary, and the 1,500 square feet is too limiting. He would be comfortable with the height exceeding 15' and we should do everything we can to incentivize these improvements.

The motion was a split vote (4-4) with M. Jones, K. Jones, S. Moore, B. Skelly opposed.

**3. Recommendation on language for TA22-01, a text amendment to update the definition and initiation of Down Zoning in compliance with 160D state statutes.**

J. Simoneau, Planning Director commented that this amendment is to bring the zoning ordinances in compliance with 160D state statute changes related to down zoning.

L. Munger made a Motion to Recommend Approval of TA22-01 as written. J. Henson seconded the motion. The motion passed unanimously (8-0).

**4. Update on sewer capacity in eastern Huntersville**

J. Simoneau, Planning Director provided an update on the sewer capacity status, areas affected, and proposed short term actions which include a reduced flow factor approved by the state and rationing of remaining capacity so that some capacity can be allocated to as many projects in the current review queue as possible which will be provided on a first come first serve basis to allow some phase development for most applicants. Mid term actions include design of a pump station to pump wastewater to an existing water treatment plant to provide more capacity. Long term action includes a request for more capacity and the anticipated expansion to be online in 2024.

K. Jones asked if this means any projects on the east side of town will be on hold. Staff stated it does not, some projects already have approval, other projects that have not been



## Rooftop Amenity Spaces & Building Height

- North State Development, LLC rezoned 9.94 acres through a conditional rezoning to TC (CD) (R20-03). The developer is considering adding a 750 SF rooftop amenity space on the top corner of a mixed-use building where Gilead Rd will meet Public Street A (Parcel 01711616).
- The conditional rezoning for this project allowed a maximum building height of 52.5'. Without a rooftop amenity space, the proposed mixed-use building height is 52.5'.
- Article 8.7 states that no area intended for human occupancy can exceed the height of buildings (in this case, 52.5').
- Currently, a rooftop amenity space for the mixed-use building would not be permitted because it would increase the building height past the allowed maximum of 52.5'.



### Approved Rezoning



### Potential Rooftop Amenity

- Huntersville staff seeks feedback from the Huntersville Ordinance Advisory Board to determine if rooftop amenities should be limited to the maximum building type height OR if there should be a specific provision allowing roof top amenities to exceed the maximum building height standards.
- Building height limits are as follows unless adjusted through a conditional rezoning: **Workplace-45'**; **Shopfront-48'**; **Highway Commercial-36'**; **Apartment-36'**; **Detached & Attached House: 30'**.
- Research was conducted regarding rooftop amenity spaces; North Carolina municipalities reviewed were Chapel Hill (no language), Charlotte (allowed in TOD zone with location, setback, screening, & noise standards) and Asheville (allowed in 1 district; count as open space; location, size, access, setback, lighting, screening, noise, height encroachment, enclosure).
- Portland OR, Palo Alto CA, and Kirkland WA were also examined for language on rooftop amenity spaces. Portland had no rooftop amenity space language. Palo Alto had some provisions (open space classification; location, access, setbacks, lighting, screening, noise, height encroachment).
- Per Kirkland, WA Zoning Ordinance, Rooftop Common Room is defined as an exterior covered area or an interior enclosed space on a building rooftop that is available to all building occupants and does not provide exclusive space to any specific units. Rooftop Amenity is defined as temporary or permanent structures that are on a building rooftop. Rooftop common rooms and rooftop amenities are only permitted on structures containing stacked dwelling units and/or commercial units, where no portion of the property is adjoining a low-density residential zone. Furthermore, the ordinance specifies the height of the rooftop common room shall not exceed 15 feet or the height of the story immediately below the rooftop common room, whichever is less.

The Town of Huntersville has several options to regulate building height of rooftop amenity spaces.

- **Option A.** Leave the Zoning Ordinance as is and a rooftop amenity space must fit within the allowed maximum building height for its building type.
- **Option B.** Zoning Text Amendment to Article 8.7 that specifies rooftop amenity spaces can extend a certain amount of feet above the allowed maximum building height with some conditions (see Kirkland).
- **Option C.** Wait until the Downtown Plan is completed to see if any changes are recommended (NOTE: rooftop amenity provisions can be town-wide and not limited to downtown).

October 7, 2021 HOAB Agenda Item Document: Code Research  
Huntersville, NC

Zoning Ordinance

- **Article 8.7 – Height Limitation**

- 1. The height of habitable buildings and components is controlled by building type ([Article 4](#)).
- 2. Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings.
  - When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground. In all other instances, any part of a non-civic structure which extends above the height limit must be separated from lot lines by a minimum distance of one foot for every four feet in height measured from the ground.
- 3. The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

- **Article 3.2.6 – Town Center**

- Permitted Building and Lot Types
  - mixed use (4) up to 50,000 SF of first floor area; larger buildings may be permitted with a special use permit
  - storefront up to 50,000 SF of first floor area; larger buildings may be permitted with a special use permit
  - (4) The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

- **Article 4 – Shopfront Building**

- Techniques- B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.
- Permitted Height and Uses
  - 1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
  - 2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
  - 3. Building height to the ridge may vary depending on the roof pitch.
  - 4. Permitted uses are indicated above, and are further controlled by district regulations.
  - 5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.



## **Rooftop Spaces**

- Architectural Standards Principles
  - A. Development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
  - B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
  - C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.
  - D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

## Kirkland, WA

### Notes

- Did [Text Amendment](#) in 2020 to become more friendly and provide regulations for Rooftop Spaces
- Population: ~89,000

### Definitions

- **.816 Rooftop Amenities** - Structures such as landscape planters, guards or railings, decking material, seating, play equipment, kitchen and/or barbecue elements, hot tubs, animal runs, fire pits, umbrellas, trellises, and similar temporary or permanent items that are on a building rooftop, available to all building occupants, and do not provide exclusive use to any specific units/suites or group of units/suites. (Ord. 4720 § 1, 2020)
- **.818 Rooftop Common Room** - An exterior covered area or an interior enclosed space on a building rooftop that is available to all building occupants and does not provide exclusive space to any specific units/suites or group of units/suites. (Ord. 4720 § 1, 2020)
- **Low Density Residential Zones**- Kirkland, WA has Chapter 15 Low Density Residential Zones in their Zoning Ordinance that specifies which of its zoning districts are low density residential zones
  - **15.05.010 Applicable Zones**
    - This chapter contains the regulations for uses in the following zones of the City: RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16
- **.817 Rooftop Appurtenances** - HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including personal wireless service facilities as defined by KZC 117.15 or solar panels as defined by KZC 5.10.881.1.

### Development and Performance Standards

- **115.122 Rooftop Amenities and Rooftop Common Rooms**
  - The intent of these rooftop amenity and common room regulations is to specify height and size allowances for such items above the maximum height of structure. These regulations do not apply to rooftop amenities and rooftop common rooms that are below the maximum height of structure.
  - 1. Scope – The regulations contained in this section apply only to structures containing stacked dwelling units and/or commercial uses, where no portion of the subject property is adjoining a low-density residential zone.
    - **Low Density Residential Zones**- Kirkland, WA has Chapter 15 Low Density Residential Zones in their Zoning Ordinance that specifies which of its zoning districts are low density residential zones
  - 2. Noise – Rooftop amenities and amenity spaces, and rooftop common rooms, are subject to the noise regulations described in KZC 115.95.



## Rooftop Spaces

- 3. Lighting – Rooftop amenities and amenity spaces, and rooftop common rooms, are subject to the below lighting standards:
  - a. Lighting regulations described in KZC 115.85(1);
  - b. All exterior light fixtures shall be directed downward and use “fully shielded cut off” fixtures as defined by the IESNA, or other appropriate measure to conceal the light source from adjoining uses; and
  - c. All exterior lighting associated with rooftop amenities and amenity spaces, and rooftop common rooms, shall be turned off after business hours or 10:00 p.m., whichever is later, with the exception of necessary lighting for site security. On portions of property adjoining low density residential zones, such lighting shall be turned off after business hours or 10:00 p.m., whichever is earlier.
- 4. Access – Rooftop amenities and rooftop common rooms that exceed the maximum structure height shall be available to all residents of a multifamily structure or to all tenants of a commercial structure, with no additional fee for access required. For mixed-use structures, access requirements shall be based on the predominant use of that structure. Rooftop amenities and rooftop commons rooms that exceed the maximum structure height shall not provide exclusive use to any specific units/suites or group of units/suites.
- 5. Allowable Height and Size – Rooftop Amenities
  - .816 Rooftop Amenities - Structures such as landscape planters, guards or railings, decking material, seating, play equipment, kitchen and/or barbecue elements, hot tubs, animal runs, fire pits, umbrellas, trellises, and similar temporary or permanent items that are on a building rooftop, available to all building occupants, and do not provide exclusive use to any specific units/suites or group of units/suites. (Ord. 4720 § 1, 2020)
  - a. Rooftop amenities surrounded by approved guards or railings may exceed the maximum height of the structure for the zone by a maximum of four (4) feet.
  - b. Guards or railings enclosing rooftop amenities space may exceed the maximum height of the structure for the zone by a maximum of four (4) feet and shall be set back from the building edge a minimum of five (5) feet. Railings shall be of a transparent or majority-open design such as glass, cabling, picket, or other similar types of railings.
  - c. Rooftop amenities may not exceed the maximum structure height if any portion of the subject property adjoins a low-density residential zone.
- 6. Allowable Height and Size – Rooftop Common Room
  - .818 Rooftop Common Room - An exterior covered area or an interior enclosed space on a building rooftop that is available to all building occupants and does not provide exclusive space to any specific units/suites or group of units/suites. (Ord. 4720 § 1, 2020)

Provided, that no portion of the subject property adjoins a low density residential zone, the Planning Official may approve the addition of a rooftop common room if:

## Rooftop Spaces

- a. The applicant submits accurate graphic representations or other information that demonstrates that:
    - 1) Views from adjoining properties will not be significantly blocked by the rooftop common room; and
    - 2) The location and orientation of the rooftop common room is such that the visibility of the rooftop common room from adjoining properties and streets will be minimized; and
    - 3) All walls of the rooftop common room must contain transparent windows comprising at least 75 percent of the area of the facade between two (2) feet and seven (7) feet above floor level. This requirement does not apply to elevators and stair enclosures attached to a rooftop common room; and
    - 4) The rooftop common room is architecturally integrated with the building design; and
  - b. The height of the rooftop common room shall not exceed 15 feet or the height of the story immediately below the rooftop common room, whichever is less; and
  - c. The area of the rooftop common room, measured to the outermost exterior element, shall not exceed 500 square feet or 10 percent of building footprint, whichever is less. The minimum floor area required by building code for elevators and associated equipment and/or stair enclosures shall be exempt from the maximum area calculation for the rooftop common room; and
  - d. The rooftop common room is set back from any building edge at a distance equal to the height of tallest point of the room above the roof deck; and
  - e. The applicant provides one (1) of the following public benefit items in addition to the rooftop common room:
    - 1) A landscaped and vegetated area, or an area designed and constructed as a green roof, equal to the square footage of the rooftop common room and showing the landscape plan requirements set forth in KZC 95.40(3), or
    - 2) A street-level public plaza equal to the square footage of the rooftop common room, or
    - 3) Public use of the rooftop common room, either as public access or as use of the rooftop common room as publicly accessible retail, restaurant, or similar space.
  - f. The Planning Official shall not approve or deny the addition of a rooftop common room pursuant to this subsection without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment.
- **115.120 Rooftop Appurtenances**
    - .817 Rooftop Appurtenances - HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that



## Rooftop Spaces

extend above the roofline of a building, but not including personal wireless service facilities or solar panels.

- 4. Allowable Height and Size – Rooftop Appurtenances
  - a. Any rooftop appurtenance may exceed the maximum height of structure by a maximum of four (4) feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint (see Plate 31). Elevators and equipment and/or stair enclosures allowed under subsection (4)(b) of this section shall be included in the area calculation towards the maximum 10 percent.
  - b. For stacked dwelling units and commercial buildings, rooftop appurtenances necessary to access rooftop amenities, such as elevators and associated equipment and/or stair enclosures, may extend above the maximum height of structure for the zone beyond the allowance in subsection (4)(a) of this section, provided:
    - 1) The elevator and associated equipment and/or stair enclosure height is the minimum necessary for rooftop access and does not exceed 15 feet above the maximum height of structure.
    - 4) Rooftop appurtenances necessary to access rooftop amenities, such as elevators and associated equipment and/or stair enclosures, proposed where the subject property is partially, or wholly, adjoining low-density residential zones may only be approved through the modification process in subsection (4)(c) of this section.
- 5. Optional Locations – As an option to placing appurtenances on the roof, appurtenances may be located in a parking structure

## Palo Alto, CA

### Notes

- Population: ~67,000

### General Standards and Expectations (18.40)

- **18.04 Definitions**

- “Height” - (all districts other than the R-E and R-1 residence district) The vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof, except that in the R-2 and RMD districts the height of a pitched or hipped roof shall be measured to the height of the peak or highest ridge line. In the R-E and R-1 single family residence districts, height shall be measured from the highest point of the structure’s roof, including wall parapets, to the grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

- **18.40.230 Rooftop Gardens**

- Where allowed under this Title, in order to qualify as usable open space, a rooftop garden shall meet the following standards:
  - (a) Permanent fixtures on the rooftop shall be placed so as not to exceed height limit for the applicable zoning district, except:
    - (i) Elevators, stairs and guardrails may exceed the height limit to allow for access to the rooftop useable open space. These fixtures shall be designed to the lowest height and size feasible in order to comply with applicable building codes.
    - (ii) Permanent fixtures associated with the useable open space, such as trellises, shade structures, furniture, and furnishings such as planters, lighting and heaters, may exceed the height limit by up to 12 feet.
    - (iii) For the height limit exceptions in (i) and (ii) above, all fixtures shall not intersect a plane measured at a forty-five degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property.
  - (b) The rooftop garden shall be located on the third or higher story.
  - (c) The rooftop garden shall be accessible to all residents of dwelling units on the parcel, but not to commercial tenants of a residential mixed-use development.
  - (d) Structures or fixtures providing a means of access or egress (i.e., stairway, elevator) shall be located away from the building edge to the extent feasible to minimize visibility from the public right-of-way and adjacent buildings and privacy impacts.
  - (e) Any lighting shall be shielded from public views and have full cutoff fixtures that cast downward-facing light, or consist of low-level string lights; no up-lighting is permitted. Lights shall be dimmable to control glare and placed on timers to turn off after 10:00 p.m. Photometric diagrams must be submitted by



## Rooftop Spaces

the applicant to ensure there are no spillover impacts into windows or openings of adjacent properties.

- (f) At least 15% but no more than 25% of the rooftop shall be landscaped with raised beds for gardening, C.3 stormwater planters, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained.
- (g) Rooftop equipment that emit noise and/or exhaust, including but not limited to vents, flues, generators, pumps, air conditioning compressors, and other protrusions through the roof, shall be directed away and screened from the useable open space areas.
- (h) Rooftop open space noise levels shall not exceed exterior residential noise level as defined by Section 9.10.030(a) of this code.
- (i) The use of sound amplifying equipment shall be prohibited. Signs shall be affixed adjacent to access elevators and stairs within the rooftop garden providing notice of this prohibition.

## Asheville, NC

### Notes

- Population: ~92,000

### Definitions

- UDO 7.2.5 “*Building height* means the vertical distance from the ceiling of the highest occupied floor to the primary level of fire department access;
  - for the purposes of determining height in the central business district, height is the vertical distance measured from a single point beginning at the primary pedestrian entrance to the surface level of the highest occupied floor.”

### Sec. 7-8-28. - Haywood Road Form District

- C. Outdoor amenity space.
  - 1.General. Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed exterior space appropriately improved for pedestrian amenity, rooftop space, or for aesthetic appeal and cannot include areas used for vehicles, except for incidental service, maintenance or emergency actions only. Outdoor amenity space may be public or private.
  - 2.Standards.
    - a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit, the area must be at least seven feet in width and length, and at least 40 percent of the required amenity space must be located in one contiguous open area.
    - b. Outdoor amenity space may be located at or above grade.
    - c. Outdoor amenity space may be roofed but cannot be permanently enclosed.
    - d. Outdoor amenity space cannot be parked or driven upon, except for emergency access and permitted temporary events.
    - e. In calculating the minimum outdoor amenity space requirement, the following listed facilities, and any similar facilities, may be included:
      - i.Ground-level facilities such as a swimming pool, playground, sport court, dog park, garden, community garden, park, green, pavilion, courtyard, seating area, outdoor dining area or plaza; and
      - ii.Upper-level facilities such as a shared or common balcony, rooftop deck or rooftop garden.
- G. Setback encroachments.
  - All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated, no building or structure can extend into a required easement or public right-of-way.
  - d. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least six feet from the vertical plane of any lot line and bufferyard requirements, if any, are met
- H. Building height.



## Rooftop Spaces

- 1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum six-foot high parapet wall encroachment. In no case is a parapet allowed to exceed six feet in height above the roof deck.
- **I. Height encroachments.** Any height encroachment not listed below is prohibited.
  - 2. The following specified accessory structures, building and site features, and mechanical equipment may exceed the established height limit provided they do not exceed the maximum height by more than six feet:
    - a. Chimney, flue or vent stack;
    - b. Flagpole;
    - c. Vegetation associated with a rooftop garden or landscaping;
    - d. Skylights;
    - e. Parapet wall; and
    - f. Solar panels, wind turbines and rainwater collection systems.
  - 3. The following may exceed the established height limits provided they do not exceed the maximum building height by more than ten feet, are set back at least 15 feet from the edge of the roof on the primary facade and ten feet for other sides:
    - a. Elevator or stairway access to roof;
    - b. Rooftop shade structure;
    - c. Greenhouse; and
    - d. Mechanical equipment.

## Charlotte, NC

Within Transit Oriented Development Ordinance, Rooftop structures are permitted as an accessory structure.

### F. Flat Roof Features

- Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted on any flat roof building.

Definition:

Outdoor Seating/Activity Area. An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

- 3. Outdoor Entertainment and Outdoor Seating/ Activity Area. If at any time between the hours of 11:00 p.m. and 8:00 a.m., food and/ or beverages are consumed in an outdoor seating/activity area or outdoor entertainment occurs, it shall meet the following:
  - a. The outdoor seating/activity area or outdoor entertainment shall be separated by a distance of at least 100 feet from the nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single family zoning district.
  - b. If the outdoor seating/activity area or outdoor entertainment is less than 100 feet from the nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single-family residential zoning district, then the area shall be separated by a Class A buffer, as described in Section 12.302 of this Ordinance, along all corresponding side and rear property lines.
  - c. Distances are measured from the closest edge of any outdoor seating/activity area or outdoor entertainment to the nearest property line of a vacant lot or a residential use when such vacant lot or residential use is located in a single-family residential zoning district.



## Occupiable Roof Criteria per Building Code

- The roof of a building that has a portion of, or all, to be used in the way you have described is an Assembly A-3 Occupancy per 303.4-2018 NCBC.
  - Proposed roof top Assembly areas that do not have a roof covering are still Assembly A-3 Occupancies.
  - A-3 Occupancies that are located somewhere other than on the *Level Of Exit Discharge* shall be sprinklered per 903.2.1.2(3)-2018 NCBC; this Code section involves the Code term *Fire Area*.

**FIRE AREA.** The aggregate floor area enclosed and bounded by *fire walls, fire barriers, exterior walls or horizontal assemblies* of a building. Areas of the building not provided with surrounding walls shall be included in the *fire area* if such areas are included within the horizontal projection of the roof or floor next above.

- A project with no roof covering over their A-3 area would not have to be included in the *Fire Area* and therefore not required to have sprinklers.
  - However, it is possible that a roof covering of some kind could be installed over the A-3 area(s) at a later time, thus requiring plan review, permitting through MCCE, and sprinklers.
- Another consideration is the type of roof structure above the A-3 area
  - Canopies are regulated per Section 3105-2018 NCBC and canopies greater than 15' as measured perpendicular to the wall attachment are no longer considered canopies but are additions which trigger other Code requirements for existing building projects.
- Under the present code, an occupied roof is not a story unless it has a roof structure over it.
  - Once a roof is involved, we have two reference points to establish a story – a floor and a roof. If the occupiable area has some kind of a roof, canopy, overhang, etc... it shall be considered to be a story. A roof would include fabric canopies (but not open trellis's where protection from the weather is not provided) and if the fabric canopy can trap smoke and hot gases and is permanently affixed to the building.
  - The Code definition of a Story is:

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see "*Basement*," "*Building height*," "*Grade plane*" and "*Mezzanine*"). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
  - Roof top structure and penthouse information from the code:

**ROOFTOP STRUCTURE.** A structure erected on top of the *roof deck* or on top of any part of a building.

[BG] 1510.2.3 Use limitations. Penthouses shall not be used for purposes other than the shelter of mechanical or electrical equipment, tanks, or vertical shaft openings in the roof assembly.

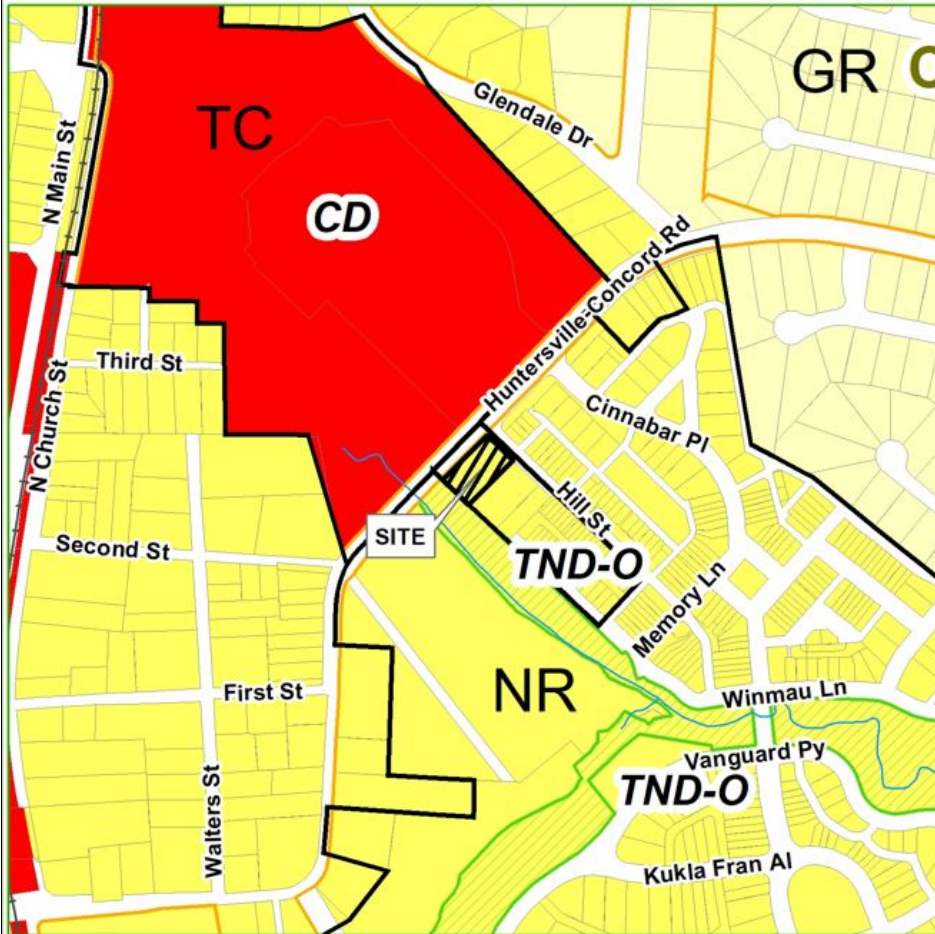
❖ The use of the penthouse is also limited. Regardless of height or area, roof structures used for anything except sheltering electrical or mechanical equipment or vertical shaft openings must be considered as an additional story.

- Exits: An Assembly occupancy on a rooftop always requires 2 exits. If the building is over 2 stories, any occupancy on the roof would require 2 exits at least.
- Accessibility: If the occupiable roof area is over 3,000 sf and requires an Accessible Route, an elevator is required.
- Allowable # of stories is based upon Occupancy Group/Classification and Construction Type under Table 504.4-2018 NCBC



## Hill Street Subdivision Phase 3 Sketch Plan

### PART 1: PROJECT SUMMARY



**Applicant:** Hill Street Bowman, LLC.

**Property Owner:** Hill Street Bowman, LLC.

**Property Address:** 13895 Hill Street.

**Project Size:** (+/-) 0.401 acres.

**Parcel Number(s):** 01905211.

**Current Zoning:** Neighborhood Residential (NR), Traditional Neighborhood Development (TND-O) overlay district.

**Current Land Use:** Vacant /wooded.

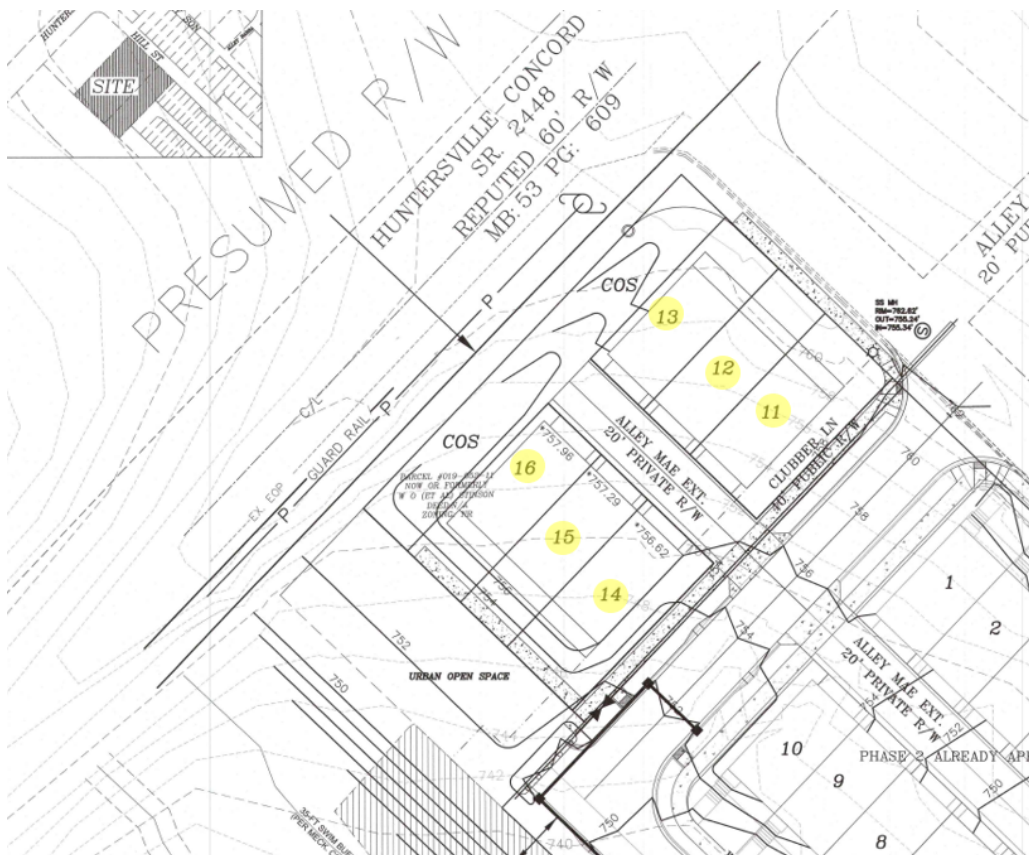
**Proposed Land Use:**

6 townhomes. This project will close out the Hill Street development which is a part of the larger Vermillion development. The overall density of Vermillion is 2.63 DUA (Dwelling Units per Acre).

### PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 0.401-acres of land located south of the intersection of Hill Street & Huntersville-Concord Road (shown as “site” above) into 6 townhome lots.
2. Adjoining Zoning and Land Uses:
  - North: Town Center- Conditional District- (TC-CD) – Vermillion Village, which will include apartments, townhomes, commercial, and medical offices.
  - South: Neighborhood Residential (NR) & Traditional Neighborhood Development Overlay district (TND-O) – Townhomes.
  - East: Neighborhood Residential (NR) & Traditional Neighborhood Development Overlay district (TND-O) –Townhomes.
  - West: Neighborhood Residential (NR) & Traditional Neighborhood Development Overlay district (TND-O) – South Prong of Clark Creek/Buffer Area.
3. A neighborhood meeting was held on February 2, 2022. The complete meeting summary is provided in Attachment C.
4. The proposed subdivision has 6 townhome lots, with two lot types being proposed: 4 lots with 24’ wide lots & 2 lots with 21’ wide lots. The average lot square footage for the development is 1,623 sq. ft.

5. There are 2 specimen trees located on the site, and neither will be retained. As the overall Hill Street development was approved prior to the Town's tree save requirements being adopted, no tree save is required for this project. There are no known heritage trees on the site. Approximately 100% of the lot is covered by tree canopy and the developer is not proposing to save any of this area (0% required in NR-TND).
6. The project is vested per Town staff, and as such a water quality concept plan is not required to be reviewed.
7. A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's capacity issues. Please note, no building permits will be issued without the availability of water and sewer.
8. Required Urban Open Space is provided by a future greenway (lots 14-16 front the greenway) via one urban open space which was not identified on the plan, but which resembles a green. The developer has discussed updating the plan so that the green is replaced with a greenway. In conversations held with the developer, the greenway would connect the internal trails found in the Vermillion development to the County's planned greenway which is projected to run parallel to Huntersville-Concord Road & to Clarke Creek to the west- though updated designs have not been shared with staff. Either urban open space type would provide frontage for lots 14-16.



### PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

#### Traffic Impact Analysis (TIA)

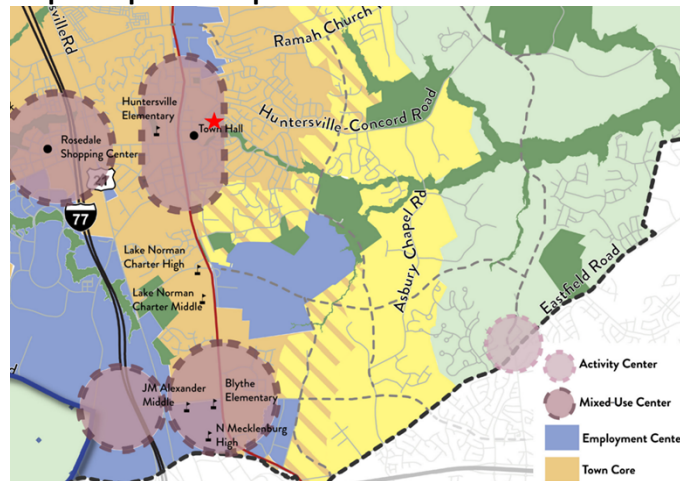
A TIA was not required for the development as Vermillion was approved prior to the adoption of the TIA ordinance.

### PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Hill Street Subdivision Phase 3 Sketch Plan.



## 1. Consistency with adopted public plans and policies.



### Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape and development intensity, including a maximum first floor footprint.

The following sections of the 2040 Huntersville Community Plan support this subdivision:

- The proposed Hill Street Subdivision Phase 3 plan lies completely within the “Mixed Use Center” Future Land Use Character Area of the 2040 Community Plan. The overall density of the entire Hill Street development, which includes three phases, is 18.78 DUA which appropriate in the Mixed-Use Center. The overall density of Vermillion, which includes the Hill Street development, is 2.63 DUA (also see page 4).
- **DT-2: Step down in intensity and density near established residential neighborhoods. Housing types that provide good transitions include townhomes, duplexes, triplexes, and other small-scale products.** Comment: The Hill Street Phase 3 subdivision plan is made up of six townhome lots and is adjacent to 4 additional townhomes to the east transitioning to single-family homes fronting on Cinnabar Place.
- **DT 6.1: Establish street and sidewalk requirements for new development in line with urban street design principles.** Comment: All sidewalk requirements will be met and a ten-foot side path will also be added along Huntersville-Concord Road.
- **DT 9.1: Connect Torrence Creek Greenway to Holbrook Park and into and through Downtown.** Comment: The proposed sketch plan will accommodate the County’s planned greenway to connect to Downtown from the East. Conversations have been ongoing with the developer and a formal working agreement between the County & developer is tentatively scheduled to be in place when the preliminary plan is approved.
- **EOS 8.3: Continue to require locational standards for open space in new developments. Urban Open Space should be located within walking distance of homes in new subdivisions that are not located in rural areas. Open space should be located in undivided preserves, where possible, and should be accessible to the largest number of lots with the development.** Comment: The development is adjacent to a proposed greenway and is within 600’ of an urban open space on Cinnabar Place.

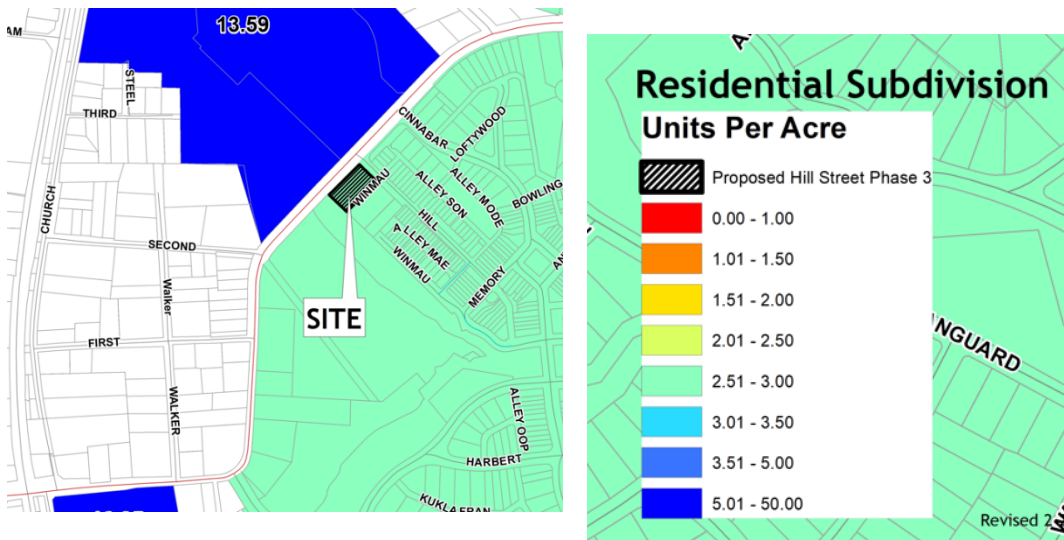
- **EOS 10: Improve bicycle and pedestrian facilities throughout Town.** Comment: The developer is proposing a ten-foot side path adjacent to the frontage along Huntersville-Concord Road which will support pedestrians & bikers in the vicinity. The subject property is located parallel to the County's planned greenway route through Town. Coordination between the developer, and the Town & the County should be implemented to accommodate the future greenway.
- **EOS 10.1: Implement the Bicycle and Pedestrian Committee's 30-by-30 plan. Connect all parks, schools, neighborhoods, major shopping into the Greenway System by 2030 incrementally over the next 10 years.** Comment: This project will help to facilitate the development of the County's greenway in the vicinity of Huntersville-Concord Road & Clarke Creek, and help to connect surrounding neighborhoods to the greenway network. A side path along Huntersville-Concord Road will improve the conditions for bikers in the vicinity. Sidewalks along Huntersville-Concord, Hill Street, and Winmau Lane will also help to improve connectivity in the area.
- **LU 2.1: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville's zoning jurisdiction.** Comment: The proposed development is found within the Mixed-Use Center and is within two miles of the I-77/NC 115 corridor & is located 0.35 miles from NC 115.
- **LU 5.3: Support infill housing options near services, shopping, employment, and transit stations. Encourage infill development opportunities to increase housing options with proximity to nearby services, shopping, employment opportunities, and transit stations.** Comment: The proposed development is in close proximity to a planned future rail transit station and will provide the Town with infill housing close to services & employment opportunities. The planned Vermilion Village project, a mixed used venture featuring commercial & medical offices, is directly across the street from the proposed subdivision.
- **LU 7.1: Require all new development to adhere to the following design principles:**  
**All buildings shall front a public street or open space.** Comment: All lots associated with the proposed subdivision will front a public street or open space.
- **LU 9.1: In higher intensity areas including Mixed Use Centers, Activity Centers, the Town Core, and Moderate Density areas neighborhoods should adhere to the following design principles:**
  - All homes must front a public street or open space.
  - Front porches and recessed garages are encouraged.
  - On-street parking is required in new developments that have lot widths below 60'. Alley-loading is also encouraged in these cases. Comment: The proposed subdivision meets the design principles-as all lots front public streets or open space areas-while utilizing alleys in the overall design.
- **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.** Comment: This development would provide six townhomes to support the growing demand for housing options within the Town.
- **LU 10.2: Continue to encourage a mix of lot sizes in new developments.** Comment: The proposed development offers two lot types. Phase II of Hill Street featured two lot types while Phase I included three lot types.
- **T 3.2: Improve multimodal connectivity by coordinating with other departments to implement the Huntersville Bicycle Master Plan, expanding the greenway network, and supporting enhanced pedestrian connections.** Comment: The proposed plan will provide a ten-foot side path along Huntersville-Concord Road, which will help to improve the facilities for bikers along a very busy road.

## 2. Conformity.

The proposed development is part of the Vermillion subdivision which has an overall density of 2.63 DUA. The site is highlighted on the map below.



Density Map:



### 3. Access between Adjoining Properties.

The subdivision provides an additional connection between Winmau Lane & Hill Street enhancing the connectivity for Vermillion.

### 4. Relation to topography.

The street network and lot layout have been designed to respect the general topography of the site and works to integrate the proposed subdivision into the other phases of the townhome development found along Hill Street.

### 5. Mature trees and natural vegetation.

The proposed project is required to save 0 percent of the tree canopy, 0 percent of specimen trees and 100% of the heritage trees. All three of these requirements are being satisfied, as outlined in Part 2, Item 5 of this report.

### 6. Access to parks, schools, etc.

Veterans Park is located 0.5 miles from the proposed subdivision, and Holbrook Park is located approximately 1.3 miles from the site. Huntersville Elementary is also located 1.3 miles from the project site.

### 7. Discourage through traffic.

All streets are appropriately sized for residential traffic. The proposed subdivision will be served by an existing road network, including Hill Street. The narrow road network found along Hill Street & Winmau Lane coupled with the residential character of the area would not encourage cut-through traffic.

### 8. Relationship to railroad rights-of-way.

Not Applicable.

### 9. Half streets.

Not Applicable.

### 10. Parallel streets along thoroughfares.

Not Applicable.

### 11. Public School and Public Park Sites

The parcels associated with Hill Street Subdivision Phase 3 Sketch Plan have not been identified for a school. A future greenway is planned and will be accommodated by the proposed development.

### 12. Public Facilities

The parcels associated with the Hill Street Subdivision Phase 3 Sketch Plan have not been identified for a public facility.

### 13. Proposed street names

The street names for Hill Street Subdivision Phase 3 Sketch Plan will be provided with Preliminary (Construction) Plan submission (if Sketch Plan is approved).

### 14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments for review.

### 15. Proposed water and sewerage system.

A willingness to serve letter has not been provided at this time by the applicant due to Charlotte Water's capacity issues. Please note, no building permits will be issued without the availability of water and sewer.

### 16. Restrictions on the subdivision of land subject to flooding.

Streams are located adjacent to the site. However, none of the site is in a designated flood zone.

### 17. Open Space

Urban open space will be provide via the greenway. Also, the site is approximately 600' from an urban open space on Cinnabar Place.

### 18. Impact of Development on Public Facilities

There is no indication the proposed subdivision will adversely impact public facilities. While this section of the Ordinance does not call for the specific consideration of impact to public schools (CMS), staff contacts Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation for all major subdivision requests. According to CMS, the development will generate one new student who will attend local schools. Two of the schools are currently facing overcrowding issues. A section of CMS's report is provided below. See Attachment D: CMS Report.

| <u>Schools Affected</u>   | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-<del>GC</del>)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|---------------------------|---------------------------------|----------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| LEGETTE BLYTHE ELEMENTARY | 53                              | 50                                           | 871                                                        | 822                                                            | 106%                                                               | 1                                                          | <b>106%</b>                                                           |
| JM ALEXANDER MIDDLE       | 48                              | 54                                           | 938                                                        | 1055                                                           | 89%                                                                | 0                                                          | <b>89%</b>                                                            |
| NORTH MECKLENBURG HIGH    | 116.5                           | 108                                          | 2146                                                       | 1989                                                           | 108%                                                               | 0                                                          | <b>108%</b>                                                           |

## PART 5: STAFF RECOMMENDATION

### COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.



#### COMPLIANCE WITH APPLICABLE REQUIREMENTS

Hill Street Subdivision Phase 3 Sketch Plan complies with all applicable requirements and is supported by findings of fact outlined in Parts 2-4 of this report, with the following conditions:

- Urban open space greenway is coordinated with Mecklenburg County
- Stormwater plan is approved at the engineering Preliminary Plan stage.
- All other plan comments are addressed.

#### **PART 6: PLANNING BOARD RECOMMENDATION**

Planning Board will review on Tuesday, March 22nd, 2022.

#### **PART 7: TOWN BOARD FINAL ACTION**

The Town Board is tentatively scheduled to consider this request on Monday, April 18, 2022.

#### **PART 8: ATTACHMENTS AND ENCLOSURES**

- A – Subdivision Sketch Plan Application
- B – Proposed Hill Street Subdivision Phase 3 Subdivision Sketch Plan
- C – Neighborhood Meeting Report
- D – CMS Report

#### **PART 9: DECISION STATEMENTS**

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



# 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 9-14-2021

Name of Project Hill Street Phase 3 Phase # (if subdivision) \_\_\_\_\_

Project Address 13895 Hill Street

Parcel Identification Number(s) (PIN) 01905211

Current Zoning District NR Proposed District (for rezoning only) \_\_\_\_\_

Property Size (acres) .344 Street Frontage (feet) \_\_\_\_\_

Current Land Use Vacant

Proposed Land Use(s) Townhome Lots

Is the project within Huntersville's corporate limits?

Yes ☒ 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.

Sketch Plan for 6 Townhome Lots

## 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 Hill Street Bowman 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 [Signature] Printed Name: ROBERT B. BOWMAN  
Title MANAGER Email NATE.BOWMAN@GMAIL.COM  
Address of Applicant 13815 Cinnabar Pl, Huntersville, NC 28708

## 7. Property Owner (if different than applicant)

\*Printed Name \_\_\_\_\_ Phone \_\_\_\_\_  
☐ 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 \_\_\_\_\_  
Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

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

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

## 8. Development/Design Firm Contact Information

| Development Firm                | Name of Contact | Phone        | Email           |
|---------------------------------|-----------------|--------------|-----------------|
| Yarbrough-Williams & Houle Inc. | Vince Keen      | 704-556-1990 | vincek@y-wh.com |
| Design Firm                     | Name of Contact | Phone        | Email           |

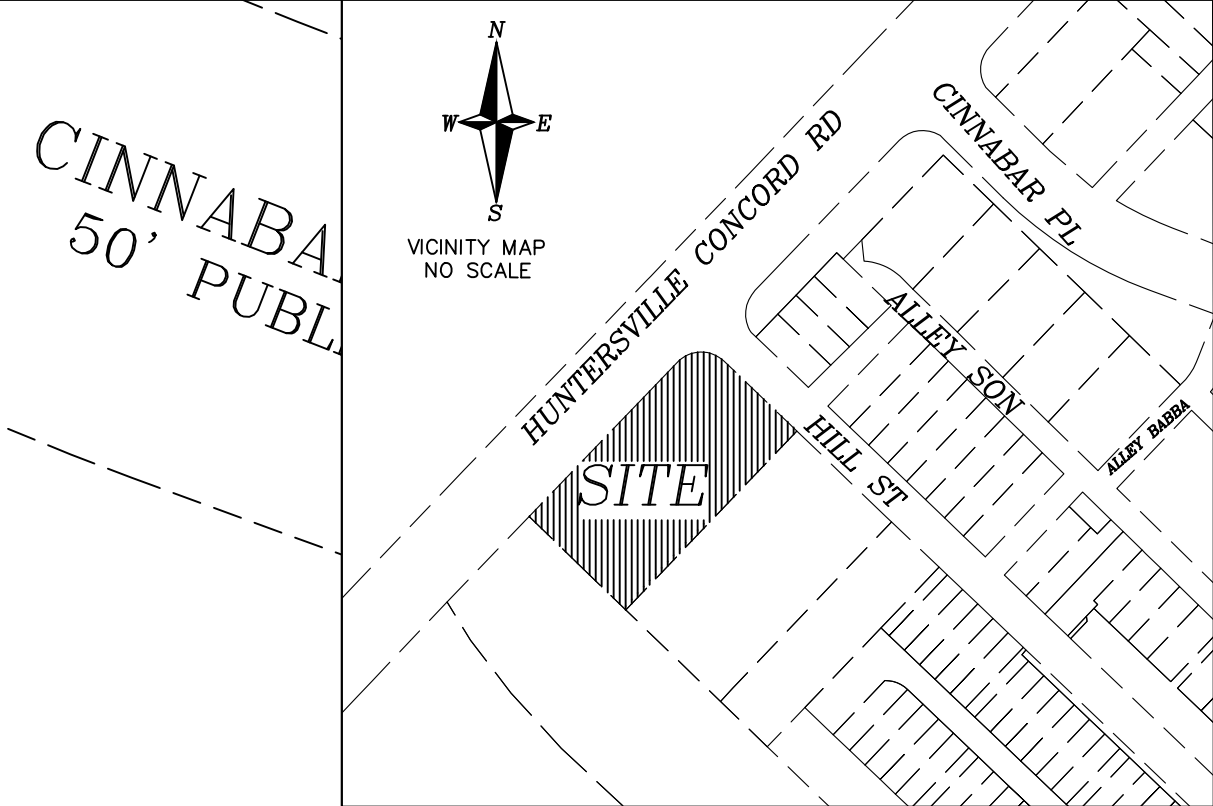
## Contact Information

|                        |                   |                                                                                                                         |
|------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|
| 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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



SHEET INDEX:  
SHEET 1 COVER SHEET  
SHEET 2 EXISTING FEATURES (SITE ANALYSIS) PLAN  
SHEET 3 SKETCH PLAN  
SHEET 4 GRADING/DRAINAGE/STORMWATER PLAN  
SHEET 5 LANDSCAPE PLAN AND BLOCK LENGTH/DETAIL PLAN  
SHEET 6 DETAIL SHEET

# HILL STREET PHASE 3 SKETCH PLAN EPM# 429160



PROJECT INFORMATION  
PARCEL ID: 01905211  
SITE AREA: 0.344 AC. (15,000 S.F.)  
PRINCIPLE USE: MULTIFAMILY- RESIDENTIAL (TOWNHOMES)  
BUILDING TYPE: ATTACHED  
ZONING: NR(TND-O) Rezoning Case Number: R-00-20  
UNITS PROVIDED: 6

DWELLINGS PROVIDED: 6  
DENSITY PROVIDED: 6/0.344= 17.44 UNITS PER ACRE

MIN. LOT SIZE: 1,333 S.F. (LOT 12)  
AVG. LOT SIZE: 1,623S.F.  
LOT WIDTH RANGE:  
# OF 21' WIDE LOTS: 2  
# OF 24' - 30.14' WIDE LOTS: 4

TYPICAL LOT SETBACKS:  
REAR SETBACK 3'-5'  
SIDEYARD 0'(3' MIN. CORNER)  
BUILD-TO RANGE 6'-15'

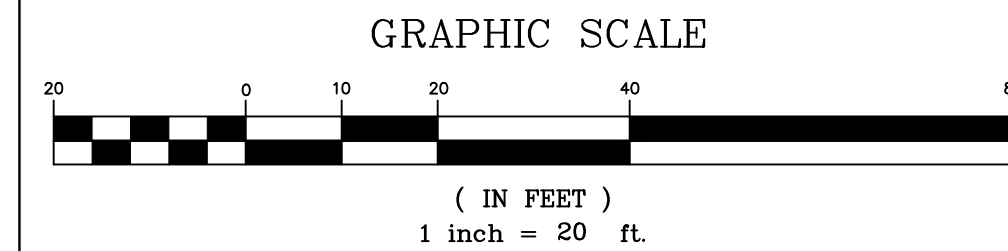
HERITAGE TREES:  
NUMBER OF HERITAGE TREES ON SITE: 0  
NUMBER OF HERITAGE TREES SAVED: N/A  
% OF HERITAGE TREES REQUIRED TO SAVE: 100%  
% OF HERITAGE TREES ACTUALLY SAVED: N/A  
SPECIMEN TREES:  
NUMBER OF SPECIMEN TREES ON SITE: 3  
NUMBER OF SPECIMEN TREES SAVED: 0  
% OF SPECIMEN TREES REQUIRED TO SAVE: 0%  
% OF SPECIMEN TREES ACTUALLY SAVED: 0%  
TREE CANOPY:  
% OF SITE COVERED BY TREE CANOPY: 100%  
% OF TREE CANOPY PRESERVATION REQUIRED BY DISTRICT: 0%  
% OF TREE CANOPY ACTUALLY SAVED: 0 AC (0.00%)  
\*SITE IS VESTED FROM TREE SAVE REQUIREMENTS PER TOH

ON-SITE IMPERVIOUS:  
CONC. SIDEWALK AND DRIVEWAY APRON- 1,656.33 S.F.  
DRIVEWAY-479.52 S.F.  
ROADWAY- 1,293.05 S.F.  
BUILDING- 9738.00 S.F.  
TOTAL IMPERVIOUS- 13,166.90 S.F. (87.78%)

THIS SITE IS NOT LOCATED WITHIN A REGULATED WATERSHED DISTRICT.  
THIS SITE IS LOCATED WITHIN THE CLARKE STREAM WATERSHED.

THIS SITE IS NOT LOCATED WITHIN A FEMA FLOOD ZONE PER FEMA PANEL # 3710465100K

THIS PROJECT WILL UTILIZE THE URBAN OPEN SPACE TRIANGLE LOCATED BETWEEN THE INTERSECTIONS OF NOTCHWOOD COURT, LOFTYWOOD COURT, AND CINNABAR PLACE IN THE VERMILION SUBDIVISION. PROXIMITY TO THIS URBAN OPEN SPACE IS 0.1 MILES.



THIS PLAN IS A **FINAL DESIGN-NOT RELEASED FOR CONSTRUCTION** UNLESS INITIALLED/DATED AS APPROVED:  
APPROVED: \_\_\_\_\_ INITIALS \_\_\_\_\_ DATE \_\_\_\_\_

NOTES:  
ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.

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

ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.

ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.

LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION F RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.

MAIL DELIVERY WILL BE TO EXISTING MAIL KIOSK IN VERMILION SUBDIVISION OFFICE LOCATED AT 13815 CINNABAR PLACE, HUNTERSVILLE, NC 28078. TRASH PICKUP WILL BE THROUGH ROLL OUT CANS TO THE STREET.

REFER TO ARTICLE 8.16.1 & 2 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE FOR RESIDENTIAL SUBDIVISION STANDARDS.

DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.

LOTS SUBJECT TO FLOODING SHOULD NOT BE ESTABLISHED IN SUBDIVISIONS EXCEPT AS PROVIDED IN SECTION 7.280.

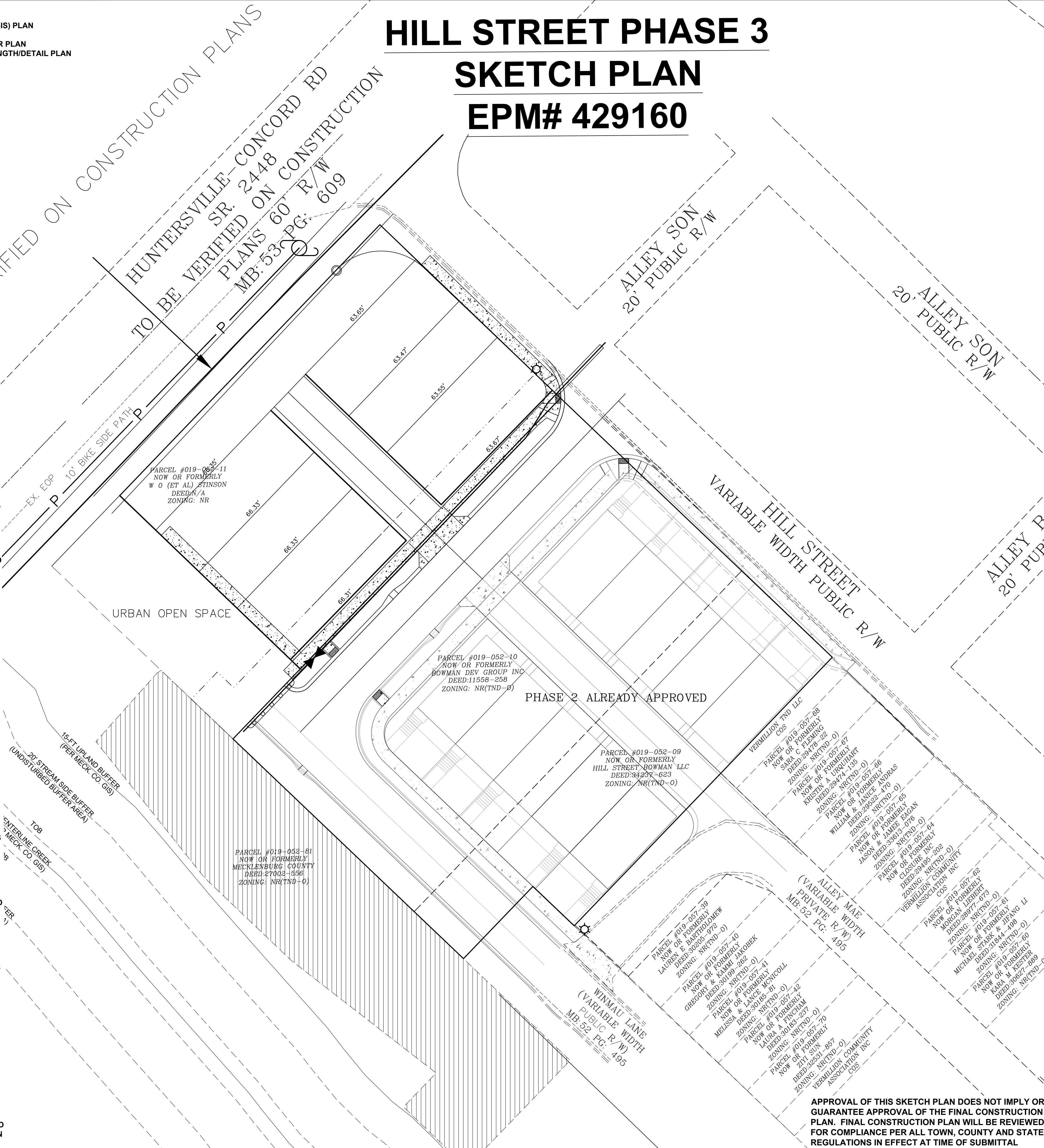
ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED BY FLOODWAY FRINGE DISTRICT BOUNDARY LINE AND FLOODWAY DISTRICT ENCROACHMENT LINE SUBJECT TO THE RESTRICTIONS IMPOSED BY FLOODWAY REGULATIONS.

SEWER AND WATER SERVICE WILL BE PROVIDED BY CHARLOTTE WATER.

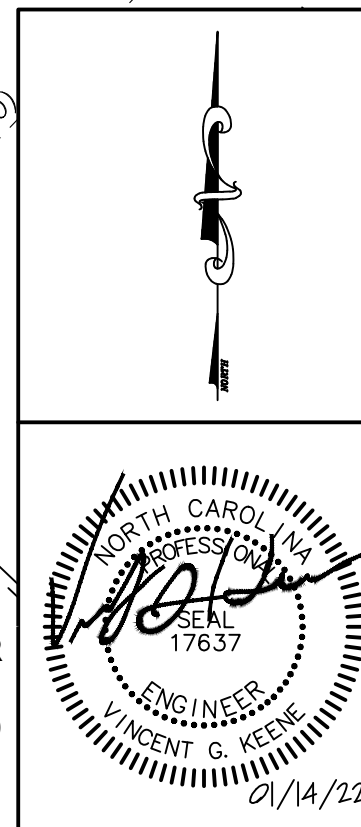
ALL ALLEYS SHALL BE OPEN FROM GENERAL USAGE BY THE GENERAL PUBLIC BUT SHALL NOT BE ACCEPTED BY THE PUBLIC FOR MAINTENANCE. MAINTENANCE SHALL BE RESPONSIBILITY OF DEVELOPER/ASSOCIATIONS OF HOMEOWNERS.

A TIA MITIGATION PLAN HAS BEEN SUBMITTED AND APPROVED BY THE TOWN OF HUNTERSVILLE. THE MITIGATION PLAN DATED xx/xx/xxxx IS ON FILE WITH THE TOWN OF HUNTERSVILLE PLANNING DEPARTMENT.

TOWN OF HUNTERSVILLE BUILD-TO LINE DEFINITION- "BUILD-TO LINE. A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATIONN, EXCLUSIVE OF PORCHES, BAY WINDOWS, AND SIMILAR APPURTENANCES MUST BE ERRECTED; INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET."

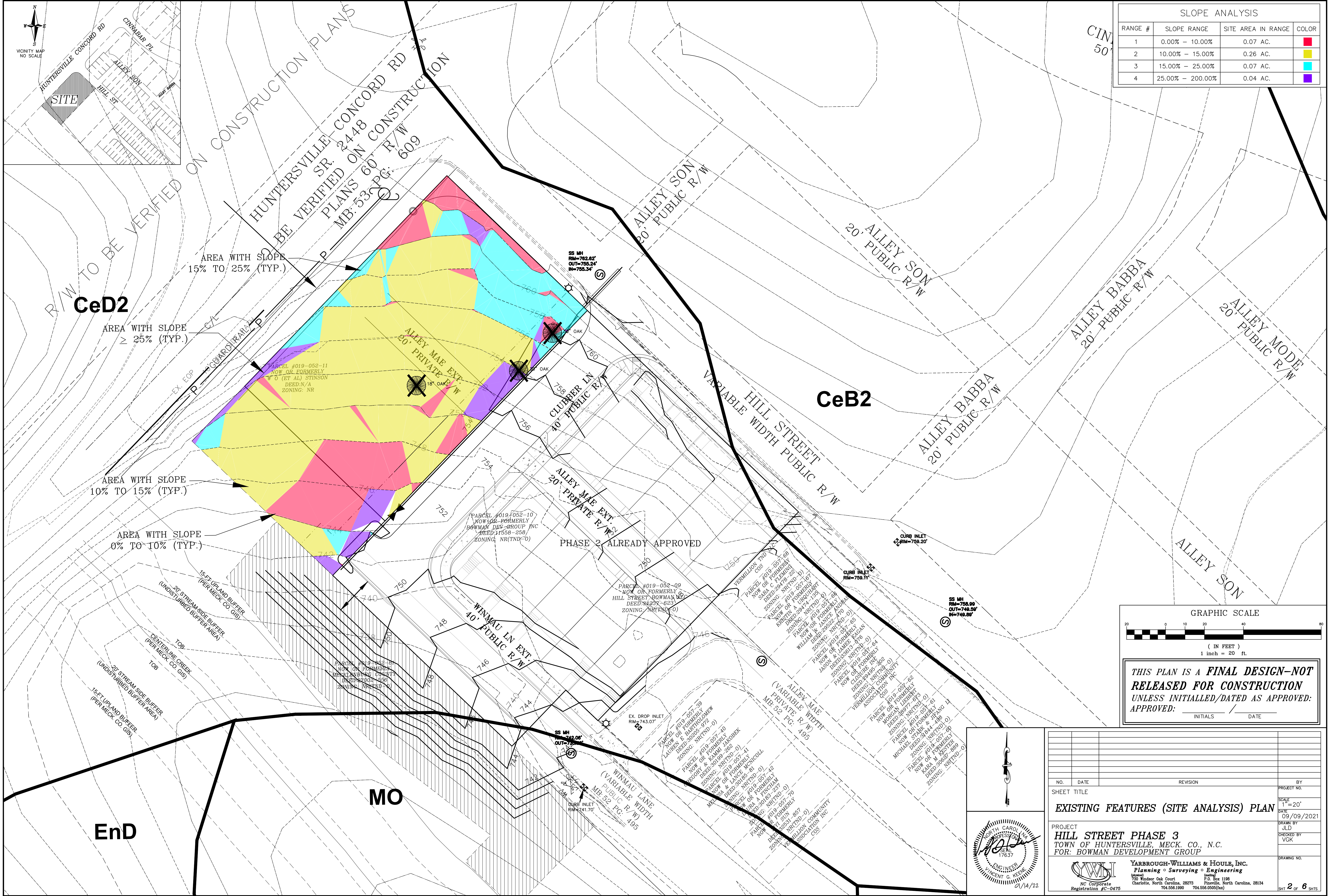


APPROVAL OF THIS SKETCH PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL OF THE FINAL CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL

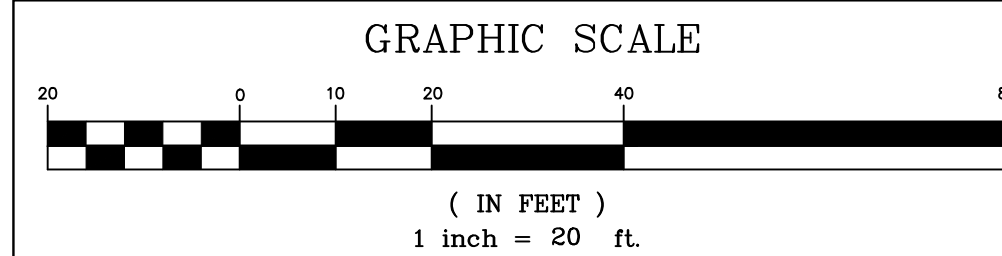


|                                  |  |                                       |  |                       |  |                 |  |
|----------------------------------|--|---------------------------------------|--|-----------------------|--|-----------------|--|
| NO.                              |  | DATE                                  |  | REVISION              |  | BY              |  |
| SHEET TITLE                      |  | PROJECT NO.                           |  | SCALE                 |  | DATE            |  |
| COVER SHEET                      |  | HILL STREET PHASE 3                   |  | 1"=20'                |  | 09/09/2021      |  |
| PROJECT                          |  | TOWN OF HUNTERSVILLE, MECK. CO., N.C. |  | DRAWN BY              |  | JLD             |  |
| FOR: BOWMAN DEVELOPMENT GROUP    |  | CHECKED BY                            |  | VCK                   |  | DRAWING NO.     |  |
| YARBROUGH-WILLIAMS & HOULE, INC. |  | Planning • Surveying • Engineering    |  | 750 Windsor Oak Court |  | P.O. Box 1198   |  |
| Charlotte, North Carolina, 28273 |  | 704.556.1990                          |  | 704.556.0005(fax)     |  | SHT 1 of 6 SHTS |  |



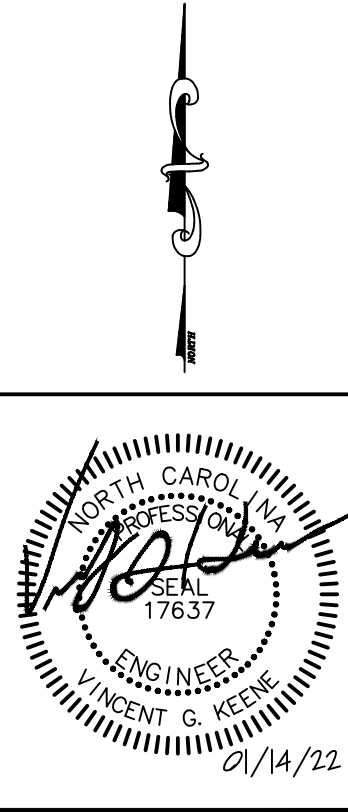


| SLOPE ANALYSIS |                  |                    |        |
|----------------|------------------|--------------------|--------|
| RANGE #        | SLOPE RANGE      | SITE AREA IN RANGE | COLOR  |
| 1              | 0.00% - 10.00%   | 0.07 AC.           | Red    |
| 2              | 10.00% - 15.00%  | 0.26 AC.           | Yellow |
| 3              | 15.00% - 25.00%  | 0.07 AC.           | Cyan   |
| 4              | 25.00% - 200.00% | 0.04 AC.           | Purple |



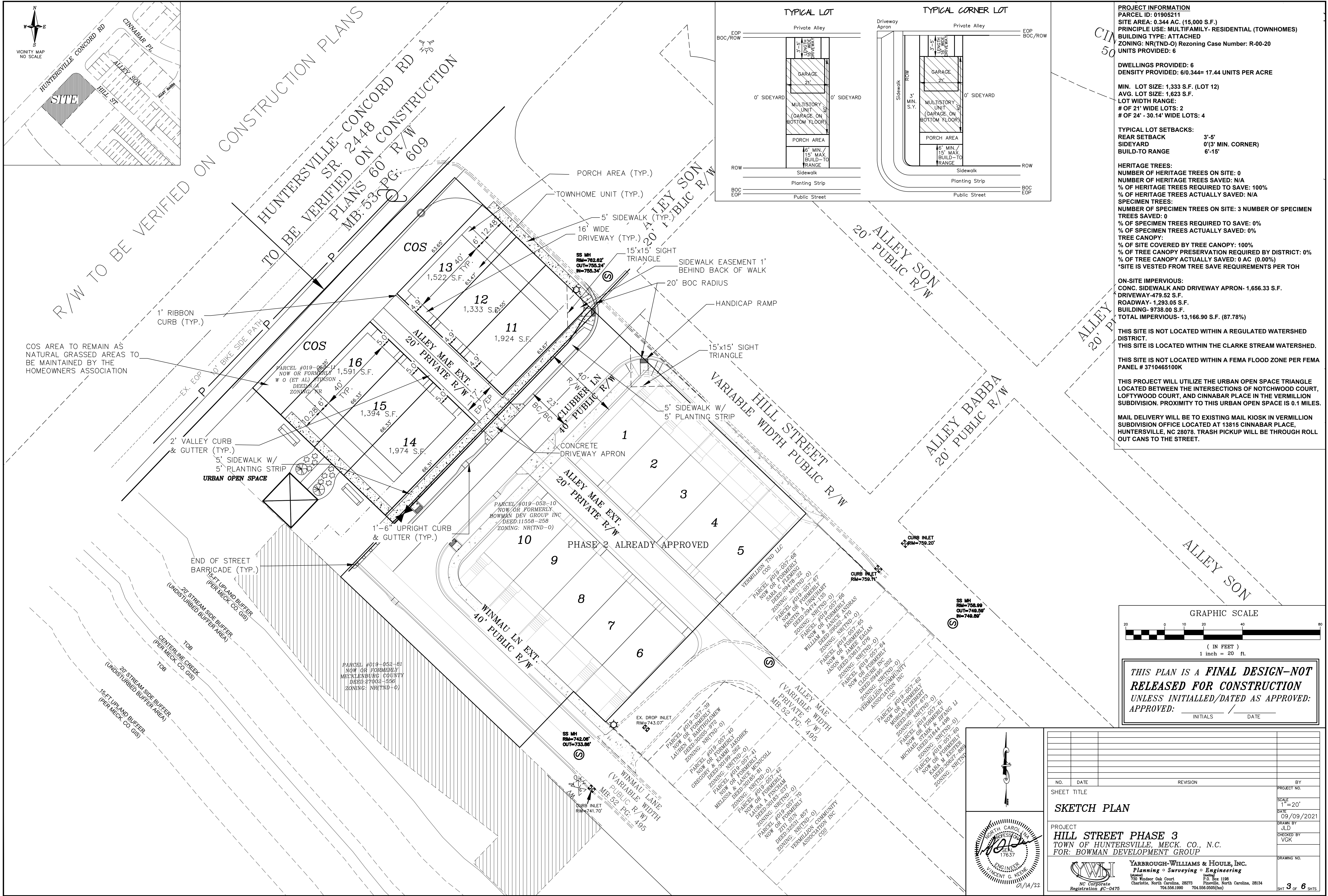
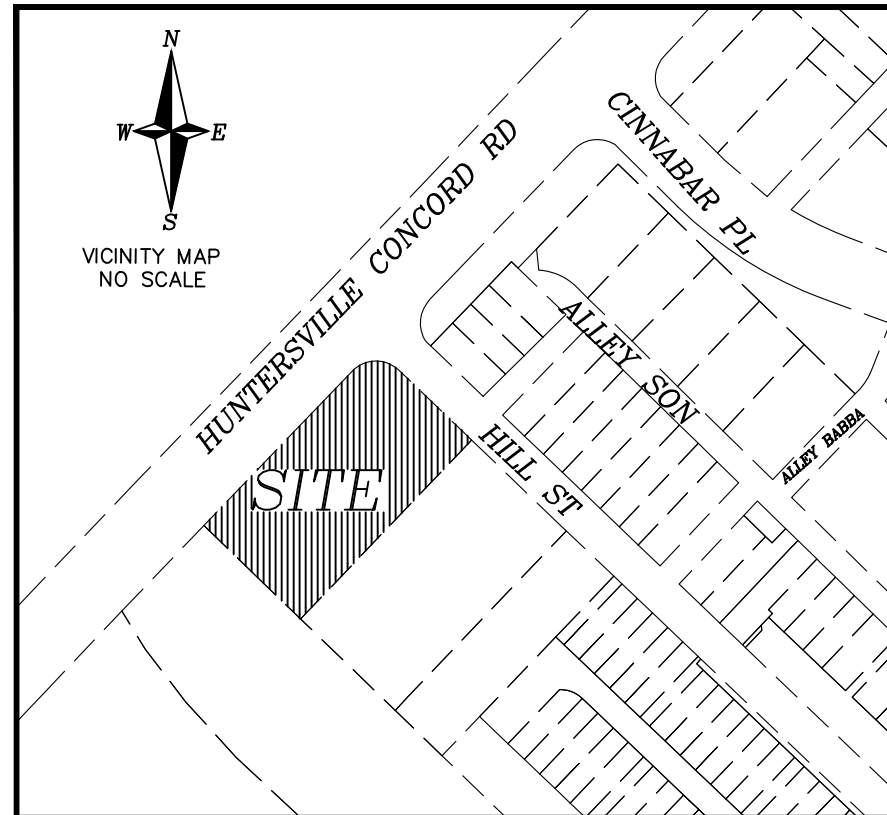
THIS PLAN IS A **FINAL DESIGN-NOT RELEASED FOR CONSTRUCTION** UNLESS INITIALLED/DATED AS APPROVED:  
APPROVED: \_\_\_\_\_ INITIALS \_\_\_\_\_ DATE \_\_\_\_\_

| NO.                                    |  |  | DATE            | REVISION | BY |
|----------------------------------------|--|--|-----------------|----------|----|
| SHEET TITLE                            |  |  | PROJECT NO.     |          |    |
| EXISTING FEATURES (SITE ANALYSIS) PLAN |  |  | SCALE 1"=20'    |          |    |
| PROJECT HILL STREET PHASE 3            |  |  | DATE 09/09/2021 |          |    |
| TOWN OF HUNTERSVILLE, MECK CO., N.C.   |  |  | DRAWN BY JLD    |          |    |
| FOR: BOWMAN DEVELOPMENT GROUP          |  |  | CHECKED BY VGK  |          |    |
| DRAWING NO.                            |  |  | SHT 2 OF 6      |          |    |



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P.O. Box 1198, Pineville, NC 28134  
704.556.1990, 704.556.0005(fax)





**PROJECT INFORMATION**  
PARCEL ID: 01905211  
SITE AREA: 0.344 AC. (15,000 S.F.)  
PRINCIPLE USE: MULTIFAMILY- RESIDENTIAL (TOWNHOMES)  
BUILDING TYPE: ATTACHED  
ZONING: NR(TND-O) Rezoning Case Number: R-00-20  
UNITS PROVIDED: 6

**DWELLINGS PROVIDED: 6**  
**DENSITY PROVIDED: 6/0.344= 17.44 UNITS PER ACRE**

**MIN. LOT SIZE: 1,333 S.F. (LOT 12)**  
**AVG. LOT SIZE: 1,623 S.F.**  
**LOT WIDTH RANGE:**  
# OF 21' WIDE LOTS: 2  
# OF 24' - 30.14' WIDE LOTS: 4

**TYPICAL LOT SETBACKS:**  
REAR SETBACK 3'-5'  
SIDEYARD 0'(3' MIN. CORNER)  
BUILD-TO RANGE 6'-15'

**HERITAGE TREES:**  
NUMBER OF HERITAGE TREES ON SITE: 0  
NUMBER OF HERITAGE TREES SAVED: N/A  
% OF HERITAGE TREES REQUIRED TO SAVE: 100%  
% OF HERITAGE TREES ACTUALLY SAVED: N/A  
**SPECIMEN TREES:**  
NUMBER OF SPECIMEN TREES ON SITE: 3  
NUMBER OF SPECIMEN TREES SAVED: 0  
% OF SPECIMEN TREES REQUIRED TO SAVE: 0%  
% OF SPECIMEN TREES ACTUALLY SAVED: 0%  
**TREE CANOPY:**  
% OF SITE COVERED BY TREE CANOPY: 100%  
% OF TREE CANOPY PRESERVATION REQUIRED BY DISTRICT: 0%  
% OF TREE CANOPY ACTUALLY SAVED: 0 AC (0.00%)  
\*SITE IS VESTED FROM TREE SAVE REQUIREMENTS PER TOH

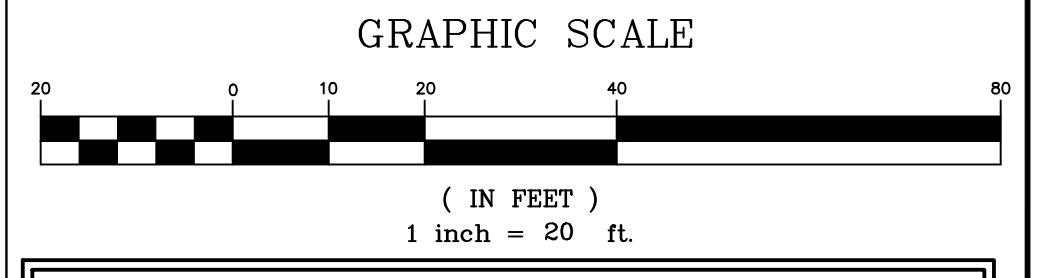
**ON-SITE IMPERVIOUS:**  
CONC. SIDEWALK AND DRIVEWAY APRON- 1,656.33 S.F.  
DRIVEWAY-479.52 S.F.  
ROADWAY- 1,293.05 S.F.  
BUILDING- 9738.00 S.F.  
TOTAL IMPERVIOUS- 13,166.90 S.F. (87.78%)

**THIS SITE IS NOT LOCATED WITHIN A REGULATED WATERSHED DISTRICT.**  
**THIS SITE IS LOCATED WITHIN THE CLARKE STREAM WATERSHED.**

**THIS SITE IS NOT LOCATED WITHIN A FEMA FLOOD ZONE PER FEMA PANEL # 3710465100K**

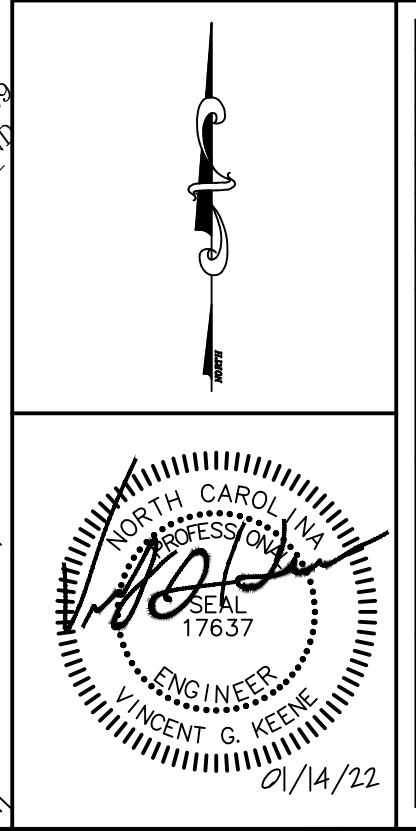
**THIS PROJECT WILL UTILIZE THE URBAN OPEN SPACE TRIANGLE LOCATED BETWEEN THE INTERSECTIONS OF NOTCHWOOD COURT, LOFTYWOOD COURT, AND CINNABAR PLACE IN THE VERMILLION SUBDIVISION. PROXIMITY TO THIS URBAN OPEN SPACE IS 0.1 MILES.**

**MAIL DELIVERY WILL BE TO EXISTING MAIL KIOSK IN VERMILLION SUBDIVISION OFFICE LOCATED AT 13815 CINNABAR PLACE, HUNTERSVILLE, NC 28078. TRASH PICKUP WILL BE THROUGH ROLL OUT CANS TO THE STREET.**



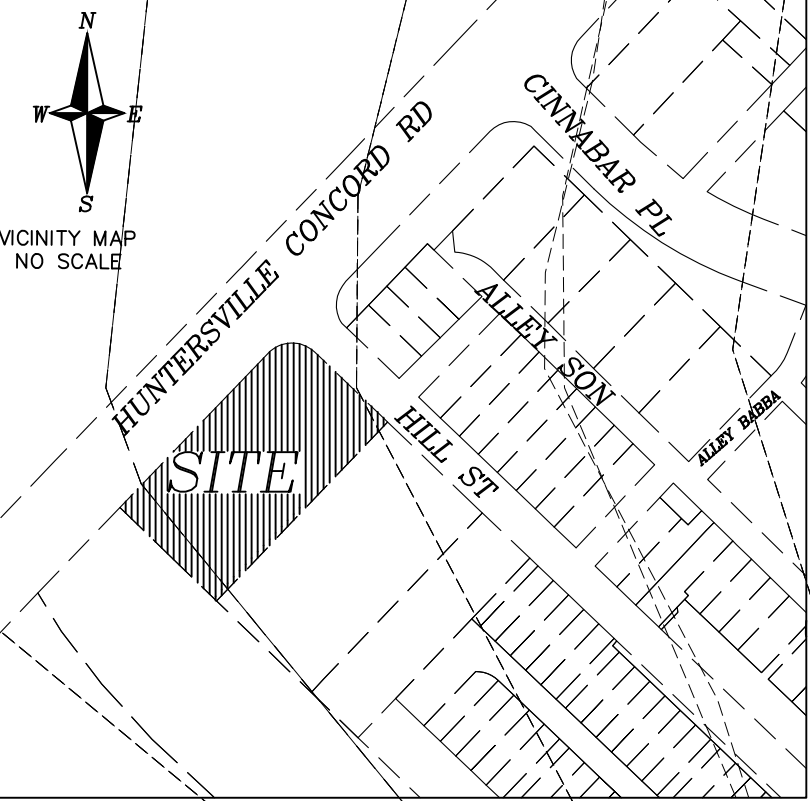
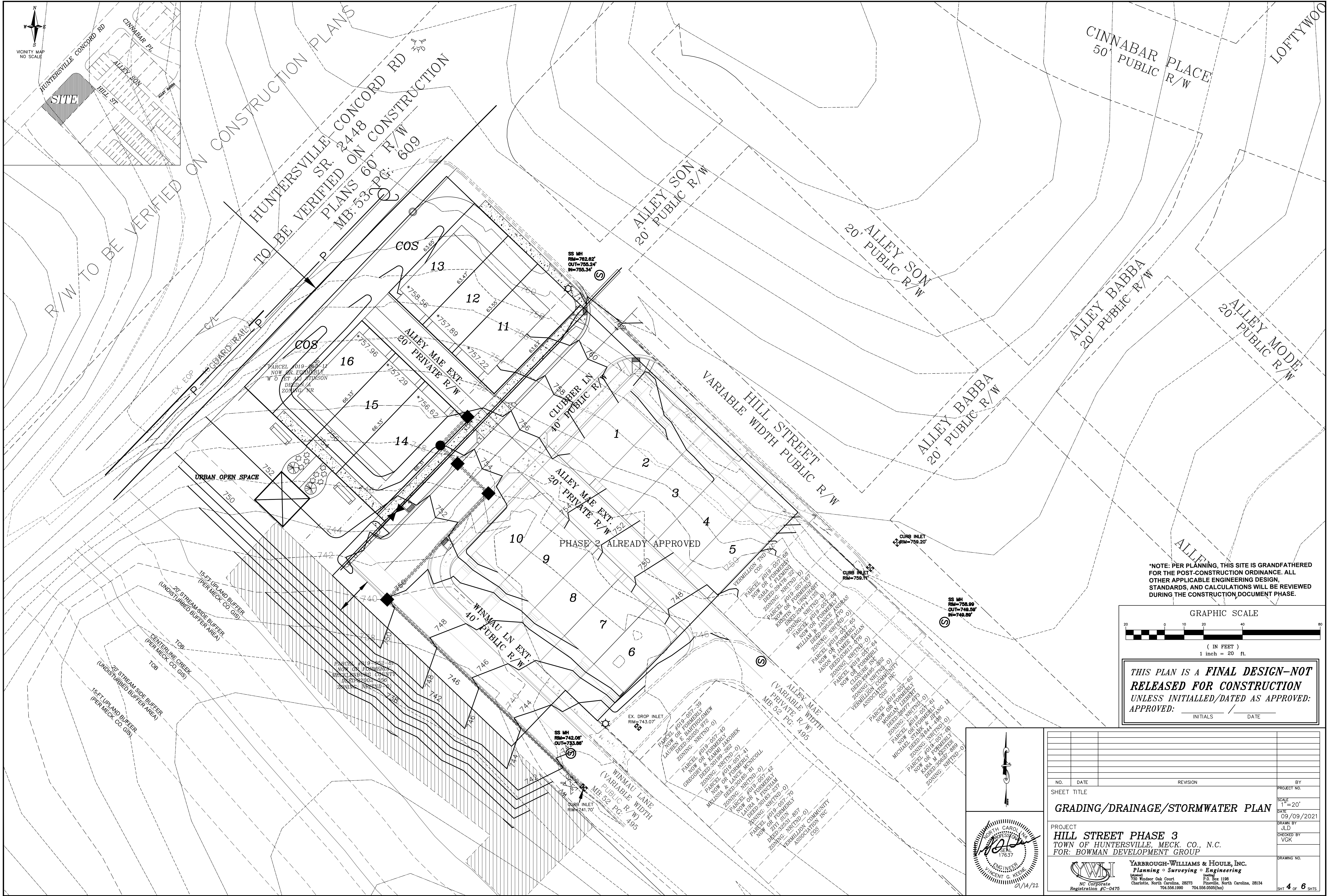
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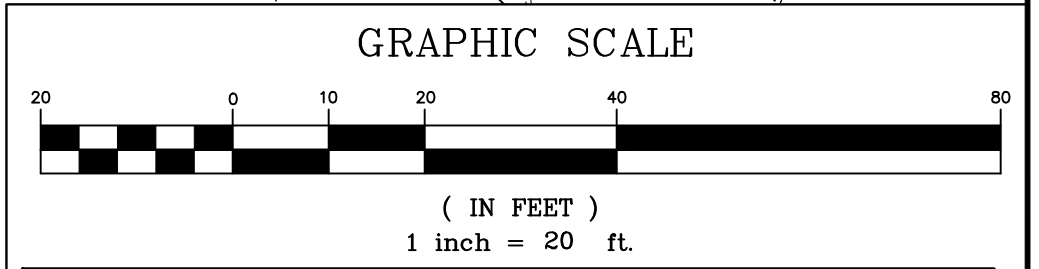


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|---------------------------------------|--|------|----------|-----------------|
| NO.                                   |  | DATE | REVISION | BY              |
| SHEET TITLE                           |  |      |          |                 |
| SKETCH PLAN                           |  |      |          |                 |
| PROJECT                               |  |      |          | PROJECT NO.     |
| HILL STREET PHASE 3                   |  |      |          | SCALE           |
| TOWN OF HUNTERSVILLE, MECK. CO., N.C. |  |      |          | 1"=20'          |
| FOR: BOWMAN DEVELOPMENT GROUP         |  |      |          | DATE            |
|                                       |  |      |          | 09/09/2021      |
|                                       |  |      |          | DRAWN BY        |
|                                       |  |      |          | JLD             |
|                                       |  |      |          | CHECKED BY      |
|                                       |  |      |          | VKG             |
|                                       |  |      |          | DRAWING NO.     |
|                                       |  |      |          |                 |
|                                       |  |      |          | SHT 3 OF 6 SHTS |

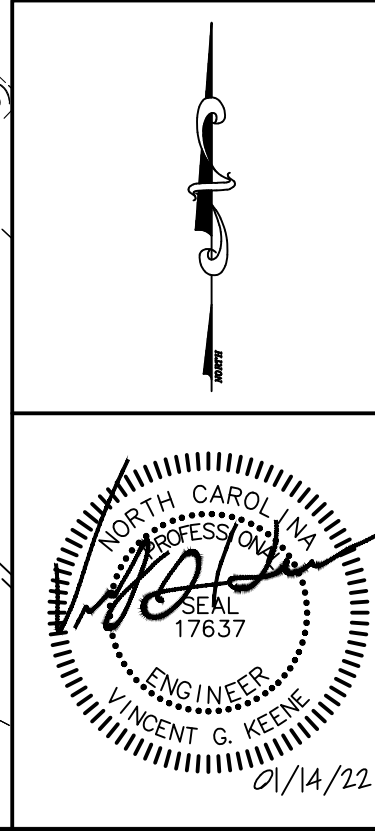




\*NOTE: PER PLANNING, THIS SITE IS GRANDFATHERED FOR THE POST-CONSTRUCTION ORDINANCE. ALL OTHER APPLICABLE ENGINEERING DESIGN, STANDARDS, AND CALCULATIONS WILL BE REVIEWED DURING THE CONSTRUCTION DOCUMENT PHASE.



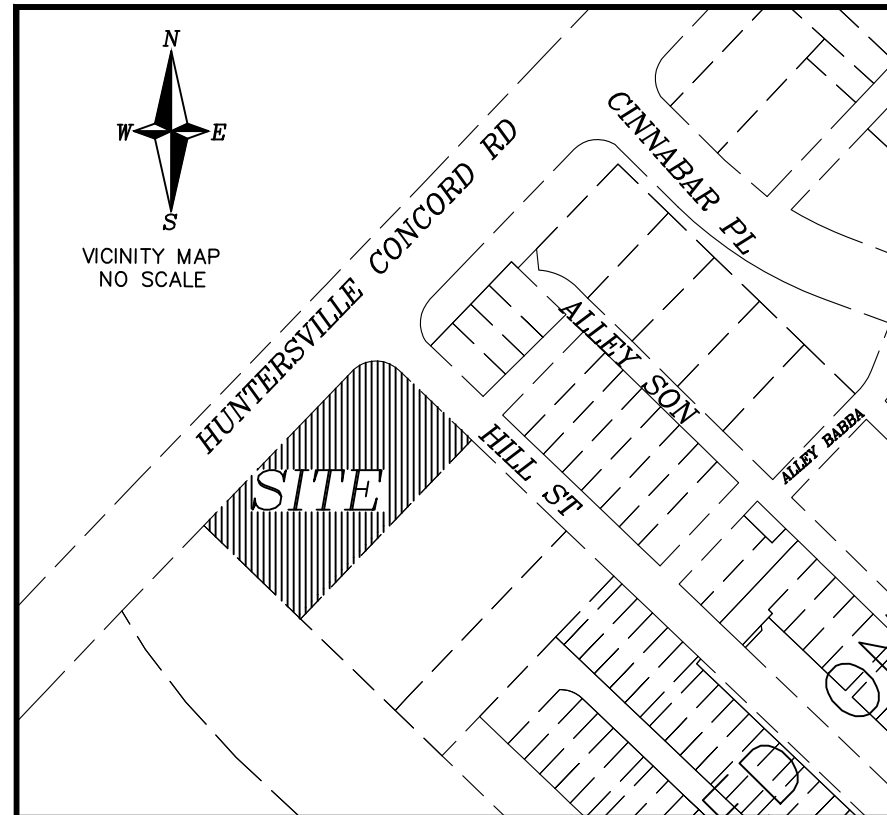
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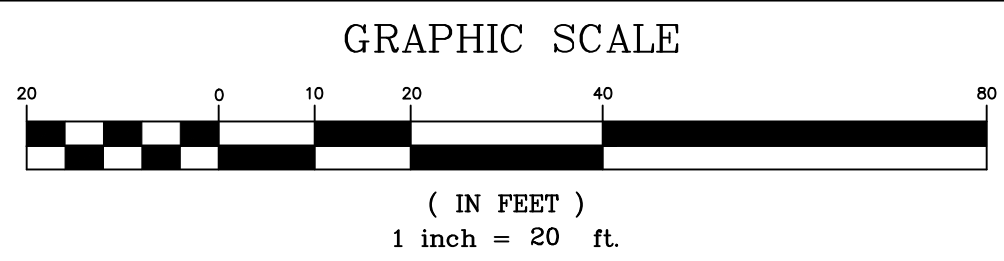
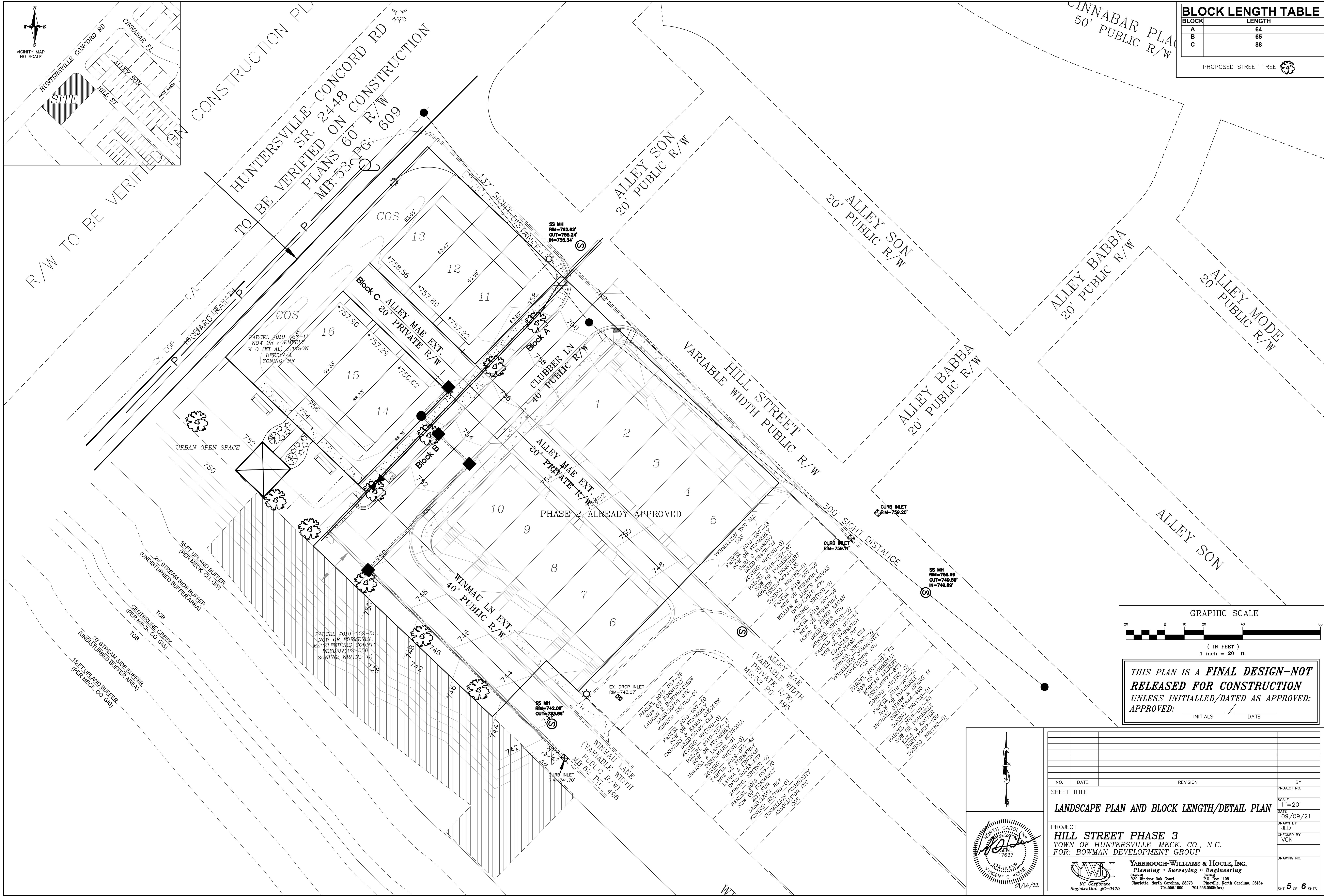
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Planning • Surveying • Engineering  
730 Windsor Oak Court  
Charlotte, North Carolina, 28273  
704.556.1990 704.556.0505(fax)



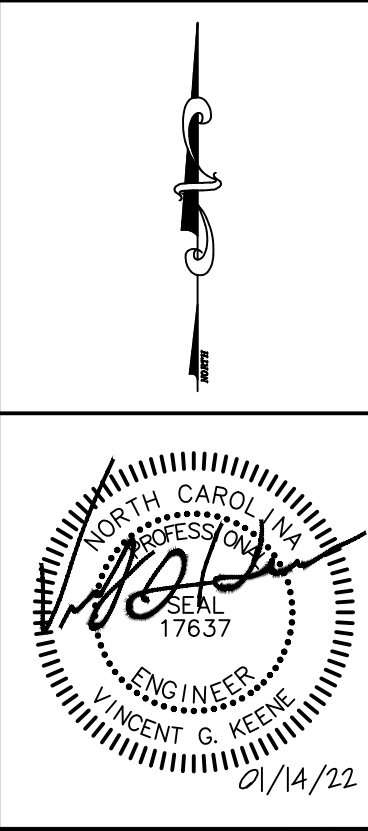


| BLOCK LENGTH TABLE |        |
|--------------------|--------|
| BLOCK              | LENGTH |
| A                  | 64     |
| B                  | 65     |
| C                  | 88     |

PROPOSED STREET TREE



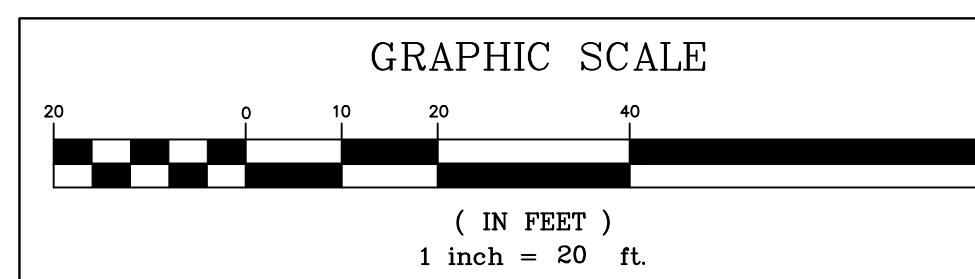
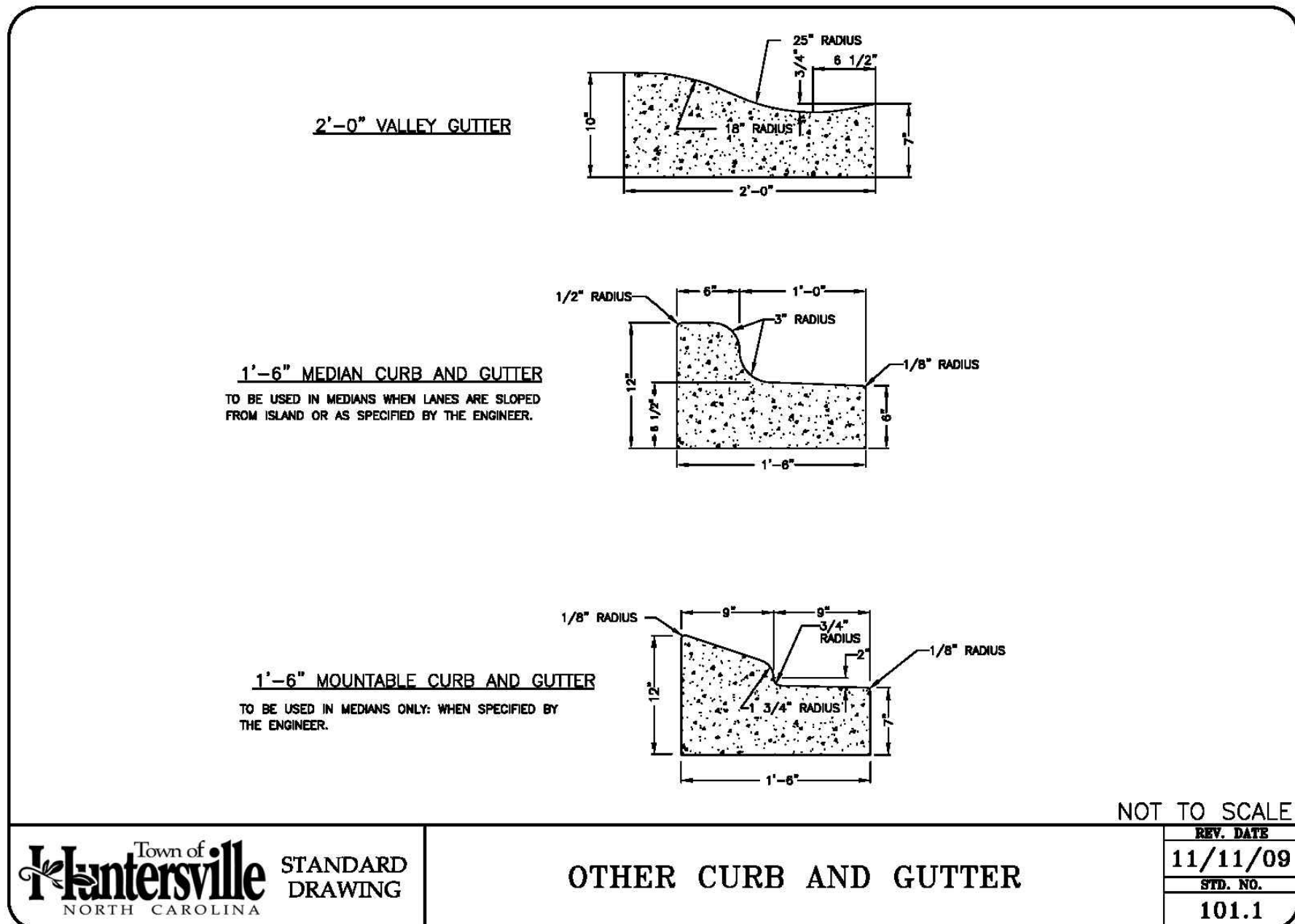
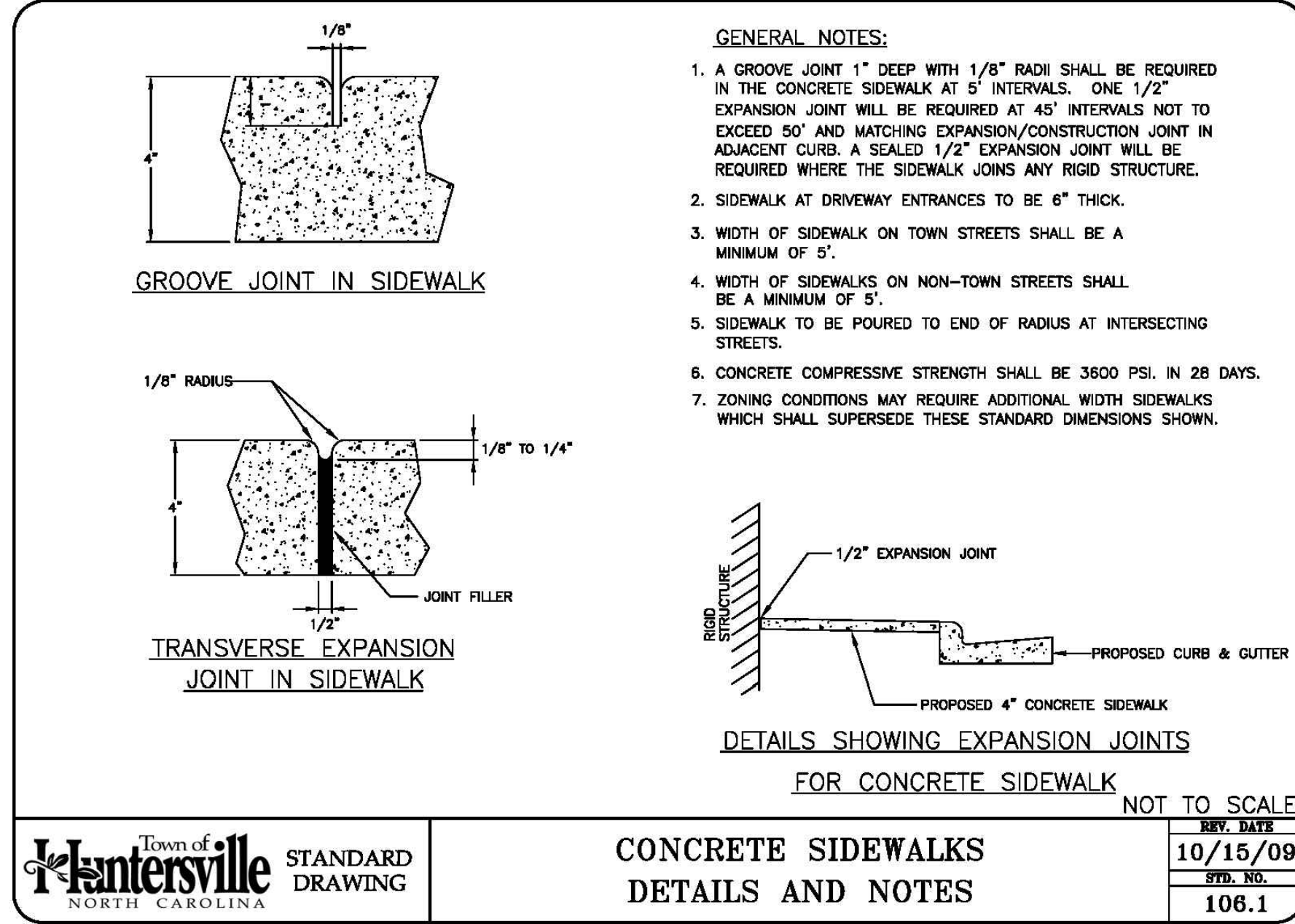
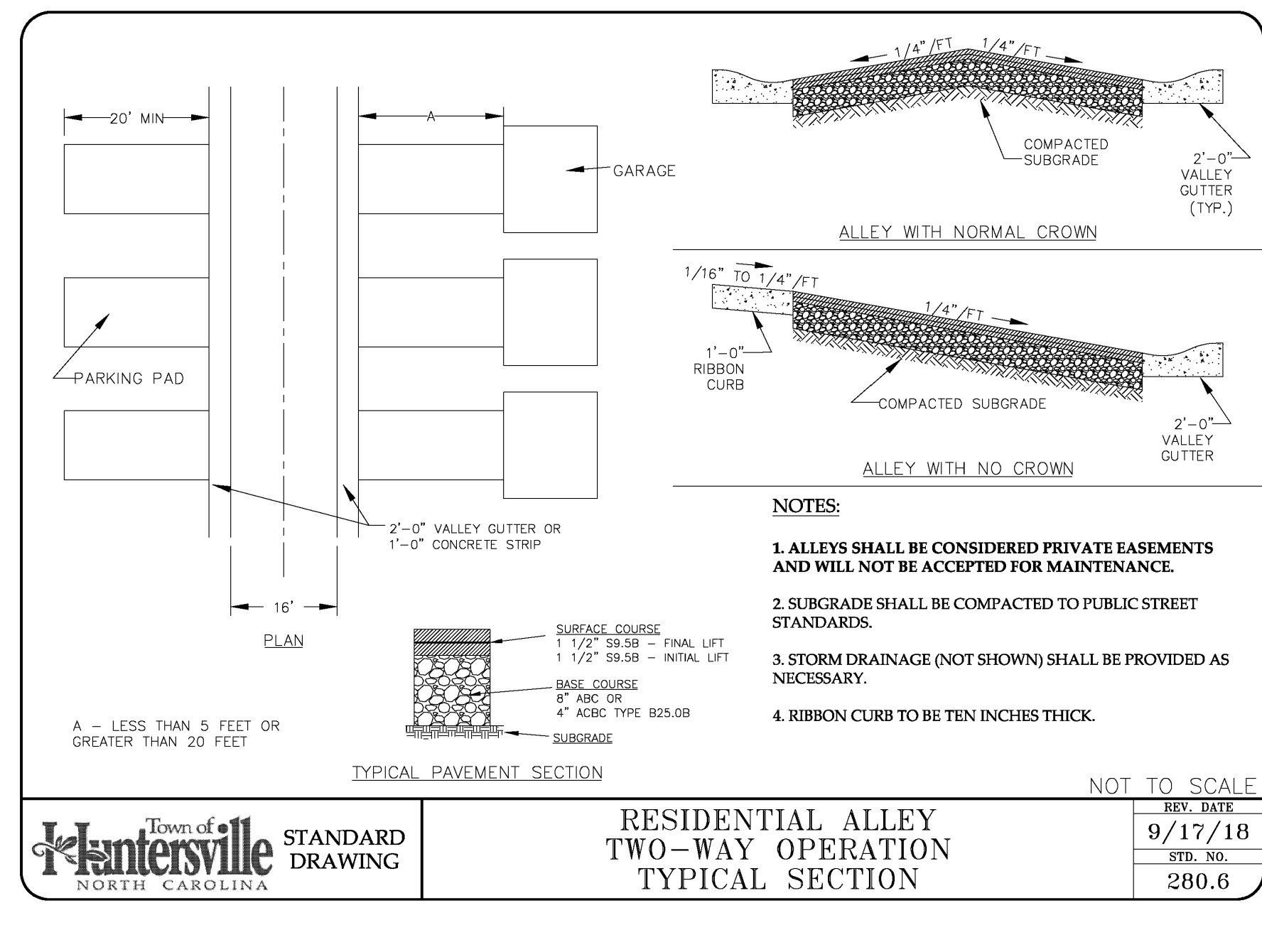
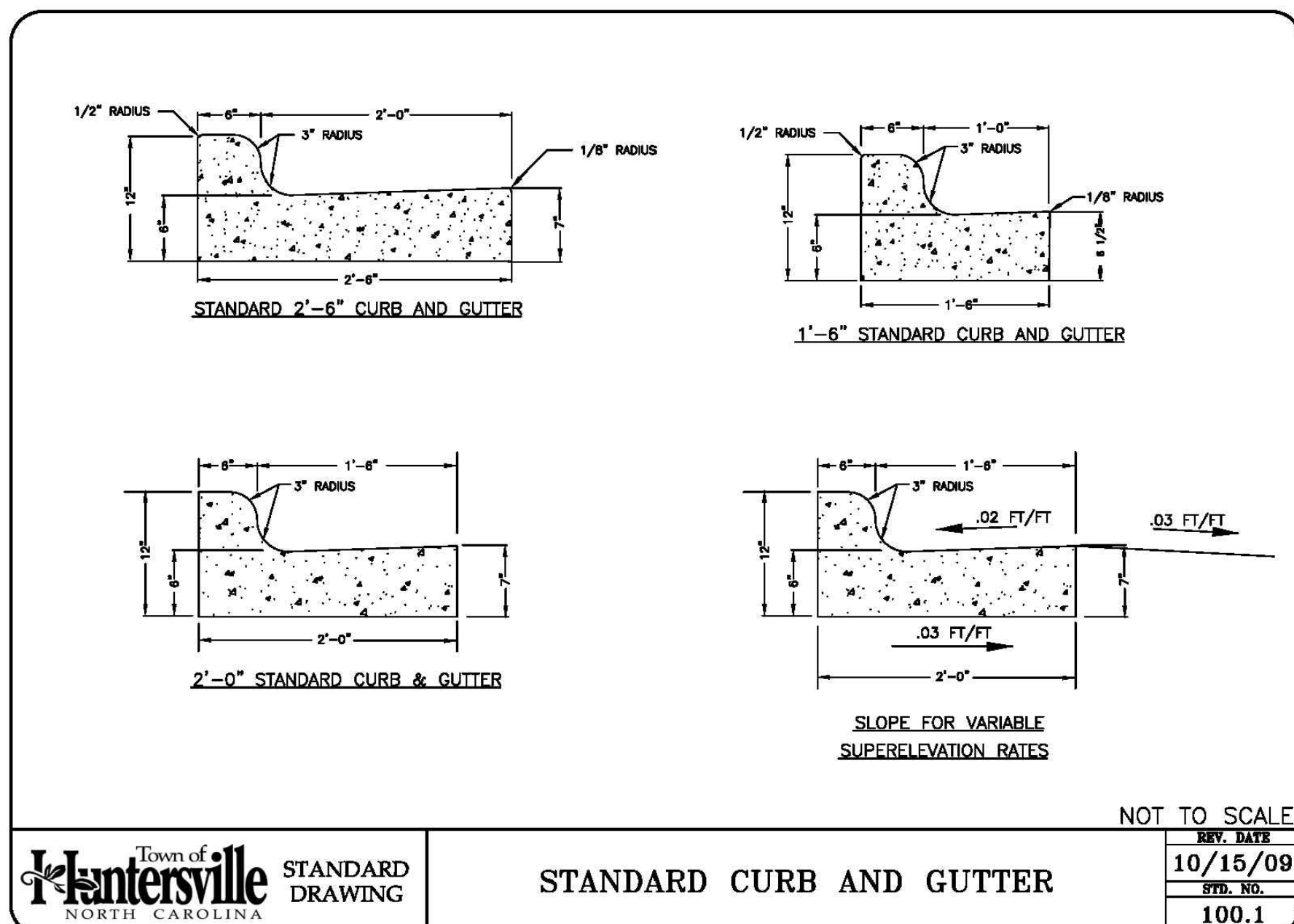
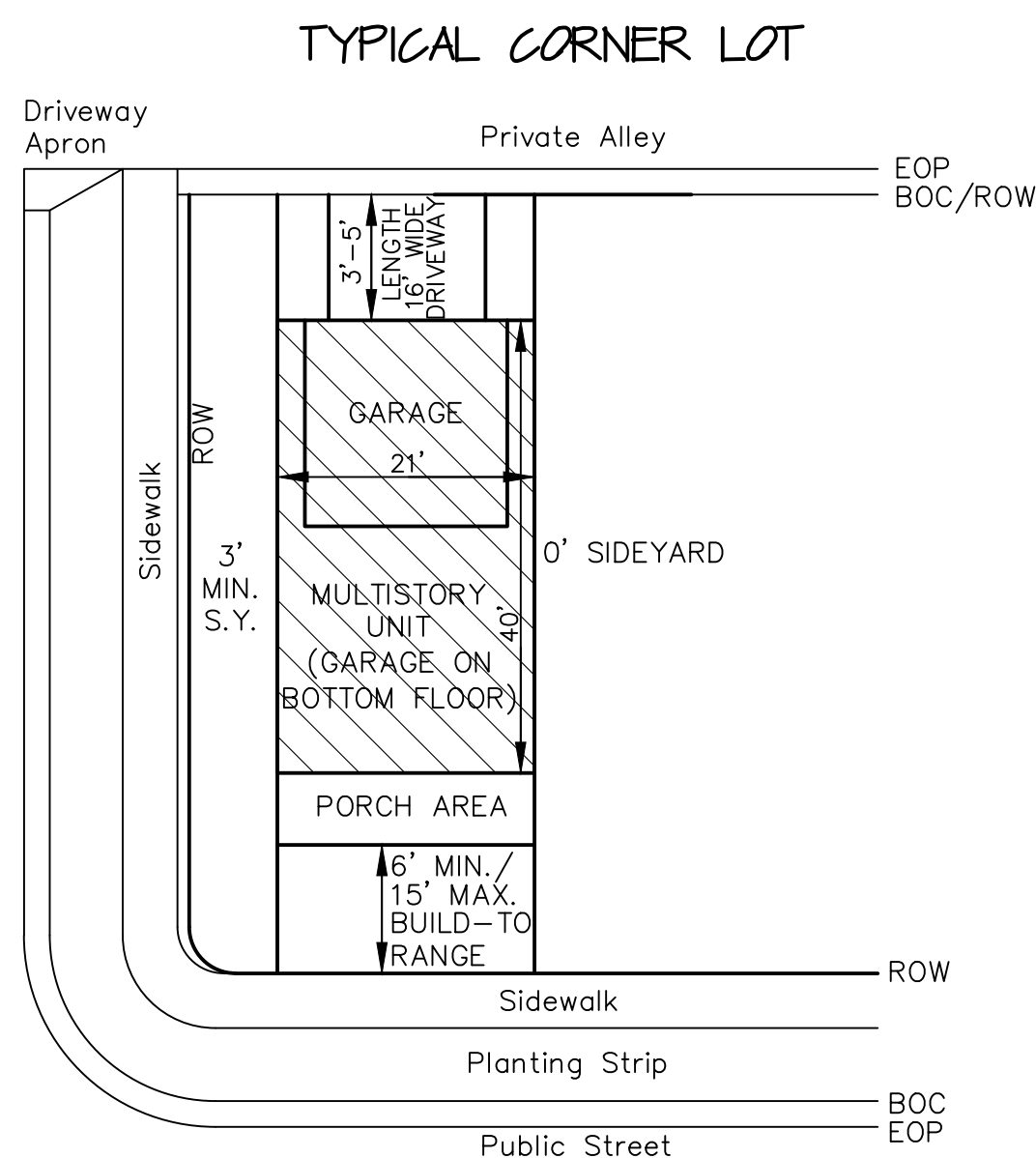
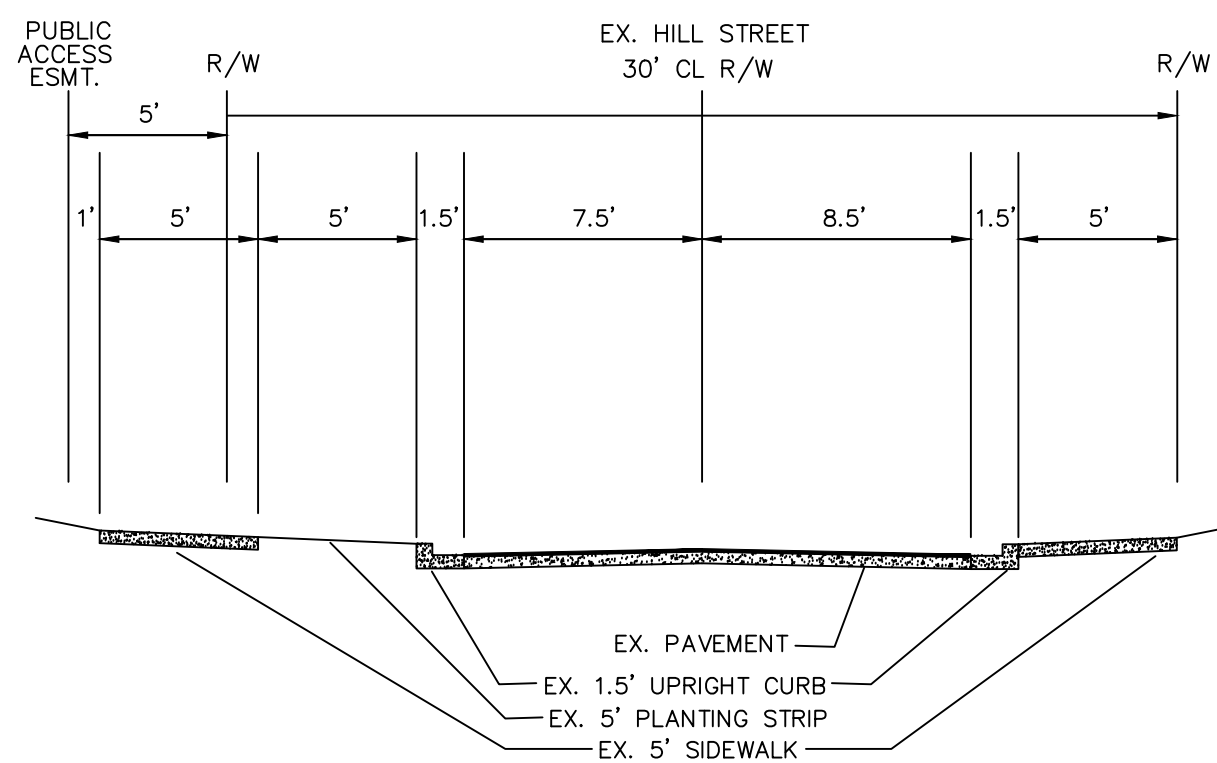
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APPROVED: \_\_\_\_\_ INITIALS \_\_\_\_\_ DATE \_\_\_\_\_



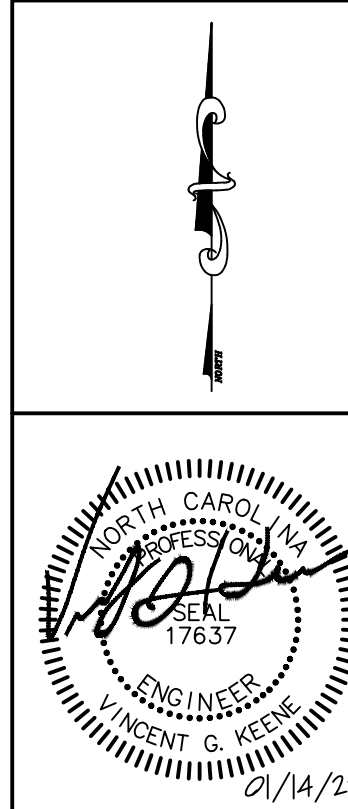
| NO.                                         |  | DATE | REVISION | BY |
|---------------------------------------------|--|------|----------|----|
| SHEET TITLE                                 |  |      |          |    |
| LANDSCAPE PLAN AND BLOCK LENGTH/DETAIL PLAN |  |      |          |    |
| PROJECT                                     |  |      |          |    |
| HILL STREET PHASE 3                         |  |      |          |    |
| TOWN OF HUNTERSVILLE, MECK. CO., N.C.       |  |      |          |    |
| FOR: BOWMAN DEVELOPMENT GROUP               |  |      |          |    |
| SCALE                                       |  |      |          |    |
| 1"=20'                                      |  |      |          |    |
| DATE                                        |  |      |          |    |
| 09/09/21                                    |  |      |          |    |
| DRAWN BY                                    |  |      |          |    |
| JLD                                         |  |      |          |    |
| CHECKED BY                                  |  |      |          |    |
| VGK                                         |  |      |          |    |
| DRAWING NO.                                 |  |      |          |    |
| SHEET 5 OF 6 SHEETS                         |  |      |          |    |

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704.556.1990 704.556.0505(fax)





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UNLESS INITIALED/DATED AS APPROVED:  
APPROVED: \_\_\_\_\_ / \_\_\_\_\_  
INITIALS DATE



| NO.                                                                                                                                                                                                                                                                                                      | DATE |  |  | REVISION |  |  |  |                                                                    | BY |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--|--|----------|--|--|--|--------------------------------------------------------------------|----|--|
| SHEET TITLE                                                                                                                                                                                                                                                                                              |      |  |  |          |  |  |  | PROJECT NO.                                                        |    |  |
| <b>DETAIL SHEET</b>                                                                                                                                                                                                                                                                                      |      |  |  |          |  |  |  | SCALE<br>1" = 20'                                                  |    |  |
|                                                                                                                                                                                                                                                                                                          |      |  |  |          |  |  |  | DATE<br>09/09/21                                                   |    |  |
| PROJECT<br><b>HILL STREET PHASE 3</b><br>TOWN OF HUNTERSVILLE, MECK. CO., N.C.<br>FOR: BOWMAN DEVELOPMENT GROUP                                                                                                                                                                                          |      |  |  |          |  |  |  | DRAWN BY<br>JLD                                                    |    |  |
|                                                                                                                                                                                                                                                                                                          |      |  |  |          |  |  |  | CHECKED BY<br>VGK                                                  |    |  |
|  <b>YARBROUGH-WILLIAMS &amp; HOULE, INC.</b><br><i>Planning • Surveying • Engineering</i><br><small>(seal)</small><br>730 Windsor Oak Court<br>Charlotte, North Carolina 28273<br>704.558.1990    704.556.0505(fax) |      |  |  |          |  |  |  | DRAWING NO.                                                        |    |  |
| NC Corporate<br><b>Registration #C-0475</b>                                                                                                                                                                                                                                                              |      |  |  |          |  |  |  | P.O. Box 1198<br>Plattsboro, North Carolina 28134<br>SH: 6 OF 6 SH |    |  |

Wednesday, February 2, 2022

## Hill St Ph 3 Neighborhood Meeting

Meeting was held on Zoom

- Greg Elmore - 13830 Hill St Huntersville, NC [greg.elmore@hotmail.com](mailto:greg.elmore@hotmail.com) 704-685-0389
- Chris Boyd - 15822 Bayshore Dr Huntersville, NC [cbpack51@yahoo.com](mailto:cbpack51@yahoo.com)
- Paul Lowe - Huntersville Planning Department

Q – Greg – Concerned about additional traffic and parking on Hill St because Winmau does not connect out to Huntersville-Concord Rd.

A - There is garage parking with each unit and there is still an overflow parking lot behind the units across Hill St with extra parking. The Hills St Ph 2 that is under construction will help with Hill St traffic as Winmau will connect to Hill St and the alley will also connect so that the access to the existing THs on Hill St and Winmau is closer to Huntersville-Concord Rd which will help disperse existing traffic on Hill St. We are also close to starting Vermillion Front which will connect a road to the south of this across the creek at Memory Ln.

Q – Greg – Timing for Vermillion Front development.

A – We are hoping to start in the next 2 months and it will be around 9 months to connect to Memory Ln and there is road widening planned along Huntersville-Concord Rd with Vermillion Front and Vermillion Village.

Q – Chris – No questions for Hill St Ph 3



## Town of Huntersville: Hill Street Phase 3 Sketch Plan

### **IMPACT OF THE PROPOSED DEVELOPMENT**

*Proposed Housing Units:* 6 single family attached units under NR(TND-O) zoning.

*CMS Planning Area:* North

Average Student Yield per Unit: 0.1812

This development may add 1 student to the schools in this area.

The following data is as of 20<sup>th</sup> Day of the 2020-21 school year.

| <i>Schools Affected</i>   | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-ec)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|---------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| LEGETTE BLYTHE ELEMENTARY | 53                              | 50                                           | 871                                             | 822                                                            | 106%                                                               | 1                                                          | <b>106%</b>                                                           |
| JM ALEXANDER MIDDLE       | 48                              | 54                                           | 938                                             | 1055                                                           | 89%                                                                | 0                                                          | <b>89%</b>                                                            |
| NORTH MECKLENBURG HIGH    | 116.5                           | 108                                          | 2146                                            | 1989                                                           | 108%                                                               | 0                                                          | <b>108%</b>                                                           |

The total estimated capital cost of providing the additional school capacity for this new development is \$34,000; calculated as follows:

Elementary School: **1** x \$34,000 = \$34,000

### **RECOMMENDATION**

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

**Town of Huntersville  
Town Board  
March 22, 2022**

**To:** Town Board

**From:** Jack Simoneau

**Date:** March 22, 2022

**Subject:**

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**EXPLAIN REQUEST:**

TA 22-02 is a Zoning Ordinance text amendment sponsored by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30% attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial & residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations.

**ACTION RECOMMENDED:**

Recommendation

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. TA 22-02 Amendment Application
2. TA 22-02
3. TA22-02 Staff Report





## Text Amendment Application

Date of Application 1-31-22

### Fee

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

### Type of Change

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

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

### Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 3 Section(s): See attached

See attached

**Current Ordinance**

See Attached

**Proposed Text**

**Reason for Proposed  
Change**

To remove the ability to exceed 30% attached houses, apartment buildings and mixed use buildings in major residential subdivisions at designated transit stations because rail transit will not occur anytime in the foreseeable future

Attach additional pages if needed.

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

## Applicant

Printed Name Huntersville Town Board

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_

Signature Jackie Huffman Date 1-31-2022

Title Assistant Town Manager Email jhuffman@huntersville.org

Address of Applicant PO Box 664, Huntersville NC 28070

## Property Owner (if different than applicant)

\* Printed Name N/A

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

Signature \_\_\_\_\_ Date 1-31-22

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

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

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

## Contact Information

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

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

Date Received By Planning Department: 1-31-2022

Staff Initials: JS



**AN ORDINANCE AMENDING ARTICLE 3.2.4(d)(4), 3.2.5(d)(4), 3.2.6(d)(4) AND 3.2.7(d)(4)(a) OF THE ZONING ORDINANCE REMOVING THE ABILITY TO EXCEED 30% ATTACHED HOUSES, APARTMENT BUILDINGS AND MIXED USE BUILDINGS IN MAJOR SUBDIVISIONS WITHIN ¼ MILE OF DESIGNATED RAIL TRANSIT STATIONS**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.4(d)(4) and 3.2.6(d)(4) of the Zoning Ordinance be deleted as follows and the remaining sections be renumbered:

- 4) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a 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.

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.5(d)(4) of the Zoning Ordinance is hereby amended as follows:

- 4) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a 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. Further, the percentage of dwelling units contained in attached houses, apartment buildings and mixed-use buildings is not limited when the dwellings are part of a mixed-use (office and/or commercial, residential) project provided that no more than 45% of the habitable floor area within the planned development project is for residential use.

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7(d)(4)(a) of the Zoning Ordinance be deleted as follows and the remaining sections be renumbered:

- (4)(a) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a 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.

**Section 4.** That these amendments shall become effective upon approval by the Town Board of Commissioners.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** March 3, 2022

**PUBLIC HEARING DATE:** March 7, 2022

**PLANNING BOARD MEETING:** March 22, 2022

**TOWN BOARD DECISION:** April 18, 2022

## TA 22-02 – Town of Huntersville: Housing Near Transit Stations

## PART 1: DESCRIPTION

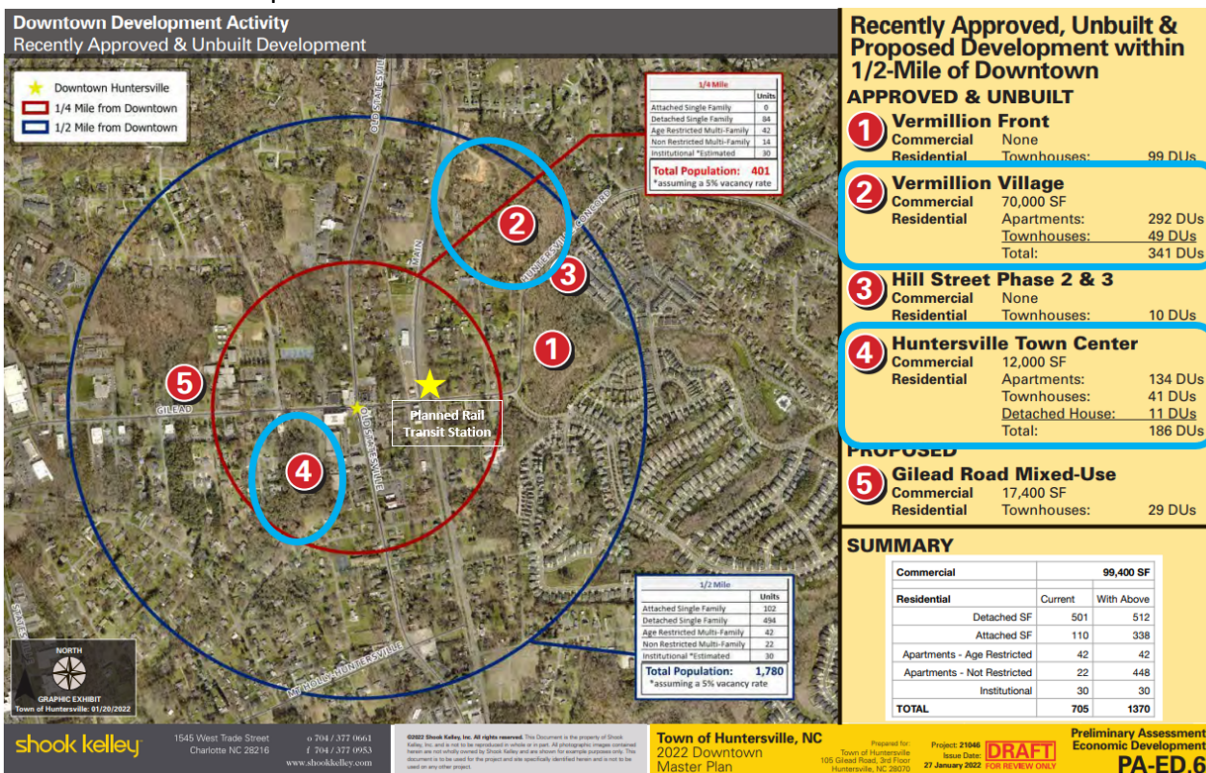
TA 22-02 is a Zoning Ordinance text amendment sponsored by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30% attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial & residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations.

## PART 2: BACKGROUND

In the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts, major subdivisions are limited to 30% attached houses, apartment buildings and mixed-use buildings. However, there is also a provision where the 30% cap can be exceeded in major subdivisions within ¼ mile of designated rail transit stations. These provisions have been in the ordinance since 1996.

The first development to be approved under these provisions was Vermillion Village in 2017 (#2 below) followed by Huntersville Town Center/North State Development in 2021 (# 4 below). Both properties are zoned Town Center-CD. *Please note the map below is from the first public forum for the downtown plan currently underway. The red and dark blue circles represent ¼ mile and ½ mile from the center of downtown (intersection of Gilead Road and NC 115), not the planned rail station. Further, developments 1 and 3 were approved as part of Vermillion rezoning in 1999. Development 5 is a proposed TND-CD rezoning currently going through the process*

Since rail transit may not come or if it does, will be far into the future, the Town Board requested text amendment TA 22-02 be processed for consideration.





PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

**Policy LU-2: Encourage residential development that follows the pattern outlined in the future land use map.**

LU 2.1: Higher intensity residential uses will be focused generally within two miles of the I-77/ NC-115 corridor and future activity centers in the eastern and western areas of Huntersville’s zoning jurisdiction.

*COMMENT: If TA 22-02 is approved, there will still be an ability for higher intensity residential uses within 2 miles of I-77/NC 115 with one building on one lot or through rezoning.*

**Policy LU-5: Focus more intense development in locations that can support growth.**

LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.

*COMMENT: Since rail transit will not occur anytime in the foreseeable future, removing the ability to exceed the 30% cap on attached housing, apartment buildings and mixed-use buildings within ¼ mile of designated rail transit stations will allow the Town to better allocate density with the availability of transportation options.*

**Policy LU-10: Encourage a diversity of housing options.**

LU 10.1: Align housing options with resident needs and promote attainable housing options.

*COMMENT: While TA 22-02 could have some impact on housing varieties, other options exist to allow a variety of housing choices.*

**Policy LU-11: Protect Existing Housing Stock.**

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.

*COMMENT: If TA 22-02 is approved, allowing more than 30% attached houses, apartment buildings and mixed-use buildings could occur through a rezoning providing a higher-level review by the Town than would occur with a by-right land use.*

**Policy DT-1: Encourage future development in the Downtown area to adhere to the Regulating Plan. (see page 73)**

DT 1.1: Encourage vertical mixed-use development with active visual engagement between the street and the ground and upper floors along Active Frontages

- Shopfronts are encouraged along key frontages.
- Active uses are required on the ground floor (in new development only) and include retail, restaurants, and other uses that generate many visits over an extended period of the day.
- Upper story residential units should have balconies when feasible.
- Active frontages should use design features such as a high level of building transparency, frequent pedestrian access points, and facade articulation.

DT 1.2: In Tier 1 areas, encourage multistory buildings and allow for a mix of uses, including commercial, office, and residential.

- Building types allowed include urban workplaces, multifamily, attached, and detached residential.

DT 1.3: In Tier 2 areas, create a transitional area from the core of Downtown to surrounding residential neighborhoods.

- This area contains mostly residential uses with some office and commercial space at lower intensities than Tier 1.

*COMMENT: While TA 22-02 could have some impact on limiting mixed-uses, other options exist to allow mixed-uses.*

**Policy DT-2: Step down in intensity and density near established residential neighborhoods.**

- Housing types that provide good transitions include townhomes, duplexes, triplexes, and other small-scale products.
- Design features such as setbacks, step backs, tree preservation, and open space placement can help provide transitions.

*COMMENT If TA 22-02 is approved, allowing more than 30% attached houses, apartment buildings and mixed-use buildings could occur through a rezoning providing a higher-level review by the Town than would occur with a by-right land use.*

**Policy DT-11: Promote Residential Development in Downtown Huntersville.**

DT 11.1: Allow and encourage residential development in Downtown Huntersville, including for-sale and rental housing integrated with commercial uses.

DT 11.2: Work with developers to ensure a mix of housing typologies and price points in future developments.

*COMMENT: Approval of TA 22-02 could limit residential development in Downtown Huntersville but will not stop it.*

**PART 4: STAFF RECOMMENDATION**

Staff recommends approval of TA 22-02 (see Part 9).

**PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD**

The Huntersville Ordinances Advisory Board (HOAB) recommended (7-1) approval on March 3, 2022.

**PART 6: PUBLIC HEARING**

March 7, 2022 (go to: <https://www.facebook.com/HuntersvilleNCTownGovernment/videos/town-board-meeting-3-7-22/403071374820722> starting at 1:28:22)

**PART 7: PLANNING BOARD RECOMMENDATION**

March 22, 2022

**PART 8: ATTACHMENTS**

1. Text Amendment Application
2. Text Amendment Language



## PART 9: STATEMENT OF CONSISTENCY – TA20-01

| <i>Planning Department</i>                                                                                                                                                                                                                                                                                                                                                                  | <i>Planning Board</i>                                                                                                                                                                                                                                                                                                                            | <i>Board of Commissioners</i>                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA22-02, Planning Staff recommends approval based on consistency with LU 2, 5, 10, 11 and DT 1, 2 and 11 of the Huntersville 2040 Community Plan.</p> <p><i>It is reasonable and in the public interest to amend the Zoning Ordinance because a variety of residential building types are still allowed by the ordinance.</i></p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-02, Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p><i>It is reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</i></p>                                    | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-02, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p><i>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</i></p>                             |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                   | <p><b>DENIAL:</b> N/A In considering the proposed amendment TA22-02, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p><i>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</i></p> | <p><b>DENIAL:</b> In considering the proposed amendment TA22-02, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p><i>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</i></p> |