



AGENDA

Regular Town Board Meeting (VIRTUAL)

November 2, 2020 - 6:00 PM

HOSTED FROM TOWN HALL (101 Huntersville-Concord Road)

Virtual Meeting Information *This meeting will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. The Board of Commissioners will participate remotely. The public is invited to attend and comment during public comment or during any of the public hearings (1) in person at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC 28078 or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. on November 2, 2020 to speak by telephonic communication. The public may also submit comments by email to the Town Clerk at jpierson@huntersville.org. For public hearings only, emailed comments may continue to be submitted until 24 hours after close of the public hearing. The Town Clerk may be reached by email to jpierson@huntersville.org or by phone at (704) 766-2202.*

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

1.A. Potential Town Sidewalk Projects (Stephen Trott)

2. Call to Order

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Mayor and Commissioner Reports-Staff Questions

6. Public Comments, Requests, or Presentations - *Speakers are limited to 3 minutes. The Mayor 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.*

7. Agenda Changes

8. Public Hearings

- 8.A. Conduct CONTINUED Public Hearing on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by NorthState Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential & General Residential to Town Center - Conditional District to permit a mixed-use development with 138 apartments, 53 townhomes, 7 detached-homes and 12,000 sq. ft. of non-residential space. (David Peete)

9. Other Business

- 9.A. Consider decision on North State Development Conceptual Plan. (Jack Simoneau)
- 9.B. Discuss and consider approving 2020-21 Legislative Goals to Submit to NCLM for Consideration. (Melinda Bales)

10. Consent Agenda

- 10.A. Approve the minutes of the September 8, 2020 Regular Town Board Meeting Minutes. (Janet Pierson)
- 10.B. Adopt Resolution Authorizing the McCoy Rd at Hambright Rd and McCoy Rd at McIlwaine Rd Engineering Services Contract. (Lora Mastrofrancesco)
- 10.C. Approve budget amendment appropriating Downtown Revitalization revenue of \$10,000 to Downtown Revitalization expense of which \$5,000 will be allocated to the Ice House Reimagined art piece and the remaining \$5,000 will be allocated to the public art bench. (Pattie Ellis)
- 10.D. Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-05 Vermillion Village, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 29.58-acre Vermillion Village Rezoning at 404 N. Church Street (PARCEL IDs 01902201 and 01902202) from Town Center - Conditional District to Town Center - Conditional District to include 374 attached residential units (townhomes and apartments) and 22,000 sq. ft. of commercial. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda. (Sierra Saumenig)
- 10.E. Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-04 Statesville Road Mixed Use, a request by Palillo Holdings, LLC to Rezone +/-

37.19 acres as the Southwest corner of Hambright Rd and Statesville Rd (Parcels: 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409) from Corporate Business to Corporate Business Conditional District, Transit-Oriented Development Residential Conditional District, Highway Commercial Conditional District. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda. (Brian Richards)

11. Closing Comments

12. Adjourn

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: David Peete, Principal Planner

Date: November 2, 2020

Subject: Conduct CONTINUED Public Hearing on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by NorthState Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential & General Residential to Town Center - Conditional District to permit a mixed-use development with 138 apartments, 53 townhomes, 7 detached-homes and 12,000 sq. ft. of non-residential space.

EXPLAIN REQUEST:

Conduct CONTINUED Public Hearing on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by NorthState Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center (TC), Neighborhood Residential (NR) & General Residential (GR) to Town Center - Conditional District (TC-CD) to permit a mixed-use development with 138 apartments, 53 townhomes, 7 detached-homes and 12,000 sq. ft. of non-residential space.

ACTION RECOMMENDED:

Conduct CONTINUED Public Hearing

FINANCIAL IMPLICATIONS:

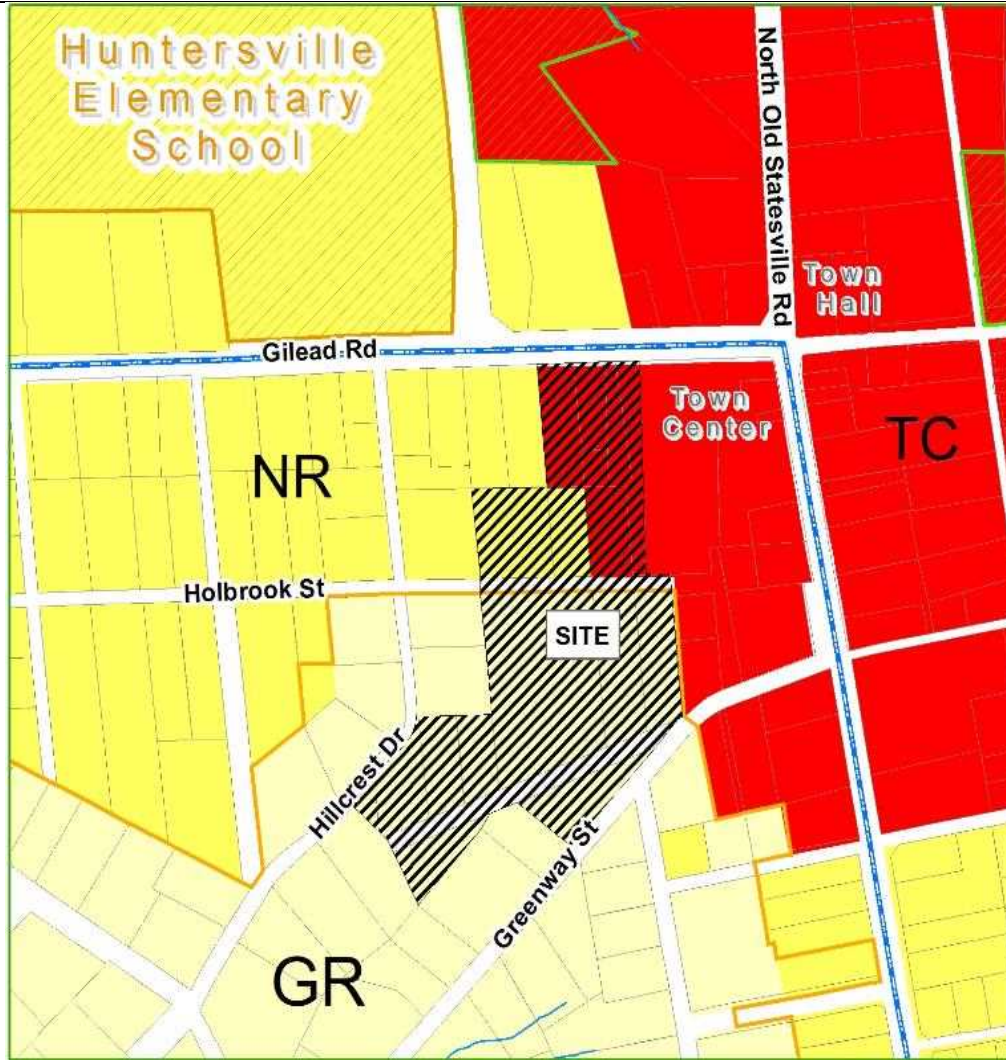
ATTACHMENTS:

1. R20-03 CONTINUED Public Hearing Staff Report 11-02-20
2. Attachment A - Rezoning Application
3. Attachment B - Town Center Mixed-Use CD Rezoning Plan (3rd version)
4. Attachment C - Neighborhood Meetings Reports from 8-26-20 and 9-23-20

5. Attachment D - APF Letter of Determination
6. Attachment E - CMS Report 10-21-20
7. Attachment F - Submittal 3 changes - Susan Irvin memo 10-22-20
8. Attachment G - Development Analysis from Downtown Master Plan
9. Attachment H - Citizen comments
10. Attachment H - Citizen comments 2

Petition R20-03 Town Center Mixed-Use Conditional District Rezoning (UPDATES IN RED)

PART 1: PROJECT SUMMARY



Applicant: NorthState Development, LLC

Property Owner: Town of Huntersville, NorthState HTC, LLC & Gilead Bowman, LLC (see Attachment A).

Property Address: 109 Gilead Road

Project Size: (+/-) 9.947-acres

Parcel Numbers:

01711616, 01711699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811

Current Zoning: General Residential (GR), Neighborhood Residential (NR) & Town Center (TC).

Current Land Use: vacant.

Proposed Zoning: Town Center—Conditional District (TC-CD).

Proposed Land Use:

138 ~~140~~ apartments, **53** ~~61~~ townhomes, **7 detached homes** & **12,000** ~~10,900~~ sq. ft. non-residential uses (TC permitted uses).

1. Purpose: Petition to rezone 9.947-acres generally located at 109 Gilead Road from General Residential (GR), Neighborhood Residential (NR) and Town Center (TC) Zoning Districts to Town Center – Conditional District (TC-CD) to create a mixed-use development consisting of **138** ~~140~~ apartments, **53** ~~61~~ townhomes, **7 detached homes** and **12,000** ~~10,900~~ sq. ft. of non-residential (Town Center permitted) uses (see Attachments B). If the CD Rezoning Plan is approved, a corresponding Subdivision Sketch Plan will be reviewed by staff for compliance.

2. Adjoining Zoning and Land Uses.

North: *Neighborhood Residential (NR) & Town Center (TC) – Gilead Road, a daycare, two single-family homes & Town of Huntersville-owned buildings (Bob Blythe Building)(across Gilead Road).*

South: *General Residential (GR) – single-family.*

East: Town Center (TC) – Town of Huntersville Town Center (3-story building(DPK) & parking garage), Fire Station #1 & Bellsouth Telecommunication Building.

West: General Residential (GR) & Neighborhood Residential (NR) – single-family homes (Greenfield Community).

3. Two (2) neighborhood meetings were held: a virtual meeting on Aug. 26, 2020 and an on-site meeting on Sept. 23, 2020. Summaries of both meetings are available in Attachment C.
4. Notice of this CD-Rezoning request was provided **TWICE** via postcards sent to all property owners within 250 ft. of the project; a legal ad placed in the Charlotte Observer; and posting of public hearing signs on the property in three (3) locations (Gilead Road, Greenway Street & Hillcrest Drive).

PART 2: REZONING/SITE PLAN ISSUES

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

- Proposed Uses: **138** ~~140~~ Apartments, **53** ~~61~~ Townhomes, **7 Detached Homes** and **12,000** ~~10,900~~ sq. ft. of first floor, non-residential space.
- Three (3) Urban Open Spaces are proposed – all three are “Pedestrian Passageway” spaces (see below).



- Additional right-of-way to be dedicated along Gilead Road, as required by NCDOT and Town. New public streets (and all required right-of-way) are proposed: the street west of 3-story building (DPK) is to be extended south; Holbrook Street is to be extended to the east (from Hillcrest Dr.); and a new “Street C” to be added from the new section of Holbrook Drive to Greenway Street. (see Part 3 for details).

- Minimum Tree Preservation for Specimen Trees in the Town Center zoning district is 30%. The proposed TC-CD Rezoning Plan saves 11.7% of existing specimen trees, with a proposal to mitigate the rest of the trees per the Zoning Ordinance; however, overall tree-save data is not clear.
- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, as found in the Zoning Ordinance.
- The subdivision is to be developed as one (1) phase.

The Conditional District Rezoning Plan has several issues that must be addressed:

- **Seven (7) Ordinance Modifications** are proposed (see Sheet RZ-06):
 1. **Article 4 Shopfront Building** – “A note in the Permitted Height and Uses chart indicates “residential up to 50% of first floor or non-residential only.”
PROPOSED – “Residential uses may constitute more than 50%, but no more than 66% of the first floor area in the portion of Building A located on Gilead Road. The applicant has proposed to provide **12,000 10,900** sq. ft. of non-residential space from the approx. 35,497 total sq. ft. of the mixed-use building (**approx. 34% of ground-floor square footage**).
STAFF COMMENT – **The applicant has increased the amount of non-residential space from an initial 6,100 sq. ft. to 12,000 sq. ft. and has excluded the leasing office and other apartment-related uses from this space. Now that a minimum of 34% of the first-floor square footage is to be non-residential in use, Staff can support this modification.**
 2. **PROPOSED** – “**The reduction in the width from 20 feet to 10 feet of the western residential buffer yard north of Public Street B, as more particularly depicted on the Rezoning Plan. Buffer yards along the western boundary of the site shall serve as parking lot landscaping and screening requirements in those locations.**”
STAFF COMMENT: **The proposed buffers along the western edge are supported as presented, with the exception of the buffer-option closest to Gilead Road. If the buffer abutting 115 Gilead Road is only proposed to be 10 ft. wide, it is recommended to also include a screen wall – similar to the other buffers.**
 3. **PROPOSED** - “In accordance with Town Center regulations, on-street parking on all new public streets to be constructed on the Site shall count toward the off-street parking requirements for the multi-family residential and non-residential uses on the Site.
STAFF COMMENT: Article 6 (Off-Street Parking Design Standards) Exemption B already provides for this, therefore this modification is not required.
 4. **PROPOSED** - “Urban open space typology, as shown, may be refined based on determinations made during the Preliminary Plan design so long as the final typology meets the requirements of the Ordinance.
STAFF COMMENT: ~~While any Ordinance-compliant Urban Open Space type may be utilized for the purposes of the Rezoning Plan, provided no major changes result – however, it is required at Sketch Plan level (which this Rezoning Plan will directly influence) that the type, size and location of all Urban Opens Spaces are provided. Moreover, if relevant to overall plan approval, significant design of the spaces may be required (i.e. BMP path proposed to run thru an Urban Open Space).~~ **Full Urban Open Space designs must be submitted as part of Sketch Plan review, which this Rezoning Plan will influence. Staff cannot support this modification.**

5. PROPOSED – “Petitioner shall install a fence in the 20’ buffer south of Holbrook and in the buffer north of public Street B as shown on the Rezoning Plan.”

STAFF COMMENT – Buffers are permitted, by Ordinance, to be planted or undisturbed. If they are planted, they may incorporate fences or walls, assuming there is adequate room to do so. The proposed fences within the buffers listed are permitted and do not require an Ordinance modification.

6. PROPOSED – “The maximum height of the mixed-use building shown on the Rezoning Plan is 53’ at the Gilead Road frontage.”

STAFF COMMENT – Permitted height for a Shopfront Building type is 48 ft. The Rezoning Plan labels the mixed-use building as “Apartment Type”, which will not work for this development. Assuming the development uses the Shopfront Building Type, Staff can support the five additional feet in height at this location.

7. PROPOSED – “The Build-to line for the single-family lot dimensions may be reduced to 5’ and the rear setback line may be reduced to 20’.

STAFF COMMENT – Staff is reviewing this modification request.

~~PROPOSED – There are two (2) notes on the Rezoning Plan that state that certain transportation improvements will be provided by the Town of Huntersville. While they are required, the Town will not provide either of the improvements. The improvements include the extension of Holbrook Street from Hillcrest Drive to the eastern project boundary and the east side of Street A (along the Town parking garage).~~

~~STAFF COMMENT: Both improvements outlined above are required by Town Ordinance and must be provided. Staff will not recommend approval without both improvements being provided by the applicant.~~ The Rezoning Plan was revised to show that the Applicant is to build the connection to Holbrook Street and the required improvements to Street A.

- The façade of the mixed-use building adjacent the Town parking garage (along Street A) is extremely long (+/- 400 ft.) which does not create a pedestrian-friendly streetscape. In addition, vehicles entering from Gilead Road must drive the entire length of the building to access the parking to the rear. The Downtown Master Plan (page 20) indicates as a “guiding philosophy”, “parking areas should be convenient, easy to find and safe but need not dominate the visual landscape”. In addition, without more direct access to the project’s parking, the majority of drivers may use the Town’s parking garage, which should not be dominated by any one use.

STAFF COMMENT: The mass and scale of the mixed-use building has been reduced via architectural variation and the addition of a drive-thru at the mid-point of the building to allow vehicles to access the parking lot.

- ~~• All perimeter buffers consist of either undisturbed existing trees & vegetation or they are cleared and replanted. It is not clear, particularly along the western boundary of the project, which buffers are proposed to be undisturbed, natural buffers and which are to be planted.~~

~~STAFF COMMENT: While the Ordinance permits both types of buffers, it is important for adjoining property owners to understand what the buffers closest to them will consist of. If mature trees/vegetation exist, it is generally recommended that buffers save the existing trees/vegetation and are wide enough to provide appropriate buffers. UPDATE (9/24/20) – All buffers will be planted or undisturbed.”~~

- A compliant parking plan must be provided.

STAFF COMMENT: The Rezoning Plan must show that all Ordinance-required parking can be provided on site.

- The Town’s storm water review indicates that the size of the proposed BMP can be reduced, thereby altering the impact to the adjoining property owners and providing additional area for larger buffers.

STAFF COMMENT: The BMP must meet all Ordinance requirements. The applicant will continue to review storm water BMP size options and will comply with required regulations, however, the BMP area has been reduced to accommodate a (min.) 20 ft. wide planted buffer along the western project boundary.

- The storm water bypass-system is shown in the vegetated buffers along the project boundaries (see Sheet RZ-12).
STAFF COMMENT: This system cannot be located in vegetated buffers - unless they are large enough to accommodate both plantings and the bypass system. Pipes will need to be re-routed.
- The BMP access path, as shown, does not connect to a public street.
STAFF COMMENT: While there is a note that the “conceptual access path (is) to be determined during design”, it is important to show that viable options exist to connect the path to public Street C. Concerns relate to whether the route to the public street will fit between the proposed townhomes and the mail kiosk. In addition, on-street parking, which is highly recommended, is located along this section of street. A clearer understanding of how the BMP will-be-accessed is required.
- Tree preservation data is not clear. The summary of tree preservation in Sheet RZ-02 does not show compliance for specimen tree-save. The plan states that the applicant “reserves the right to mitigate/buyout of tree preservation requirements according to the Ordinance”. While there is a mitigation provision in the Ordinance, it is to be applied when “site conditions are not conducive for healthy tree replacement”. Buffer areas are identified on the plan, as well as open spaces where trees can be saved and the tree preservation plan should be updated to minimize mitigation.
- A public sidewalk should be added to the east side of Hillcrest Drive along the frontage of the project.
STAFF COMMENT: A five (5) feet-wide public sidewalk is shown along the project frontage of Hillcrest Drive.
- Site plan provisions to handle roll-out garbage collection have not been provided.
STAFF COMMENT: A site plan that explains and provides for the orderly collection of trash roll-out cans must be provided, as this could impact the new public streets. UPDATE (9/24/20) – “Applicant will provide that roll-out garbage and recycling for townhomes along Holbrook Street will be on Holbrook Street and that roll-out garbage and recycling for townhomes along Greenway Street will be on Greenway to address concerns about roll out along the internal roads.”
- RECOMMENDATION: the full elevations for the mixed-use building should be provided for both Gilead Road and Street A. Elevations for both the north side (Gilead Road) and the east side (Street A) have been provided (see Sheet RZ-18).
- RECOMMENDATION: On-street parking should be added along the east side Street A. On-street parking has been added along the east side of Street A (see Sheet RZ-06).
- RECOMMENDATION: sidewalks along both sides of Street A should be 8 ft. wide. While 7ft. is required for “mixed-use sidewalks”, per Zoning Ordinance, 8 ft. provides additional width and matches the sidewalks next to the existing Town Center/DPK building. Seven (7) feet sidewalks along both sides of Street A have been provided. This is consistent with the requirements in the Town Center District.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A TIA Determination of Need was completed for the proposed Conditional District Rezoning and based on the land uses and intensities proposed, a TIA Scoping was required. After completion of the TIA scoping process, no intersections were determined to be above the threshold for study that were not already included in a current TIP project. As no intersections were required to be studied, a TIA was not required. **The TIA Scoping is being updated to reflect the intensity changes and will be re-assessed by Town Engineering. Staff will provide those to Town Board / Planning Board once complete.**

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire vehicles, fire facilities, police facilities, police vehicles, and Park and Recreation facilities. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed Rezoning Plan (and associated subdivision) is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, Police Vehicles and Parks and Recreation Facilities (see Attachment C). No mitigation is required.

PART 5: REZONING CRITERIA

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

STAFF COMMENT – The 2030 Huntersville Community Plan DOES SUPPORT this project through the following sections:

- **Policy H-1 & H-9: Development Pattern.** Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
Comment: The proposed CD Rezoning Plan is located entirely within the High Intensity Area of the 2030 Community Plan, which is the area the Comprehensive Plan supports considering increases in density.
- **Policy H-3: Mixed-Use Development.** Support and encourage self-sustained developments, where commercial and employment uses are in close proximity to residential uses.
Comment: **12,000 square feet of the first floor of the mixed-use building is proposed to be non-residential and will not be used for apartment-related uses, such as leasing office, gym or clubhouse. The 12,000 sq. ft. represents 34% of the first floor area.**
- **Policy H-7: Housing Affordability.** Support appropriate mix of housing for all income levels.
Comment: Proposed rezoning plan provides a mix of housing types that **includes apartments, townhomes and small, detached homes that will add additional variety of housing types, as well as increase the number of apartments and townhomes in the Town Center District.**
- **Policy H-10: Redevelopment Areas:** Support redevelopment of older established residential areas, consistent with adopted plans, Zoning Ordinance and Subdivision regulations.
Comment: This project is located along the edge of one of the oldest residential communities in Huntersville and while re-development in this area is supported by the Town's long-range plans, it is also important to transition from the proposed higher density, mixed-use development into the existing fabric of the adjoining neighborhood. Buffer widths, location of housing types, and screening techniques

are all methods to effectively transition from this project to the neighboring homes. **The housing units along Greenway Street are now detached homes.**

- **Policy T-5: Context-sensitive Design of Streets:** Continue to support “context-sensitive” design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. On-street parking is provided to accommodate guests and visitors, and additional on-street spaces are recommended, where feasible. The proposed streets also provide adequate lane widths, green zones for street trees and sidewalks.
- **Policy T-6: Pedestrian Connections:** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
Comment: The proposed site plan provides sidewalks along all public streets. The 2014 Greenway and Bikeway Master Plan does not call for a trail through this property, however, the Town is building a public greenway just north of Gilead Road that the project residents can access.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides one (1) connection to an existing thoroughfare (Gilead Road) and two (2) connections to existing Town streets: one to the western boundary to connect to Hillcrest Street and one to the southern boundary to connect to Greenway Street. Another stub will be provided to the eastern boundary to a Town-owned private drive.
- **Policy CD-2: Commercial Development Pattern:** Promote a mixed-use development pattern that focuses higher intensity development generally within two miles of the I-77/NC-115 core.
Comment: As the project is located in the southeast quadrant of Gilead Road and Old Statesville Road (NC-115), it is completely within the I-77/NC-115 core.
- **Policy CD-3: Commercial Development Principles:** Encourage mixed-use development pattern at key nodes as identified in Small Area Plans, insuring an appropriate mix of residential, commercial and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.
Comment: The downtown area around the future rail station is an identified mixed-use node in the 2030 Community Plan. A significant portion of this project is located within the node and a mix of uses and housing types are proposed for development.
- **Policy CD-5: Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development must provide all required improvements to create three (3) connections to existing streets and one (1) stub for future connection. This project will also tie into existing public water and sewer.
- **Policy DT-1: Downtown Development:** Continue to use the Downtown Master Plan, Gilead Road/US -21 Transportation and Land Use Vision Small Area Plan and East Huntersville Are Development Plan to guide future development in downtown.
Comment: The proposed project is generally consistent with the Downtown Master Plan, as referenced below. The pending Gilead Road improvements by NCDOT should refer to the Gilead Road/US-21 Transportation Plan; however, the East Huntersville Plan does not address these parcels directly.
- **Policy PF-2: Adequate Public Facilities Ordinance:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.
Comment: see Part 4 of this report.

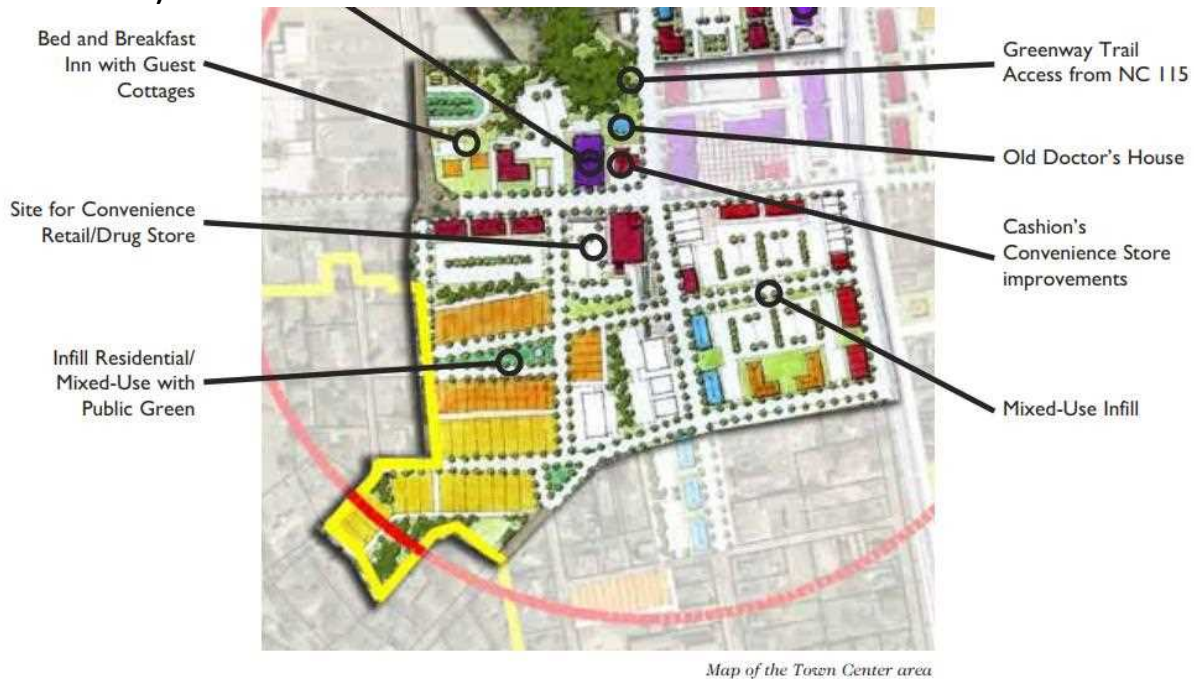
STAFF COMMENT – The 2030 Huntersville Community Plan DOES NOT SUPPORT this project through the following sections:

- **Policy CD-6: Architecture and Place-Making:** Consistent with Zoning and Subdivision Ordinances (as well as “Town of Huntersville Design Manual”) maintain high design standards for development.
Comment: Elevations are shown on Sheet RZ-18 and provides a good indication as to what the mixed-use building will look like. As stated in the Article 3.2.6.d.1 (Town Center District General Requirements), “New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings”. A vehicular drive-thru has been added , mid-block along Street A, to help break the overall length of the building.
- **Policy DT-2: Architectural Design Standards:** Promote high-quality architectural design standards for new development and redevelopment projects in the downtown.
Comment: The overall proposed architecture for the mixed-use building is appealing and complimentary to the existing Town Center / DPK building located to the east. Elevations for both the Gilead Road and Street A side are provided on Sheet RZ-18. Fine-grain review of the building’s architecture would come at Construction Plan stage. In addition, the first floor, non-residential space has incorporated high-ceilings, to facilitate effective utilization of the ground floor spaces.

STAFF COMMENT – The Downtown Master Plan Small Area Plan (SAP) DOES SUPPORT this project through the following Implementation Strategies:

- **Extend existing streets into new development.**
Comment: Three (3) new streets are proposed to connect to existing streets in the project: Street A will connect to Gilead Road, a new section of Holbrook Street will connect to Hillcrest Drive and Street C will connect to Greenway Street. In addition, a new street stub will be provided to the private drive located to the east along the AT&T building.
- **Encourage sensitive redevelopment/infill that maintains the urbanism of the Downtown while permitting new/modern architectural styles.**
Comment: The proposed project has located an architecturally modern building along the edge of the project furthest from the adjoining single-family residential and closest to the existing three-story Town Center / DPK building. By locating the most intense use along Gilead Road and providing townhomes along the western edge, the project is “stepping down” the intensity as it moves from east to west to transition from high-density to lower density residential. However, the townhomes along Greenway Street are recommended to be single family detached homes. The homes along Greenway Street have been revised to be detached homes to provide similar uses along that edge of the existing neighborhood.
- **Require buildings within 800 feet of the intersection of Gilead Road and Old Statesville Road (NC 115) to be a minimum of 2 stories.**
Comment: The proposed mixed-use building along Gilead Road is 350 feet from the intersection of Gilead Road and Old Statesville Road (NC-115) and is proposed to be four stories in height.
- **Permit and encourage infill development consistent with the Master Plan.**
Comment: The Downtown Master Plan “represents the conceptual build-out of the planning area” and in its recommendations, calls for higher density “infill residential/mixed use” in the southwest quadrant of the Gilead Road and Old Statesville Road (NC-115) intersection (see image below). While the Plan calls for townhomes and single-family homes in this quadrant, and not specifically apartments, the proposed apartments are located furthest away from the adjoining single-family residential.

The Town Center – Southwest Quadrant (see Plan pages 34-35 in Attachment F and illustration below):



Further sections of the Downtown Master Plan that refer to the Southwest Quadrant:

- “To the rear of this block, the Plan recommends the tapering of development towards Greenway Drive and Hillcrest Drive. This area is presently vacant with two undeveloped right-of-ways (a portion of Holbrook Street and an extension of Greenway Drive) and twelve individual lots. The Plan shows an opportunity for the development of an urban residential infill neighborhood with a variety of housing types and a public open space.”
Comment: Except for the townhomes along Greenway Street, this build-out scenario is generally provided on the proposed plan. **The homes along Greenway Street have been revised to be detached homes.**
- “The Plan shows the connection of the two north/south streets with the developed extension of Holbrook Street and the new east/west street crafting a green square surrounded by townhomes. One building of the new townhomes terminates the vista at the end of the Holbrook Street extension.”
Comment: Expanded north/south and east/west street connections are proposed, as well as townhomes fronting on green spaces. The proposed Rezoning Plan is generally consistent with the illustrative Downtown Master Plan.
- “On the north and south sides of the square, townhome buildings enclose the space and create a comfortable outdoor room. In the southern half, the realigned right-of-way off Greenwood (Greenway) Street provides the opportunity for single-family homes and a small open space. This open space includes the preservation of trees behind the existing homes fronting Greenway Street, behind the proposed single-family homes.”
Comment: All of these components are generally provided in the proposed Rezoning Plan.

- “To help foster this pedestrian environment, it is necessary to improve the block structure in the area to give both pedestrians and automobiles more choice for circulation.”
Comment: The proposed Rezoning Plan establishes new, pedestrian-friendly blocks, consisting of local streets with sidewalks throughout.

- **When the Downtown Master Plan was approved in 2005, a market study was performed to evaluate the feasibility of future development.** That Plan included a Development Analysis identifying new development opportunities for the downtown area: In that analysis, 180,950 sq. ft. of retail, 208,400 sq. ft. of office, 79 single-family residential units, 178 attached single-family units and 459 multi-family residential units were identified for build-out of the downtown area (see Attachment G).
Comment: While the Development Analysis estimates were established in 2005 and are for the entire downtown area, the proposed densities and unit counts, with regard to housing type and non-residential square footage, are within the build-out projections provided in the Plan.

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 Conditional District Rezoning for the Town Center Mixed-Use Conditional District Rezoning is supported by the 2030 Comprehensive Plan and the Downtown Master Plan, as the property is located within the area eligible for higher intensity. Proposed density is ~~19.9~~ 20.2-units per acre, which is higher than nearby developments, however the stated goals of the referenced Plans is to permit increased density, where appropriate, while ensuring that adequate transitions in land use and densities are provided. The Town Center zoning district, if applied to the entire project, does not have a density limit, and is permitted to have 100% attached units, as the project is within a ¼ mile of the future downtown rail transit station (per Article 3.2.6.d.4.).

- 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.
- The APF Ordinance Determination of Adequacy was required and issued – see Part 4 of this report.
- Storm water plan approval, water and sewer and refuse disposal and a Willingness-to-serve from Charlotte Water, must all be provided.
- The Conditional District Rezoning site plan was reviewed by Charlotte-Mecklenburg School District (CMS). CMS indicates the proposed Rezoning Plan would add approximately 27 students to the schools in this area and indicate approval of the project “may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above”. (see below & see Attachment E for the full CMS report).

While CMS schools are over-crowded, the proposal is consistent with the 2030 Community Plan call for higher intensity downtown, as well as the Downtown Master Plan redevelopment recommendations.

The following report from CMS was updated on October 21, 2020 to reflect the revised housing types. The distribution of estimated students changed, but not the overall number of students.

This development may add 27 students to the schools in this area.

The following data is as of 20th Day of the 2019-20 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th 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	44	37	818	688	119%	16	122%
BAILEY MIDDLE	80.35	57	1673	1187	141%	8	141%
WILLIAM A. HOUGH HIGH	120.0	100	2493	2078	120%	3	120%

The total estimated capital cost of providing the additional school capacity for this new development is \$972,000; calculated as follows:

Elementary School: 16x \$34,000 = \$544,000

Middle School: 8x \$37,000 = \$296,000

High School: 3x \$44,000 = \$132,000

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.

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, historical or cultural resources.

PART 6: STAFF RECOMMENDATION

Staff could support approval of the Town Center Mixed-Use CD-Rezoning with the following addressed:

- Modification # 1 to provide less than 50% non-residential square footage on the ground floor of the Gilead Road Mixed-Use building can be supported by Staff. 12,000 sq. ft. (34% of first-floor area) has been designated for non-residential and non-apartment use (see Part 2);
- Modification # 2 to allow the 10 ft. buffer north of Holbrook Street to count for parking lot landscaping can be supported by Staff.
- Modification # 3 to allow on-street parking to count for minimum required parking is permitted by Ordinance. This modification is not required.
- Modification # 4 to provide Urban Open Space plans at Construction Plan stage is NOT supported by Staff and must be provided during the Rezoning Plan review.
- Modification # 5 to place a fence within external buffers is permitted by Ordinance. This modification is not required.
- Modification # 6 to permit a maximum height for the mixed-use building of 53 ft. can be supported by Staff.
- Modification # 7 to reduce front and side yard setbacks for the seven (7) detached-homes along Greenway Street can be supported by Staff.
- ~~Provide street connection to Hillcrest Drive and improvements on both sides of Street A (see Part 2);~~ These two connections are now part of the proposed Rezoning Plan and will be provided by the applicant.
- ~~De-emphasize the mass and scale of the mixed-use building on Gilead Road. Recommend developing as two buildings or by providing vehicular access to the parking lot thru the building (see Part 2);~~ Vehicular access through the building has been provided.
- ~~Provide appropriate buffers along western edge of project and behind adjoining daycare. Suggest 20 feet wide minimum or a combination of fence/wall with plantings;~~ Both 20 ft. wide and 10 ft. wide with fence/wall buffers are proposed along the external boundaries.
- ~~Clarify whether buffers are to be undisturbed existing vegetation or replanted and the location of each type;~~ Buffer types have been clarified on the site plan.
- Provide clear tree-save data and review locations to preserve additional existing trees with Staff; The minimum number of specimen trees are not proposed to be saved and will require mitigation, per Ordinance.
- Provide overall open space summary; Not provided.
- ~~Substitute detached single family homes along Greenway Street instead of townhomes;~~ Seven (7) detached homes are proposed along Greenway Street.
- Provide data to ensure required parking is provided; Required parking cannot be evaluated without unit type breakdown.
- Show Ordinance-compliant, reduced BMP area and enhanced buffer along Hillcrest Drive; Buffer along Hillcrest now shown as 20 ft. wide. BMP area is slightly smaller.
- Provide details on how/where roll-out garbage & recycling bins will be handled and located on collection days so as not to impact public streets;
- All outstanding redline comments must be addressed.

PART 7: PUBLIC HEARING COMMENTS

A Public Hearing was held on Monday, October 05, 2020 and was continued to the Monday, November 2, 2020 regular Board meeting. The minutes of the first Public Hearing are being prepared and will be provided to Planning Board once they are ready.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board discussed the CD Rezoning on October 27, 2020, but since the Public Hearing has been held open, they did not make a recommendation. It is anticipated this item will be back before the Planning Board for a recommendation on November 17, 2020.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application.
- B – Proposed CD Rezoning Plan.
- C - Neighborhood Meeting Reports from Aug. 26 & Sept. 23, 2020.
- D – APF Letter of Determination.
- E – CMS Report.
- F – Plan UPDATES email from Susan Irvin (10/22/20)
- G – Downtown Master Plan Development Analysis.
- H – Citizen comments



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 July 1, 2020

Name of Project Huntersville Town Center Mixed-Use Development Phase # (if subdivision) N/A

Project Address 109 Gilead Road, Huntersville

Parcel Identification Number(s) (PIN) See Exhibit A

Current Zoning District See Exhibit A Proposed District (for rezoning only) TC (CD)

Property Size (acres) 9.947 acres Street Frontage (feet) See Exhibit A

Current Land Use Vacant

Proposed Land Use(s) Non-residential uses, multifamily residential, and single family attached

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.
To accommodate development of a mixed-use project on the site that could contain up to 6,200 SF of non-residential uses, up to 140 multi-family dwelling units, and up to 65 single-family attached dwelling units, as more particularly depicted on the Rezoning Plan.

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 NorthState Development, LLC

☐ 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 if box is checked.)

Signature [Signature]

Title MEMBER Email sseagle@northstatedevelopment.com

Address of Applicant 18825 W. Catawba Ave., Suite 250, Cornelius, NC 28031

7. Property Owner (if different than applicant)

* Printed Name See attached Property Owner signature pages

☐ 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 if box is checked.)

Signature _____

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.**

7. Development/Design Firm Contact Information

LandDesign	Richard Petersheim	704-333-0325	rpetersheim@landdesign.com
Development Firm	Name of Contact	Phone	Email
BB+M Architecture	Robbie Weast	704-334-1716	rweast@bbm-arch.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



General Application Owner/Applicant Signature Addendum

Application Information

Date of Application _____ Application Number _____

Name of Project _____ Phase # (if subdivision) _____

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

* ^ Printed Name Town of Huntersville as Owner, not Applicant Phone Number 704-875-6541

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: North Carolina Municipality

☐ 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): 01711616, 01711617, 01711618, 01711619, 01711627, 01711643, 01711699

Title Town Manager Email aroberts@huntersville.org

Address of Property Owner/Applicant 101 Huntersville-Concord Road, Huntersville, NC 28078

* ^ Printed Name _____ Phone Number _____

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

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Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____

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

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Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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General Application Owner/Applicant Signature Addendum

Application Information

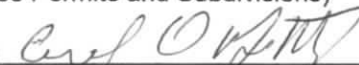
Date of Application _____ Application Number _____

Name of Project _____ Phase # (if subdivision) _____

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

* ^ Printed Name Cecil D. Bradford, III Phone Number 704-576-0513
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☐ 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): 01711625, 01711626, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639

Title _____ Email bbidee@aol.com

Address of Property Owner/Applicant 14601 Huntersville-Concord Road, Huntersville, NC 28078

* ^ 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: _____

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Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application _____ Application Number _____

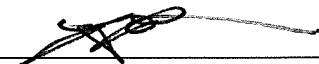
Name of Project _____ Phase # (if subdivision) _____

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

* ^ Printed Name Gilead Bowman LLC c/o Nate Bowman Phone Number 704-875-9704

☐ 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): 01711640, 0711801, 0711811

Title MANAGER Email natebowman15@gmail.com

Address of Property Owner/Applicant 13815 Cinnebar Place, Huntersville, NC 28078

* ^ Printed Name _____ Phone Number _____

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

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Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____

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

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Exhibit A to Rezoning Application
Additional Project Data

Project Addresses, Parcel IDs and Current Zoning District

Tax Parcel #017-116-16

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-17

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-18

Address: 111 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-19

Address: 113 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-27

Address: 220 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-43

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-99

Address: 109 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-25

Address: 310 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: NR

Tax Parcel #017-116-26

Address: 228 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: NR

Tax Parcel #017-116-32

Address: 102 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-33

Address: 104 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-34

Address: N/A
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-37

Address: N/A
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-38

Address: 205 HILLCREST DR HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-39

Address: 207 HILLCREST DR HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-40

Address: N/A
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-118-01

Address: N/A
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-118-11

Address: 200 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Rezoning Site Street Frontage (approximate)

+/- 245 feet of frontage on Gilead Road

+/- 245 feet of frontage on Hillcrest Drive

+/- 379 feet of frontage on Greenway Street

RE-ZONING / SKETCH PLAN

HUNTERSVILLE TOWN CENTER

MIXED- USE DEVELOPMENT

109 GILEAD ROAD, HUNTERSVILLE, NC

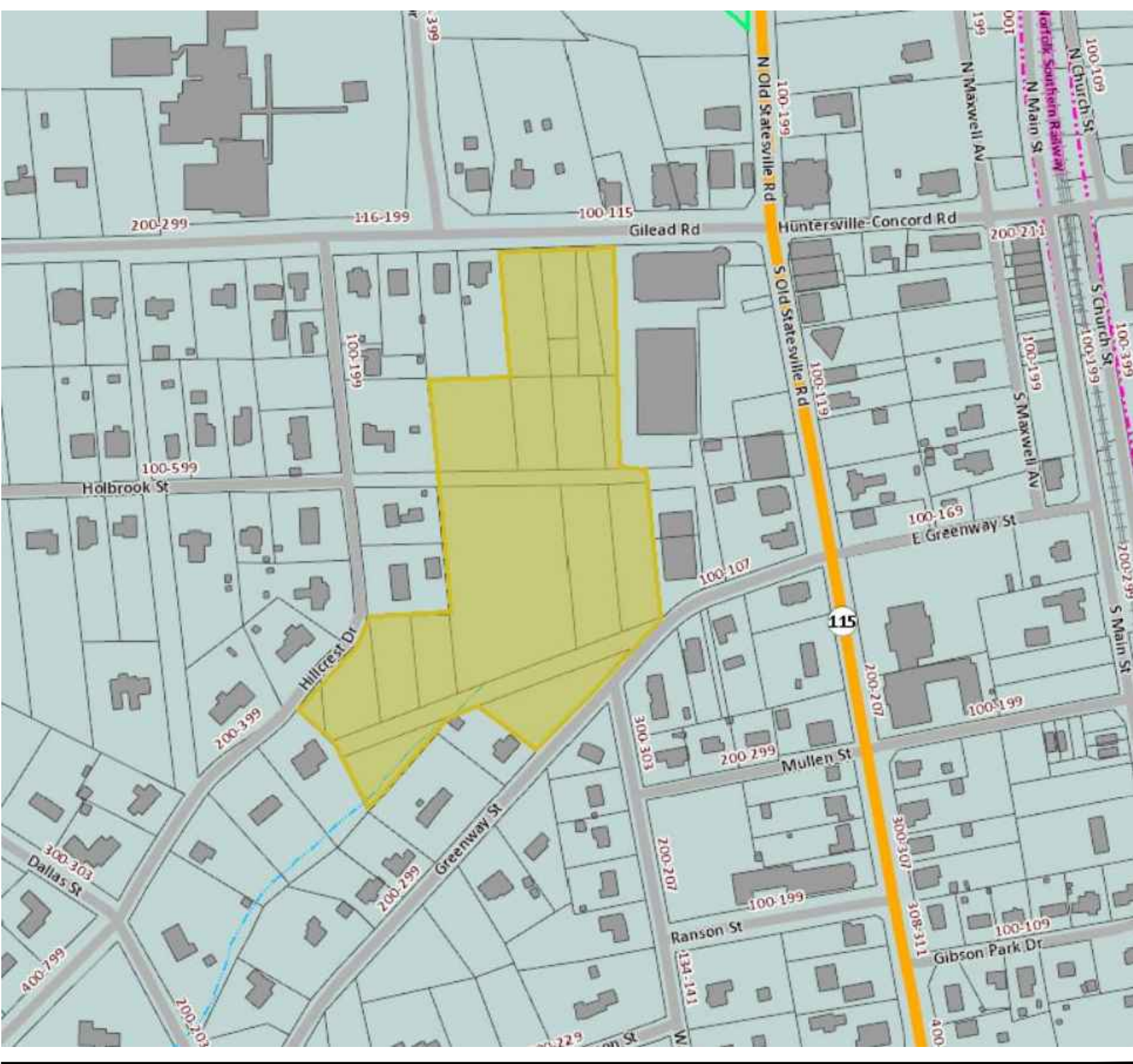
DATE: 10/21/2020

EPM# 411298

CHAPTER INDEX

Sheet Number	Sheet Title
RZ-00	Cover Sheet
RZ-01	Sealed Survey, Tree Survey, and Existing Conditions
RZ-02	Tree Preservation and Canopy
RZ-03	Existing Conditions
RZ-04	Existing Topography Slope Analysis
RZ-05	Adjacent Parcel Zoning Districts
RZ-06	Re-Zoning Site Plan
RZ-07	Re-Zoning Sections
RZ-08	Re-Zoning Sections
RZ-09	Re-Zoning Sections
RZ-10	Re-Zoning Sections
RZ-11	Re-Zoning Grading Plan
RZ-12	Re-Zoning Stormwater-Water Quality Plan
RZ-13	Re-Zoning Storm Pond Enlargement
RZ-14	Conceptual Impervious Area Map
RZ-15	Re-Zoning Notes
RZ-16	Re-Zoning Notes
RZ-17	Architectural Elevations
RZ-18	Architectural Elevations

VICINITY MAP



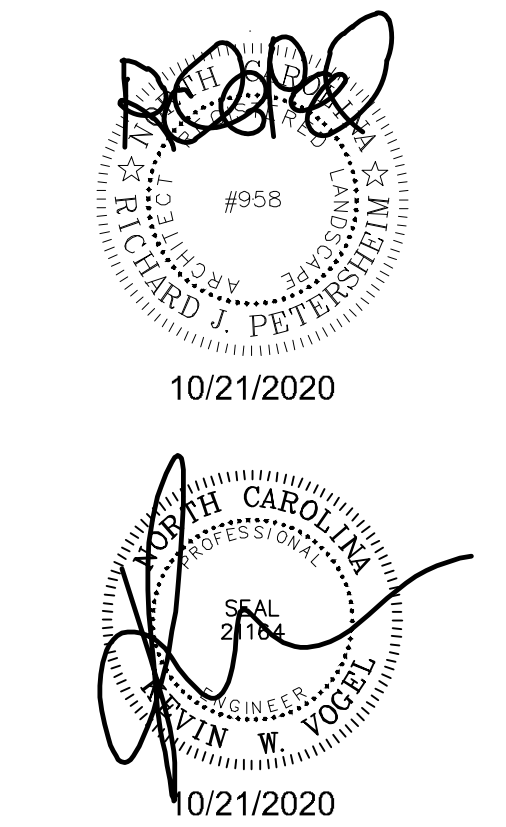
PROJECT TEAM

OWNER/DEVELOPER
NORTH STATE DEVELOPMENT, LLC
18825 W. CATAWBA AVE
SUITE 250
CORNELIUS, NC, 28031
704.997.8255

LANDSCAPE ARCHITECT
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME:

CIVIL ENGINEER
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME:

ARCHITECT
STUDIO ARCHITECTS
1000 MARIETTA ST. NW
SUITE 244
ATLANTA, GA 30318
678.705.7904



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

HUNTERSVILLE TOWN CENTER

LD PN 1018017

COVER SHEET

LandDesign.

1. THE SITE IS LOCATED IN THE MCDOWELL CREEK WATERSHED, MOUNTAIN ISLAND LAKE WATERSHED DISTRICT - PA2



1. THE SITE IS LOCATED IN THE MCDOWELL CREEK WATERSHED, MOUNTAIN ISLAND LAKE WATERSHED DISTRICT - PA2



D7 01

1. THE SITE IS LOCATED IN THE MCDOWELL CREEK WATERSHED, MOUNTAIN ISLAND LAKE WATERSHED DISTRICT - PA2



D7 01

1. THE SITE IS LOCATED IN THE MCDOWELL CREEK WATERSHED, MOUNTAIN ISLAND LAKE WATERSHED DISTRICT - PA2



D7 01

CAD SURVEY BASE
INFORMATION IS
FROM MECKLENBURG
COUNTY GIS LIBRARY



TREE PRESERVATION AND CANOPY

HERITAGE TREES:

- NUMBER OF HERITAGE TREES ON-SITE =
- NUMBER OF HERITAGE TREES SAVED =
- PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE =
- PERCENTAGE OF HERITAGE TREES SAVED =

SPECIMEN TREES:

- NUMBER OF SPECIMEN TREES ON-SITE =
- NUMBER OF SPECIMEN TREES SAVED =
- PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE =
- PERCENTAGE OF SPECIMEN TREES SAVED =

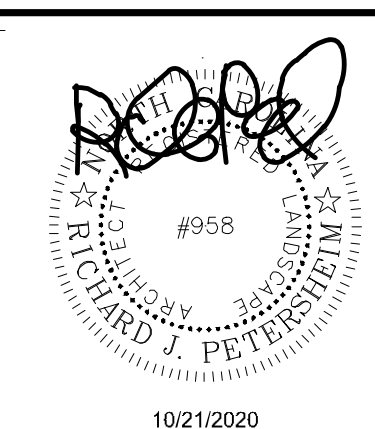
TREE CANOPY

- PERCENTAGE OF SITE COVERED BY TREE CANOPY =	±88%
- PERCENTAGE OF TREE CANOPY PRESERVATION REQUIRED =	0%
- PERCENTAGE OF TREE CANOPY SAVED =	±10%

Tree Label	DBH & Type	Tree Saved
T1	27" Hackberry	X
T2	37" Green Ash	X
T3	15" Mimosa	X
T4	50" Willow Oak	X
T5	39" Willow Oak	X
T6	25" Hackberry	X
T7	29" Willow Oak	Saved
T8	25" Willow Oak	X
T9	25" Willow Oak	X
T10	25" Willow Oak	X
T11	27" Willow Oak	X
T12	25" Willow Oak	X
T13	26" Willow Oak	X
T14	29" Willow Oak	X
T15	25" Willow Oak	X
T16	40" Willow Oak	Saved
T17	32" Willow Oak	X
T18	28" Willow Oak	X
T19	28" Willow Oak	X
T20	27" Willow Oak	X
T21	25" Willow Oak	X
T22	28" Pine	X
T23	26" Willow Oak	X
T24	25" Willow Oak	X
T25	25" Willow Oak	X
T26	27" Slippery Elm	X
T27	27" Slippery Elm	X
T28	28" Willow Oak	X
T29	27" Willow Oak	X
T29	32" Willow Oak	X
T30	28" Willow Oak	Saved
T31	28" Maple	Saved
T32	36" Willow Oak	X
T33	28" Pine	X
T34	24" Poplar	X
T35	36" Willow Oak	X
T36	28" Willow Oak	X
T37	36" Willow Oak	X
T38	30" Water Oak	Saved
T39	32" Willow Oak	Saved
T40	36" Willow Oak	X
T41	36" Willow Oak	X
T42	24" Slippery Elm	X
T43	33" Willow Oak	X
T44	33" Willow Oak	X
T45	17" BlkCherry(Dead)	X
T46	27" Willow Oak	X
T47	Boxelder	X

KEY MAP

SE



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCAI

VERT:
HORZ: 1" = 60'

SHEET TITLE:

TREE PRESERVATION AND CANOPY

SHEET NUMBER

RZ-02

CAD SURVEY BASE
INFORMATION IS
FROM MECKLENBURG
COUNTY GIS LIBRARY



TRIBUTARY LOCATION AS
DETERMINED BY US ARMY CORPS OF
ENGINEERS IN NOTIFICATION OF
JURISDICTIONAL DETERMINATION,
ACTION ID. SAW-2020-010706

EXISTING PARCEL OWNER / IDENTIFICATION:

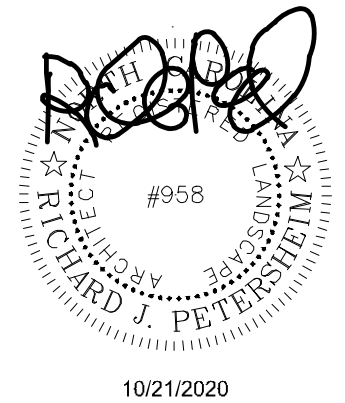
- | | | | |
|-----|---|------|---|
| 1. | PARCEL ID: 01710808
OWNER: PHILLIP MORGAN / COLLEEN MORGAN | 54. | PARCEL ID: 01711805
OWNER: JOSEPH C PUGH / LOVEACE B PUGH |
| 2. | PARCEL ID: 01710803
OWNER: EVELYN M BURGESS | 55. | PARCEL ID: 01711806
OWNER: LARRY BREVARD BLYTHE |
| 3. | PARCEL ID: 01710811
OWNER: WAYNE H / CAROL D BALLARD | 56. | PARCEL ID: 01711904
OWNER: ERNIE J LEE / ROBERTA S LEE |
| 4. | PARCEL ID: 01710804
OWNER: WAYNE H BALLARD / CAROL D BALLARD | 57. | PARCEL ID: 01711402
OWNER: THE GATHERING CENTER LLC / BEVERLY SMITH MINISTRIES |
| 5. | PARCEL ID: 01710807
OWNER: MANSUKHLAL KOTHADIA / VILAS KOTHADIA | 58. | PARCEL ID: 01711504
OWNER: ERNIE J LEE / ROBERTA S LEE |
| 6. | PARCEL ID: 01710812
OWNER: JMPH PROPERTIES LLC | 59. | PARCEL ID: 01711505
OWNER: HOLDINGS OAK |
| 7. | PARCEL ID: 01710806
OWNER: JOSE NOEL CELIS | 60. | PARCEL ID: 01711503
OWNER: ERNIE J LEE / ROBERTA S LEE |
| 8. | PARCEL ID: 01711623
OWNER: ANN P BERRIER | 61. | PARCEL ID: 01711502
OWNER: VICTOR M KORRER |
| 9. | PARCEL ID: 01711622
OWNER: JAMES H MOON / PAMELA P MOON | 62. | PARCEL ID: 01711501
OWNER: TERRY F MCKNIGHT / DEBORAH P MCKNIGHT |
| 10. | PARCEL ID: 01711630
OWNER: DERRICK RORRER | 63. | PARCEL ID: 01711510
OWNER: COOPER BELL LLC |
| 11. | PARCEL ID: 01711624
OWNER: JORGE PENARANDA / SANDRA P TEJADA | 64. | PARCEL ID: 01711513
OWNER: ANGELO N PONCE / LIVING TRUST ANGELO N PONCE REVOCABLE |
| 12. | PARCEL ID: 01711625
OWNER: BRADFORD D III CECIL | 65. | PARCEL ID: 01711506
OWNER: ARAJO INVESTMENTS LLC |
| 13. | PARCEL ID: 01711621
OWNER: LAKESIDE PREPARATORY LLC | 66. | PARCEL ID: 01711507
OWNER: TERRY E DEWESE / REBECCA A DEWESE |
| 14. | PARCEL ID: 01711620
OWNER: CAROL A PRESLEY | 67. | PARCEL ID: 01711405
OWNER: PHYLLIS LYNCH UNDERHILL |
| 15. | PARCEL ID: 01711619
OWNER: TOWN OF HUNTERSVILLE | 68. | PARCEL ID: 01711404
OWNER: CHARLES H IV WELLS / REBECCA DICKINSON WELLS |
| 16. | PARCEL ID: 01711626
OWNER: CECIL D III BRADFORD | 69. | PARCEL ID: 01904402
OWNER: DOROTHY B FLORENTINE / TRUST DOROTHY B FLORENTINE FAMILY LEGACY |
| 17. | PARCEL ID: 01711627
OWNER: TOWN OF HUNTERSVILLE | 70. | PARCEL ID: 01904401
OWNER: DOROTHY B CANADAY |
| 18. | PARCEL ID: 01711643
OWNER: TOWN OF HUNTERSVILLE | 71. | PARCEL ID: 01904304
OWNER: CHURCH HUNTERSVILLE PRESBYTERIAN |
| 19. | PARCEL ID: 01711618
OWNER: TOWN OF HUNTERSVILLE | 72. | PARCEL ID: 01904303
OWNER: CHURCH HUNTERSVILLE PRESBYTERIAN |
| 20. | PARCEL ID: 01711617
OWNER: TOWN OF HUNTERSVILLE | 73. | PARCEL ID: 01904220
OWNER: JAMES RITCHIE DAVIS / JENNIFER DAVIS |
| 21. | PARCEL ID: 01711699
OWNER: TOWN OF HUNTERSVILLE | 74. | PARCEL ID: 01904211
OWNER: RENE W SMALL |
| 22. | PARCEL ID: 01711616
OWNER: TOWN OF HUNTERSVILLE | 75. | PARCEL ID: 01904213
OWNER: SIDNEY V JR BOONE / TAYLA M BOONE |
| 23. | PARCEL ID: 01711615
OWNER: TOWN OF HUNTERSVILLE | 76. | PARCEL ID: 01904210
OWNER: LEMUEL J GARDNER / BRENDA J GARDNER |
| 24. | PARCEL ID: 01711645
OWNER: TOWN OF HUNTERSVILLE | 77. | PARCEL ID: 01904209
OWNER: LEMUEL J GARDNER / BRENDA J GARDNER |
| 25. | PARCEL ID: 01711611
OWNER: TOWN OF HUNTERSVILLE | 78. | PARCEL ID: 01904214
OWNER: JACKIE CURRANT / GINA MICHELLE STEWART |
| 26. | PARCEL ID: 01711606
OWNER: TOWN OF HUNTERSVILLE | 79. | PARCEL ID: 01904215
OWNER: LAYTON P HOLSINGER / JAN W HOLSINGER |
| 27. | PARCEL ID: 01711605
OWNER: TOWN OF HUNTERSVILLE | 80. | PARCEL ID: 01904208
OWNER: LAYTON P HOLSINGER / JAN W HOLSINGER |
| 28. | PARCEL ID: 01711601
OWNER: SWANSTONE PARTNERS LLC | 81. | PARCEL ID: 01904222
OWNER: LAYTON P HOLSINGER / JAN W HOLSINGER |
| 29. | PARCEL ID: 01711603
OWNER: TOWN OF HUNTERSVILLE | 82. | PARCEL ID: 01904206
OWNER: TOWN OF HUNTERSVILLE |
| 30. | PARCEL ID: 01711647
OWNER: TOWN OF HUNTERSVILLE | 83. | PARCEL ID: 01904216
OWNER: CHARLES S GUIGNARD |
| 31. | PARCEL ID: 01711631
OWNER: SOUTHERN BELL TELEPHONE & TELEGRAPH CO. | 84. | PARCEL ID: 01904217
OWNER: CHARLES S GUIGNARD |
| 32. | PARCEL ID: 01711642
OWNER: BELL SOUTH TELECOMMUNICATION INC. | 85. | PARCEL ID: 01904205
OWNER: CHARLES S GUIGNARD |
| 33. | PARCEL ID: 01711632
OWNER: CECIL D III BRADFORD | 86. | PARCEL ID: 01904204
OWNER: CHARLES S GUIGNARD |
| 34. | PARCEL ID: 01711633
OWNER: CECIL D III BRADFORD | 87. | PARCEL ID: 01904203
OWNER: CHARLES S GUIGNARD |
| 35. | PARCEL ID: 01711634
OWNER: CECIL D III BRADFORD | 88. | PARCEL ID: 01904201
OWNER: CHARLES S GUIGNARD |
| 36. | PARCEL ID: 01711635
OWNER: ROBERT NEIL TUTTLE | 89. | PARCEL ID: 01904218
OWNER: CHARLES S GUIGNARD |
| 37. | PARCEL ID: 01711636
OWNER: CANDICE A KLEIN / JOSH KLEIN | 90. | PARCEL ID: 01904219
OWNER: CYNDEE PROPERTIES LLLP |
| 38. | PARCEL ID: 01710204
OWNER: COLLEEN REDMOND | 91. | PARCEL ID: 01903117
OWNER: AMAN S TADROSS / RAFIK M HANNA |
| 39. | PARCEL ID: 01710208
OWNER: KATHERINE DAVIS DICKINSON | 92. | PARCEL ID: 01903116
OWNER: TOWN OF HUNTERSVILLE |
| 40. | PARCEL ID: 01710201
OWNER: GARY MICHAEL TOMPKINS | 93. | PARCEL ID: 01903115
OWNER: TOWN OF HUNTERSVILLE |
| 41. | PARCEL ID: 01710207
OWNER: W EDWARD HAIGLER | 94. | PARCEL ID: 01712212
OWNER: CASHION PROPERTIES LLC |
| 42. | PARCEL ID: 01710202
OWNER: MATTHEW R TOMPKINS | 95. | PARCEL ID: 01712211
OWNER: TOWN OF HUNTERSVILLE |
| 43. | PARCEL ID: 01710205
OWNER: CHURCH TRUSTEES OF HUNTERSVILLE METHODIST | 96. | PARCEL ID: 01712210
OWNER: TOWN OF HUNTERSVILLE |
| 44. | PARCEL ID: 01711813
OWNER: KATHRYN K DOUGHTY / OLIVER G H PETERS | 97. | PARCEL ID: 01712245
OWNER: TOWN OF HUNTERSVILLE |
| 45. | PARCEL ID: 01711816
OWNER: ALEXIS B FLETEMIER / JAMES L FLETEMIER | 98. | PARCEL ID: 01712208
OWNER: MARTHA M RAWDON / FRANCES M GARNER / LARRY W GARNER |
| 46. | PARCEL ID: 01711640
OWNER: GILEAD BOWMAN LLC | 99. | PARCEL ID: 01712207
OWNER: GERALD L INGALLS / RACHEL H INGALLS |
| 47. | PARCEL ID: 01711639
OWNER: CECIL D III BRADFORD | 100. | PARCEL ID: 01712113
OWNER: MECKLENBURG BOARD OF EDUCATION CHARLOTTE |
| 48. | PARCEL ID: 01711638
OWNER: CECIL D III BRADFORD | | |
| 49. | PARCEL ID: 01711637
OWNER: CECIL D III BRADFORD | | |
| 50. | PARCEL ID: 01711801
OWNER: GILEAD BOWMAN LLC | | |
| 51. | PARCEL ID: 01711807
OWNER: BRIAN EPPLEY / TAMMY EPPLEY | | |
| 52. | PARCEL ID: 01711810
OWNER: JAMES PAUL MCCALL / CATHERINE MCCALL | | |

LandDesign.

223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM
NC ENG. FIRM LICENSE # C-0658

KEY MAP

SEAL



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJEC

HUNTERSVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC
109 GILEAD ROAD
HUNTERVILLE, NC

LANDDESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: _____
HORIZ: 1" = 60'

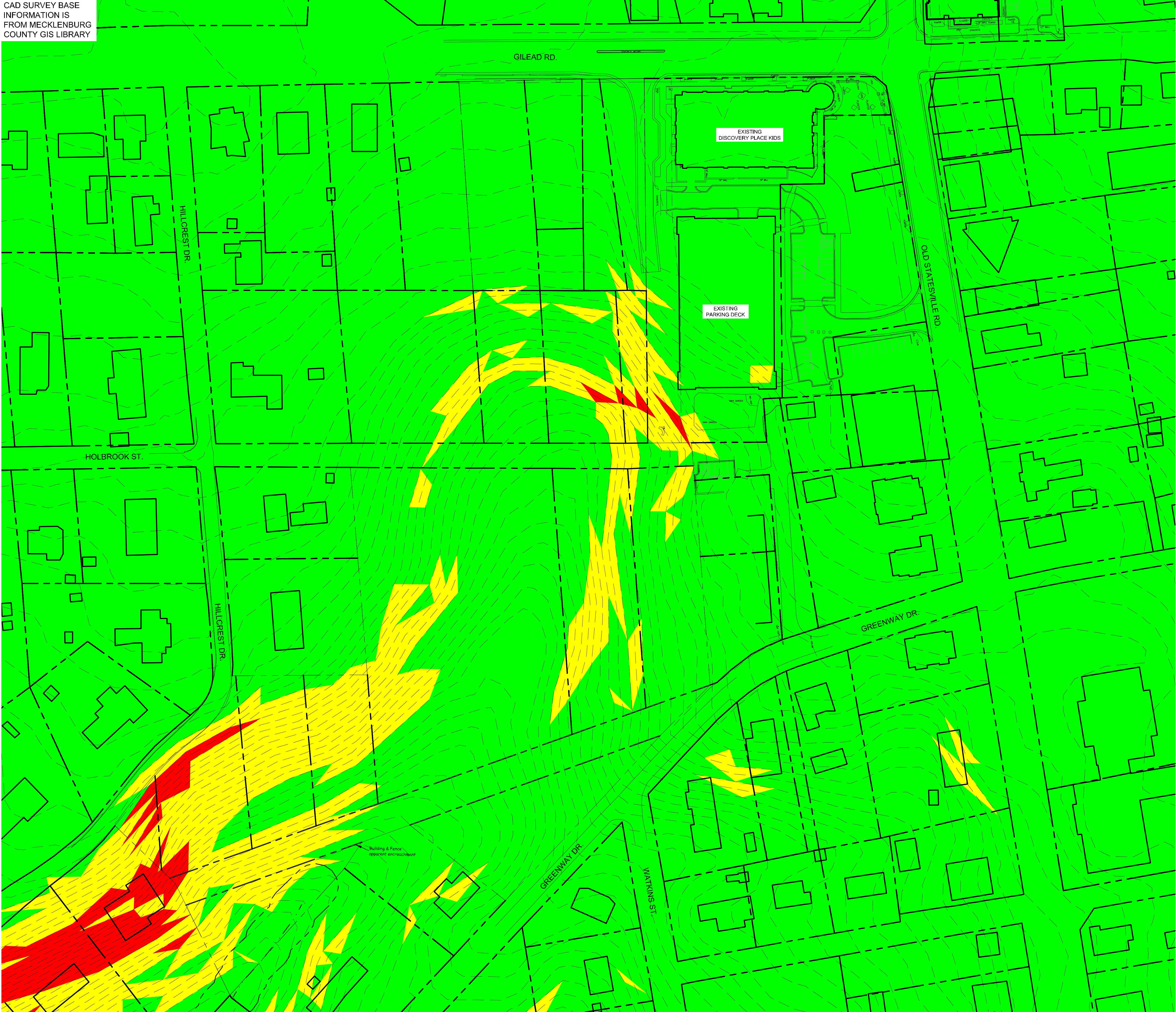
SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-03

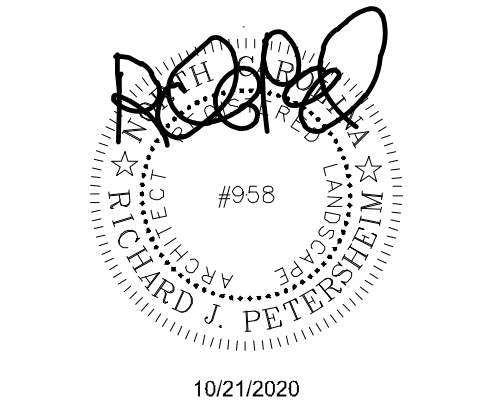
CAD SURVEY BASE
INFORMATION IS
FROM MECKLENBURG
COUNTY GIS LIBRARY



Slope Analysis Legend			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Green
2	10.00%	15.00%	Yellow
3	15.00%	25.00%	Red
4	25.00%	33.01%	Dark Red

KEY MAP

SEAL



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PROJECT

HUNTERSVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY:
DRAWN BY:
CHECKED BY:

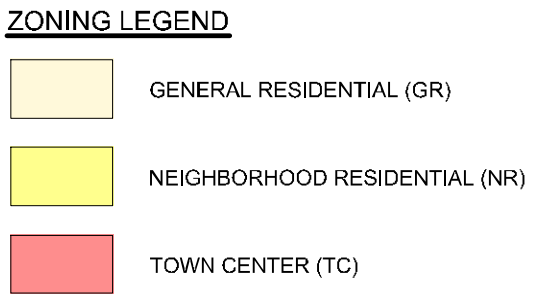
SCALE
VERT: 1" = 60'
HORIZ: 1" = 60'

SHEET TITLE

EXISTING TOPOGRAPHY
SLOPE ANALYSIS

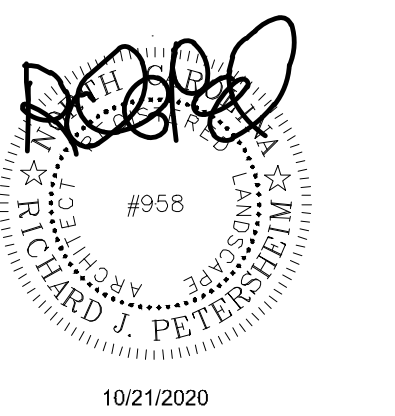
SHEET NUMBER

RZ-04



KEY MAP

SEAL



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CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

NORTH

VERT:
HORZ: 1" = 60'



A graphic scale bar and north arrow. The scale bar is horizontal with markings at 0, 30, 60, and 120. Above the bar, the text 'SCALE' is on the left and 'NORTH' is on the right. To the right of the scale bar is a circular north arrow pointing upwards. To the left of the scale bar, the text 'VERT:' and 'HORZ: 1" = 60'' is displayed.

ADJACENT PARCEL ZONING
DISTRICTS

SHEET NUMBER

RZ-05



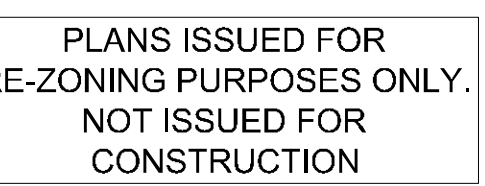
EXISTING FIRE HYDRANT

SHEET NUMBER



KEY MAP

REAL



**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

09 GILEAD ROAD
UNTERSVILLE, NC

INDEX DESIGN PROJ.# 1018017

EVISION / ISSUANCE

[illegible]

DESIGNED BY:

DRAWN BY:

CHECKED BY:

SCALE NORTH

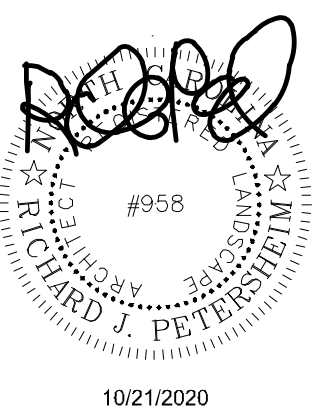
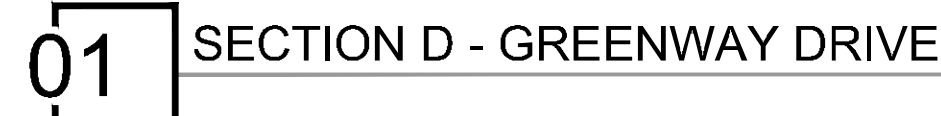
ORZ: AS NOTED

MEET TITLE

E-ZONING SECTIONS

SHEET NUMBER

RZ-07



PROJECT

NORTH STATE DEVELOPMENT, LLC

LANDDESIGN PROJ.# 1018017

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT:
HORZ: AS NOTED

SHEET TITLE _____

RE-ZONING SECTIONS

SHEET NUMBER

RZ-08



10/21/2020

PROJECT _____

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

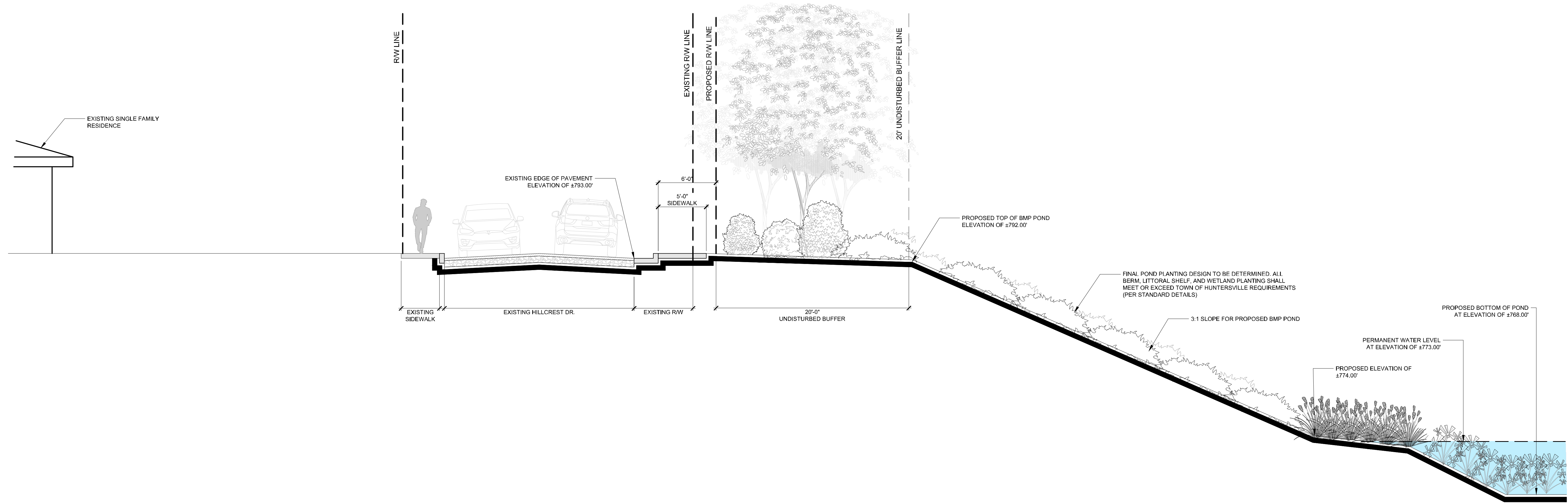
VERT:
HORZ: AS NOTED

SHEET TITLE _____

RE-ZONING SECTIONS

SHEET NUMBER

RZ-09

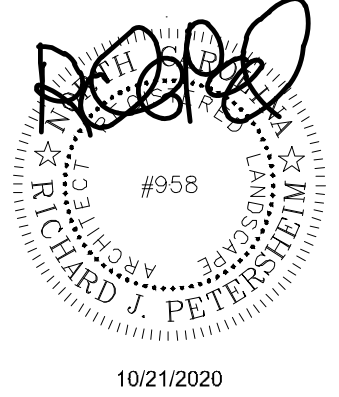


01 SECTION J - TYPICAL SECTION AT HILLCREST DRIVE AND STORMWATER POND

3/16" = 1'-0"

KEY MAP

SEAL



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
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PROJECT

HUNTERVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY:

DRAWN BY:

CHECKED BY:

SCALE NORTH

VERT:

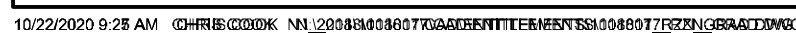
HORZ: AS NOTED

SHEET TITLE

RE-ZONING SECTIONS

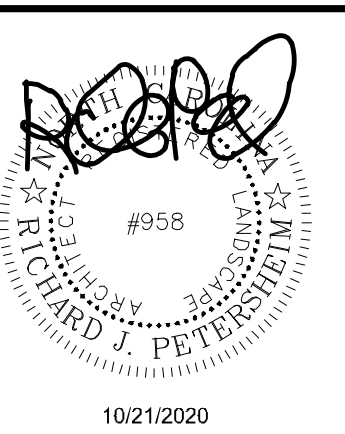
SHEET NUMBER

RZ-10



KEY MAP

REAL



PLANS ISSUED FOR
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NOT ISSUED FOR
CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

09 GILEAD ROAD
UNTERSVILLE, NC

INDEX DESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SALE

HORIZ: 1" = 60'

REF TITL

E-ZONING GRADING PLAN

SHEET NUMBER

RZ-11

1. STORM POND SIZE AND SHAPE ARE NOT FINAL. INTENT IS TO REDUCE THE SIZE OF THE POND TO THE EXTENT POSSIBLE DURING CONSTRUCTION DOCUMENTATION PHASE.
2. ALL FUTURE STORM AND BY-PASS SYSTEM PIPES WILL BE LOCATED OUTSIDE OF ALL BUFFERS AND WILL NOT CONFLICT WITH ANY REQUIRED BUFFER PLANTING
3. WATER AND SEWER WILL BE PROVIDED BY AN EXTENSION OF THE CHARLOTTE WATER PUBLIC FACILITIES.
4. STORM POND DESIGN IS CONCEPTUAL. FINAL SIZE , SHAPE, AND CALCULATIONS FOR THE STORM POND MAY CHANGE DURING FINAL CONSTRUCTION STAGE OF DESIGN.

- TOP OF DAM = 780.5
- BOTTOM OF POND = 768
- PERMANENT POOL ELEVATION = 773
- E.S. = 779
- TOTAL STORAGE VOLUME PROVIDED = 110, 500 CF



SEAL



SEAL
21164
ENGINEER
KEVIN W. VOGEL

10/21/2020

PLANS ISSUED FOR
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CONSTRUCTION

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

NORTH

VERT:
HORZ: 1" = 60'



SHEET TITLE

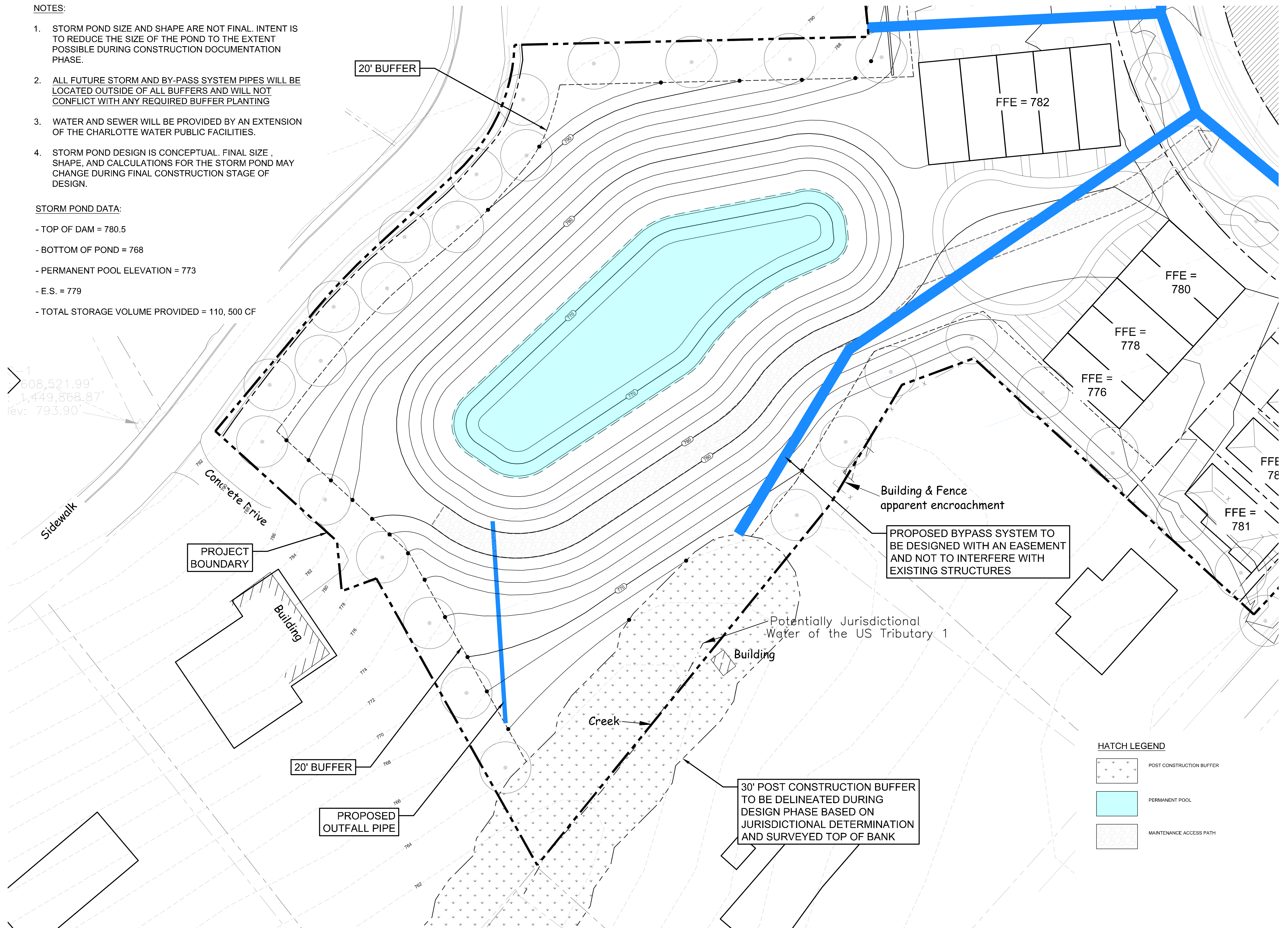
RE-ZONING
STORMWATER-WATER
QUALITY PLAN

SHEET NUMBER

RZ-12

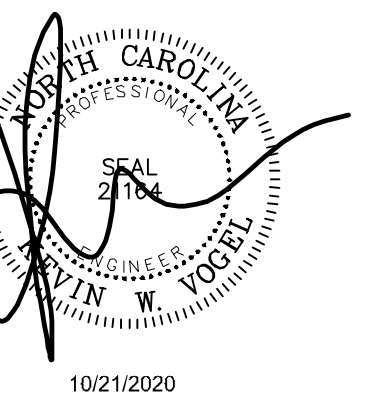
1. STORM POND SIZE AND SHAPE ARE NOT FINAL. INTENT IS TO REDUCE THE SIZE OF THE POND TO THE EXTENT POSSIBLE DURING CONSTRUCTION DOCUMENTATION PHASE.
2. ALL FUTURE STORM AND BY-PASS SYSTEM PIPES WILL BE LOCATED OUTSIDE OF ALL BUFFERS AND WILL NOT CONFLICT WITH ANY REQUIRED BUFFER PLANTING
3. WATER AND SEWER WILL BE PROVIDED BY AN EXTENSION OF THE CHARLOTTE WATER PUBLIC FACILITIES.
4. STORM POND DESIGN IS CONCEPTUAL. FINAL SIZE , SHAPE, AND CALCULATIONS FOR THE STORM POND MAY CHANGE DURING FINAL CONSTRUCTION STAGE OF DESIGN.

- TOP OF DAM = 780.5
- BOTTOM OF POND = 768
- PERMANENT POOL ELEVATION = 773
- E.S. = 779
- TOTAL STORAGE VOLUME PROVIDED = 110, 500 CF



KEY MAP

SEAL



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HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT: 
HORZ: 1" = 20'

SHEET TITLE _____

RE-ZONING STORM POND
ENLARGEMENT

SHEET NUMBER

RZ-13



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NORTH STATE DEVELOPMENT, LLC
109 GILEAD ROAD
HUNTERVILLE, NC

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

NORTH

VERT:
HORIZ: 1" = 60'



A horizontal graphic scale bar with markings at 0, 30, 60, and 120. Above the bar, the text 'SCALE' is on the left and 'NORTH' is on the right. To the right of the text 'NORTH' is a circular north arrow pointing upwards. To the left of the scale bar, the text 'VERT:' is on the top line and 'HORIZ: 1" = 60\'' is on the bottom line.

CONCEPTUAL IMPERVIOUS
AREA MAP

SHEET NUMBER

RZ-14

Properties petitioned for rezoning

Tax Parcel #017-118-11
Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078

Page 1

1317675

1317675

Tax Parcel #017-115-05
Holdings Oak
PO Box 2252
Huntersville, NC 28070

13176751

Tax Parcel #017-118-02
Paul Lingoes
Nicole Lingoes
202 Dallas Street
Huntersville, NC 28078

1317675

Tax Parcel #017-108-1
Carol D. Ballard
Wayne H. Ballard
102 Hillcrest Drive
Huntersville, NC 28078

Tax Parcel #017-108-03
Evelyn M. Burgess
PO Box 612
Huntersville, NC 28070

1317675



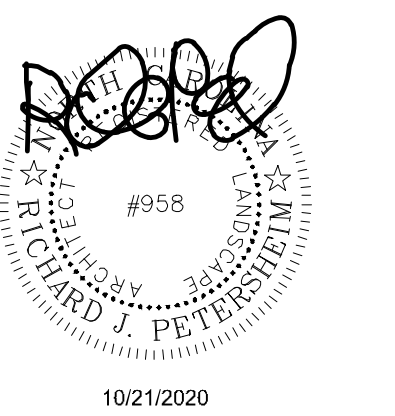
An architectural rendering of a multi-story mixed-use building. The building features a combination of red brick and light-colored vertical wood siding. The ground floor is designed for retail or commercial use, with large display windows and outdoor seating areas with yellow umbrellas. Upper floors are residential, featuring numerous windows and private balconies with dark railings. Some units have cantilevered balconies. The building is situated on a street with a brick-paved sidewalk and a dark asphalt road. In the foreground, there are green bushes. The street scene includes several people: two pedestrians walking, a person riding a bicycle, and a few cars (a blue sedan, a red SUV, and a yellow car). A large, leafy tree is on the left side of the building. The sky is blue with scattered white clouds. The artist's signature 'J. BROWN MCMCLARY' is visible in the bottom right corner.

NOTE:

THESE ELEVATIONS / IMAGES ARE SCHEMATIC IN NATURE ONLY AND ARE PROVIDED TO SHOW INTENT OF DESIGN. FINAL BUILDING MATERIALS AND ELEVATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS AND SHALL MEET THE REQUIREMENTS OF THE ORDINANCE

KEY MAP

SEAL



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:

DRAWN BY:
CHECKED BY:

SCALE

VERT:

HORZ: AS NOTED

SHEET TITLE

ARCHITECTURAL
ELEVATIONS

SHEET NUMBER

RZ-17

An architectural rendering of a four-story mixed-use building. The ground floor features large glass windows and doors for retail or commercial use, with people walking on the sidewalk and cars parked. The upper floors are residential, with light-colored horizontal siding and dark-framed windows. Many units have small balconies with dark railings. The building is flanked by green trees and a blue sky with light clouds. The overall style is a detailed architectural sketch.

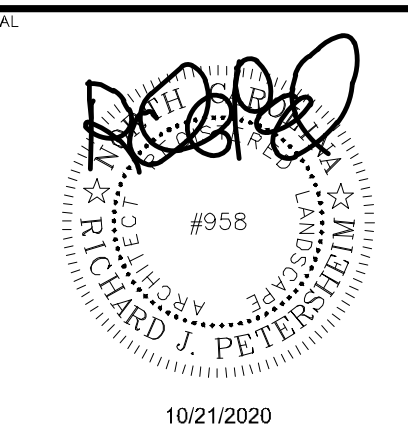
An architectural rendering of a long, multi-story residential building. The building features a mix of brick and light-colored siding, with numerous windows and balconies. A central entrance is visible, flanked by brick pillars. The building is set against a blue sky with white clouds. In the foreground, there is a green lawn with some trees and a few cars parked along the street.

Architectural elevation drawing of a multi-story residential building. The drawing includes the following height annotations:

- 54.5'** TOTAL BUILDING HEIGHT AT SOUTHERN END OF BUILDING
- 44'** TOTAL BUILDING HEIGHT ALONG PUBLIC STREET A
- 52.5'** TOTAL BUILDING HEIGHT
- 19.5'** RETAIL FRONTAGE HEIGHT
- 804.50'** FFE ON PUBLIC STREET A
- 804'** ELEVATION AT VEHICULAR PASS-THROUGH
- 807'** FFE ON GILEAD RD.
- 793.50** FFE OF BASEMENT LEVEL AMENITY AREA
- STEP IN BUILDING FOUNDATION** (indicated by an arrow pointing to a change in the building's base level)

KEY MAP

SE



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT:
HORZ: AS NOTED

SHEET TITLE

ARCHITECTURAL
ELEVATIONS

SHEET NUMBER

RZ-18

Huntersville Town Center Mixed-Use

Neighborhood Meeting Report

FIRST NEIGHBORHOOD MEETING – 8.26.20

Summary of Main Topics & Questions

- **Development Process**
 - This Neighborhood Meeting Report will be submitted to the Town and be made available to attendees.
 - This is a conceptual plan that is under review at the Town right now; there is still room for revisions and changes.
- **Traffic and Transportation**
 - What improvements will this development provide to help traffic?
 - Besides improvements to HWY 115 and Gilead Rd., are there any planned improvements to the smaller neighborhood roads?
 - Can you provide traffic information on impacts to neighborhood streets?
 - Greenway and Hillcrest streets are already narrow and allowing this project to connect to these streets would burden those streets even more.
 - The Town Ordinance and plans require connections to these roads
 - The Greenfield Park neighborhood is already being used as a cut through to traffic in downtown Huntersville.
 - Cars, school buses, and trucks all speed through the neighborhood already, and nothing has been done to stop this.
- **Housing Types**
 - Neighbors do not want transient families and people moving into the homes because they may not have a stake in the community.
 - Neighbors do not want Section 8 or affordable housing.
 - Single-family homes are desired on the back of the property to provide a better transition to the townhome and multi-family portion of the project in the front.
 - What are the price ranges for the townhomes?
- **Mixed-Use Commercial Element**
 - Neighbors would like to see more retail/commercial options such as restaurants and boutique shops on Gilead, but don't want any more residential.
 - What is the square footage of the retail element?
- **Stormwater**
 - Flooding is already an issue in the neighborhood and this project will add to the problem. What guidelines is the project using to protect against this?
 - How will the development mitigate the stormwater runoff?
 - Concerned that Dallas St. specifically and others could be flooded.
- **Property Values**
 - How will this project impact the future property values of adjoining property owners?

SECOND NEIGHBORHOOD MEETING – 9.23.20

Summary of Main Topics & Questions

- Traffic
 - What improvements will be done to the smaller/narrower streets in the Greenfield Park Neighborhood?
 - How will cars driving westbound on Gilead Rd. access the project? One way cars driving westbound on Gilead Rd. can access the project is to turn left onto Hillcrest then left onto the Holbrook extension, which will be built by the developer.
 - What other connections will be made to the property?
 - What will the typical cross section of Gilead Rd. look like once the improvements to Gilead Rd. are completed?
 - Are the improvements to Main St. one-way? No, it is a two-way road.
- Building Details (Apartments, Townhomes, etc.)
 - What is the height of the apartment building on Gilead Rd. compared to that of the Discovery Place Kids. It is approximately the same.
 - Are those the final designs for the townhomes? The townhome design is not finalized and there is still time for planning and modifications.
 - Building design will keep with the overall aesthetic of the downtown area.
- Town Center Zoning
 - Are apartments allowed in the current zoning? Yes, apartments are allowed. This property has been zoned Town Center (TC) for many years.
 - The contemplated vision for this area includes a mixed-use walkable development.
- Neighborhood Notes
 - The surrounding neighborhood is an old neighborhood and some of the people have lived there their entire lives.
 - Historically, there has been some opposition to apartments in the area.
 - The neighbors are not against growth, they just want sensible development with some amenities that the neighbors can enjoy.
 - Neighbors would like to be involved in a more collaborative process.

Appendix I

First Neighborhood Meeting

Attendees

- Rick Ranson – 215 Greenway Dr.
- Jim Puckett – 216 Greenway Dr. – jhpuckett@bellsouth.net (may be misspelled missing a “t”)
- Robert and Elaine Kerns – 301 Hillcrest Dr.
- Jeff and Amee Hager – 203 Greenway Dr.
- Robert and Amber Kovacs – 207 Greenway Dr.
- Mike Wilborn – 303 Greenway Dr.
- Oliver Peters and Kathryn Doughty – 211 Hillcrest Dr. – Kathryn.k.doughty@gmail.com
- Pat Hymes – 100 Hillcrest Dr.
- Kathy Jones – 104 Walters St. – kathrynmariejones@bellsouth.net
- Pam Ussery – 126 Holbrook St.
- Marie Hicks – 400 Greenway St.
- Janet Pierson – 104 Dallas St.
- Tim and Zach Kendra-Dill – 300 Mt. Holly-Huntersville Rd.
- Roberta and Ernie Lee – 302 Watloms St. – bertandernielee@bellsouth.net
- Thresa and Mike Howard – 104 Mullen St.
- John Calhoun
- Stephen Swanick
- Kevin Belk – 117 Gilead Rd.
- Josh and Candice Klein – 203 Hillcrest Dr. – topsub@gmail.com
- Gary and Sheree Tompkins – 115 Holbrook St.
- Matt Tompkins – 204 Hillcrest Dr.
- Erik Hopkins and Ashley Adams – 302 Hillcrest Dr. – eshopkin@gmail.com
- Lee and Amy Hallman (representative for Pam Moon) – 119 Gilead Rd.
- Taylor Brock and Eddie Hutto – 127 Holbrook St.
- Brittany and Taylor Fox – 119 Holbrook St. (represented by Taylor Brock and Eddie Hutto)
- Tammy Eppley – 208 Greenway Dr.
- Myrna Mowrey – 108 Virginia Ave. – myrna@homechords.com
- Username: kritzinger – 103 Hillcrest Dr.

Developer Presentation

- Susan Irvin – Irvin Law Group
- Shane Seagle – North State Development
- David Watson – Land Design

Questions

- Jim Fletemier
 - How are the results reported to the Town of Huntersville?

- Is there any way to get the meeting reported verbatim?
 - How will these questions and reports be reported/filed?
 - **You can send a chat message with your email in order to receive updates.**
- Stephen Swanick, Planning Board
 - Is this conceptual or is this what will be reviewed by planning board for approval?
 - How many revisions?
 - Are there any more relevant plans or changes?
 - **This is a conceptual plan of the plan that is under review at the Town right now.**
 - **There was an original plan that they revised based on Town comments, the main one being to include commercial on the entire Gilead Rd. frontage**
 - Is there room to make any more changes?
 - **Would love to make changes and work with the Town**
- Jeff Hager
 - Is there a signed contract of any type? Public record?
 - **This is public record but they can figure this out**
 - Where do we get a copy of the study of the watershed? Water flows to 1.3 million people, want to make sure the water quality is maintained.
 - **Town of Huntersville adopted a water quality ordinance before any other Towns around here and all developments are required to comply with water quality and quantity. Every project must retain its water and is responsible for the project's water quality.**
 - Traffic Study? Traffic on the main streets? Are any upgrades included in the traffic?
 - **State and Town projects funded to improve the area of the project**
 - **If an area of improvement is being done by the Town and State then the developer would not need to improve those**
 - Where can I get the water quality plan?
 - **Town of Huntersville will have this**
 - **Huntersville Post Construction Ordinance includes this information about water quality and quantity objectives that must be met**
 - Is the water study flawed? Can it be tweaked?
 - **It is in the conceptual stage; there will be more detailed plans during the engineering phase of the project**
 - We need further conjunction for the study. When will any future meetings be held?
 - **The preliminary study is filed with the plan**
 - **The Town Engineer has this**
 - He asked people that were out doing surveys and they didn't give him any answers.
- Amber Kovacs
 - Traffic on the small/narrow streets
 - Streets are already narrow (Greenway and Hillcrest),
 - **Town Ordinance and plans require connection to existing streets and the improvements to 115, Main Street, and Gilead Rd. are intended to be more attractive to those people rather than the smaller narrower roads.**
 - Back entrance into the neighborhood, this will increase traffic. The people living in the development will have to use those streets for entrance.

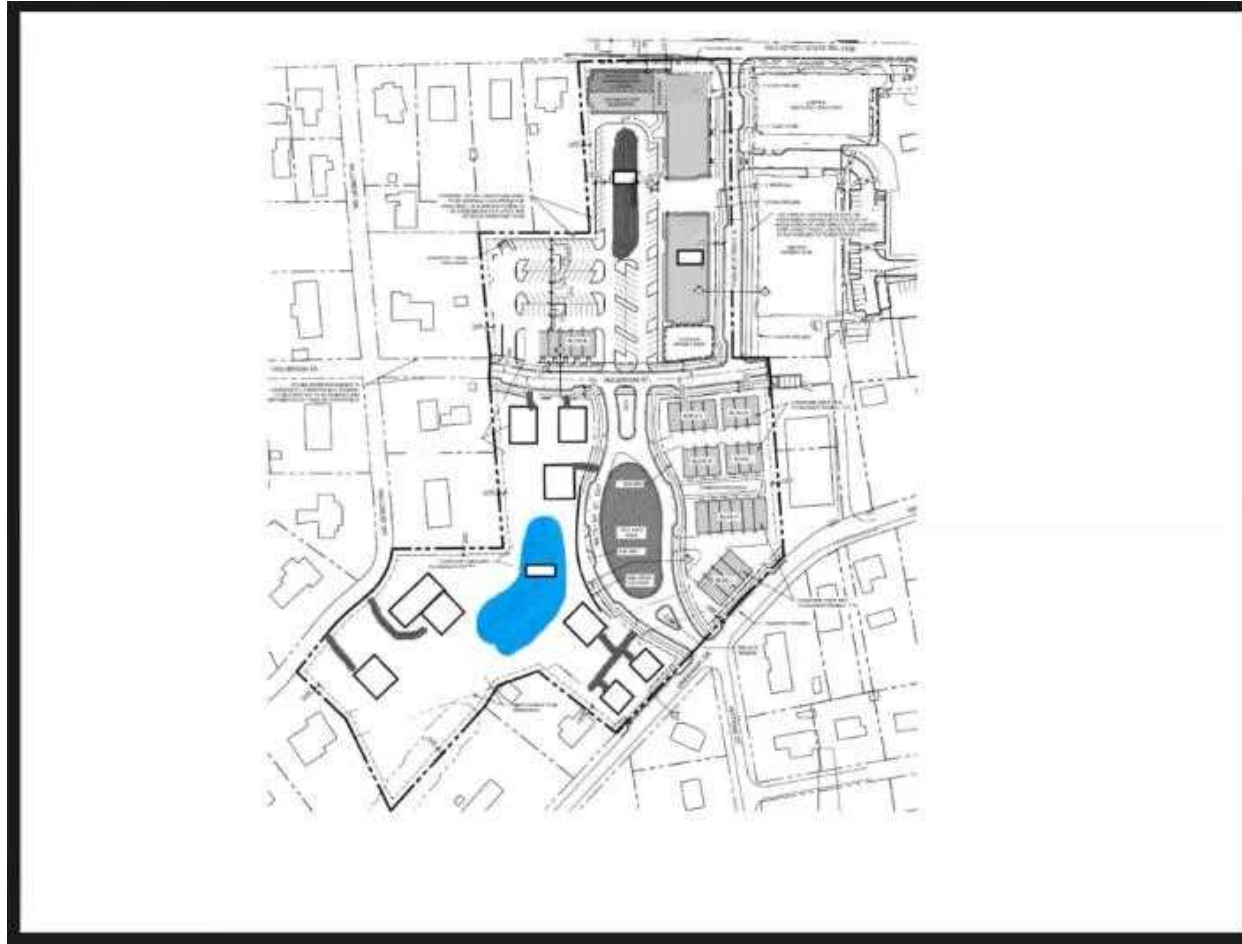
- **The Town Ordinance and plans require these connections to these streets and the developer**
 - *My concern here is not about the Town, its about my street. They moved from Florida and built a house here for the way it is now. They purposely avoided Vermillion and moved here because it is a community.
 - **This infill development has already been planned by the Town really since 2005 and one of the main things they require is connection to existing streets.**
 - Doesn't sound like the Town has the best interest for the people, they are looking at numbers.
 - Are these developers or the Town going to be buying any more land? Will additional right of way be purchased? Houses that are for sale, is there any chance that these developers will buy up those lands and increase the development. There was a house purchased recently, was that the developer?
 - **No, there are no such plans**
- Candice and Josh Klein
 - Plan/rendering says 3 stories but then the buildings on the street are 4 story. Where will these be located and what is the height of the property?
 - **Townhomes are in the southern portion of the site, taller townhomes are in the center, and the 2-story townhomes are intended to be along the boundary of the project**
 - Distance of the buildings on the back of the property? They live at 203 Hillcrest and are concerned with this and the density and proximity of the townhomes?
 - **Please send some contact information so we can get in touch with them and discuss**
- Oliver Peters
 - Has the Town already sold the parcel of land to the developer?
 - **This is a question for the Town to see where the negotiations are, believe that the Town still owns some of the property.**
 - If Town has already sold a portion of this land to the developer and the developer in turn needs some rezoning is there a conflict of interest for the Town? What are the legalities?
 - **Not sure about the legalities.**
- John Calhoun
 - Is the traffic along with the construction of whatever is built, do people realize that Greenfield is going to get kicked out of access in the 21 area?
 - Traffic cut through will add the extra traffic to get to Wendy's and back? Along with construction along Statesville and Gilead. I can get there and back in 5 minutes but with this traffic it will take 30 minutes to get to Wendy's and back.
 - Question about hospitals and healthcare and what the height of buildings relates to.
- Mike Wilborne
 - Lives on Greenway
 - Traffic – if there are developments on 115 etc. it keeps encroaching on the original Huntersville, is there a traffic study?

- **This project did not do a specific study because of all of the other road improvements that are going in from the Town and State. There is a requirement in the Ordinance that says if there are roadway improvements funded by the Town or State those improvements are considered complete for traffic purposes.**
 - Small town roads that have not changed much. This is a kid and family-oriented area and the old and established neighborhood is being encroached on.
 - What is the impact on the small neighborhoods? Traffic? Etc.? Today these areas are quiet and have limited traffic so what impact will there be on these neighborhood roads?
 - If there must be access, and Town requires it, what about extending Holbrook out into 115? Limit access to Greenway Dr. Can we keep this a quaint neighborhood?
 - **There is a plan to extend Holbrook out onto 115, we can ask this question, but the Town will most likely require connection.**
 - Is the developer willing to work with the community to preserve it instead of creating more traffic?
 - **Shane – we will commit to working with the Town & NCDOT etc. to work this thing out.**
- Alexis Fletemier
 - Are you an attorney with the Town or North State?
 - **Zoning attorney representing the applicant**
 - In water studies and retention pond, did you look at a wetlands or rain garden or wet pond? Something that can increase the value and increase the passive recreation for the development and the surrounding neighborhoods.
 - **David Watson – have looked into many stormwater retention methods, looked into reducing the size of the pond. Also taking input from the Town and residents. Have a note in the latest plans to look at those options as they get further into designs.**
 - Mentioned that the developer would be taking suggestions from the community, this is her suggestion? Add value to the neighborhood, eventually something will happen with the parcels. There is the potential to add value to the community, add recreation, and create something that is pleasing to the eye.
- Robert and Elaine Kerns
 - Lived in the neighborhood 60 years
 - Similar concerns to Amber and Mike
 - Concerned about the Greenfield park neighborhood – doesn't think the improvements to Gilead and 15 will do very much to mitigate the impact of the development
 - Concerned with the increased cut through traffic
 - Streets are very narrow, 1 sidewalk, it is a walkable bikeable neighborhood. Would this change with the development?
 - Could be a Dilworth or an Elizabeth type neighborhood eventually?
 - Water runoff and loss of tree canopy along with other ecological effects
 - What is the upside of this project to the single-family owner in the area?

- Elaine Kerns – school kids walk through the neighborhood to the bus stop, concerned about them walking to school, they already get run off the road when two cars drive by
- Mostly concerned with the part of the project that is on Greenway.
- This project would make the community less bikeable and less walkable
 - **We will look into these issues.**
- Erik Hopkins
 - Understands it will move through in some capacity, Town will be able to bring in money and revitalize the area for more businesses etc. This is good for the community to bring in more money and get more activation.
 - Biggest concern is the population density as this development adds all these units
 - Do we have the numbers on the current population density before and after for Greenfield Park?
 - Is there any way to lower the number of townhomes so they don't back up directly to the properties?
 - Wants to keep the small-town feel, make a conscious decision to change some of the townhomes so they don't encroach as much, limit the traffic.
- Rick Ranson
 - Land was in the family, he has lived here forever
 - Entrance from Watkins runs right over the creek and there are springs that are being run over for the development, there is another spring under one of the buildings
 - From Huntersville Elem. To 115 to Mt. Holly-Huntersville to 21 is well over 1 square mile that feeds into 1 creek, creek converges at Puckett and Kerns property
 - Dallas Street can become under water, floods regularly, who will pay for these services?
 - Tax revenue, beautification?
 - Do not want apartments because they are for *transients*, people don't care about the Town because they do not have a stake in the community. These people will decrease the quality of life for the community, condominiums would be better.
 - He has talked to well over 100 people in the community and they are hearing about a bait and switch, there is a small amount of retail space. Is the leasing office part of the retail element?
 - Some of this feels like Wal-Mart, bad aesthetic?
 - How many retail spaces, the entire first floor of the building on Gilead.
 - Commercial/retail looked stingy
 - Main concern – concerned that Dallas St. will get washed away, similar to Ranson Rd., don't want this to happen. What is the developer doing to mitigate this process, and what are the specifications that they must meet?
 - **All water created by this project will be retained on site per the Ordinance.**
 - **David Watson – all this information is in the Stormwater Post Construction Ordinance. Main objective is to have the stormwater runoff to be less than or equal to the pre-developed discharge, in addition to this treating the water quality. There is rainfall data in the area as well to look at the rainfall for the site that is used for designing stormwater systems.**
 - Will any other water be coming onto the site from another site?
 - Water may be cleaner now but what are the requirements for stormwater?

- **Property on Gilead Rd. is in the Town Center zoning district and apartments and retail element of the property can already be built.**
- **Developer is not sure what the types of retail will be but the first floor on Gilead is not just a leasing office.**
- **Because the property is already allowed in Town Center the Town Ordinance has requirements for tree canopy and tree save, there is also a Stormwater Ordinance to be dealt with on-site.**
- **Retail space would be the entire 1st floor of the building on Gilead Rd. and the pedestrian access from the street will be the 1st building.**
- **We need the square footage of the retail element of the project.**
- Jeff Hager
 - He knows Shane, is there any way that the concept can be changed so that the townhomes on the back side that exit on the Greenway, is there any way this can be changed, and still make a profit?
 - He knows that Shane is looking out for Huntersville and not trying to take advantage of the Town.
 - Is there any way to get rid of the townhomes and make a multi-family, single family residence? Can you put 20-30 homes on the property and still recoup losses.
 - **Shane is his hometown, he looked at the Town's approved community plans to see what developments the Town wanted to revitalize downtown. The Town's plans reflect this type of mixed-use development.**
 - The 6 board members and the Mayor and everyone else in the Town is not speaking for the people that he knows of in the Greenfield community, this is not in their best interest. More traffic is not beneficial.
 - Amber Kovacs
 - She spent \$100k more to live in this community, this could take
 - How does this work with the school? She is an employee of CMS, how will this impact the school numbers – *transient* population. How does this project take that into account?
 - **The apartment element is already zoned for apartments.**
 - Town members don't live in this area, these people live here because they like the quiet community feel, don't want the explosion of traffic
 - Speeding on Greenway is an issue right now, nothing has been done about it. School buses and FedEx trucks speed down the road
 - Says the residential element will not help the community at all
 - Lights "blowing into" the home of Ernie Lee for every car that exits the property, and he has grandkids
 - This does not provide safety
- Roxanne Broadway
 - Wondering who the apartments will be appealing to? Concerned about section 8 housing moving into the suburbs, this would be disturbing. She is concerned with stuff she has seen on TV about Section 8 housing moving into the suburbs.
 - Is this affordable housing?
 - **No there are no plans for affordable housing.**

- Her husband – everybody in the neighborhood wants to say is that NO we don't want this (this is the Hill, the original neighborhood that started Huntersville), everybody should know the history of the Hill and why the neighbors like it, if Huntersville wanted to do some improvement and development they should put the neighborhood sign back up at Dallas, would like everyone to know the history of the Hill? What is the Hill? Have common sense, water will run down the hill?
- There are already problems getting out on Dallas
- Single-family homes on this hill are worth plenty
- Spent too much money to buy the property and now they are overcompensating, Mr. Seagle is negligent of this and Mr. Seagle did not grow up on the Hill.
- None of these properties want any of this, retention pond, parking lot, no one wants a 3rd story apartment looking into their windows
- While the developer continues to work on their plan, we will continue to work on our plan for compensation for devalue of our property.
- Taylor Brock
 - Looking at the renderings and maps the Holbrook Extension? Is this planned out? Neighbors have a ROW from Gilead to Hilcrest Dr. has this been considered using in this?
 - With more traffic on Holbrook will this affect the property as far as widening the street.
- James Fletemier
 - Says Susan Irvin is a very high-priced high-horsed attorney representing developers
 - Last thing he wants to do is spend \$100k to fight this
 - If this gets developed, he would be in the swamp lands? And he would apparently lose \$100k in value.
 - He wants to be 100% clear that there is not a member of this neighborhood who is in favor of the plan in its current resemblance or any resemblance.
 - The property with high density property is already zoned for this, the southwest quadrant could be developed as high or medium density single-family homes
 - Only reason to have rezoning is for planned over development
 - There are other ways to develop this property that would be profitable. There is room to partner with local and regional developers to make a single-family development, that would not shove this down their throats, he feels like he is being bent over his fence whether it is polite or not
 - Mr. Fletemier shares his screen to show a sketch he made of a potential development – says that his plan can meet all the requirements without a rezoning



- Oliver Peters
 - He has the concerns of many
 - Main concern – what are the average values for the houses/apartments etc. how will this impact the current house property in the area? Is there any data to look into this?
 - **Shane thinks the prices for the units will be high compared to the area**
 - Can they provide the neighbors with a range of pricing? Major concern
 - How will this affect the property values moving forward?
 - **Believes the development will have a positive impact on the surrounding property values**
 - How could the developer address these concerns? If they are confident that this will raise prices how can they reach an agreement to make sure this happens?
 - **Open to discussing options/agreements**

ADDITIONAL QUESTIONS/COMMENTS FROM THE CHAT

- James Fletemier – How will the results of this meeting be reported to the Town?
- Oliver Peters – How much of the development is dedicated to mixed-use? Retail space?
- Stephen Swanick – Is this plan still subject to input/change, or is this what is being submitted for approval?

- April (No last name) – My concerns are for the environmental impact and traffic in the Hillcrest/Greenway/Gilead Rd. areas.
- Oliver Peters – Has or will there be an environmental assessment or impact study?
- Janet Pierson – Is a traffic analysis required?
- James Fletemier – Can you please speak to flooding concerns with creating roughly 4.9 acres of impervious space?
- Kathy Jones – How will homeowners on Greenway, Dallas, Hillcrest, Holbrook Streets be impacted by the possible road widening to accommodate increased traffic?
- Lee Hallman – Intersection of Gilead and Highway 115 is a dead intersection according to NCDOT, nothing can be done to add lanes etc. All the road improvements are just to catch up with the problems, adding 200+ families will crush traffic
- Kevin Belk – I note the parking area is proposed backed up to our property. What is being done or required as screening between the properties? Anything more than shrubs?
- Kathy Jones – Can David Peete address the right of way subject. Will homeowners be affected by road widening of Greenway, Hillcrest, Holbrook, etc. Can anyone address the road widening?
- Stephen Swanick – since the proposed BMP is so different from the other uses on Hillcrest, can you describe what enhanced buffering is being used?
- Candice/Josh Klein – What are the price targets of these townhomes?
- Jack Simoneau – The Town has not sold the land to the developer at this time. There is a contract to purchase only.
- James Fletemier – Is that contract contingent on the rezoning; and how do we get a copy? (FOI)
 - Jack says the Planning Department will get a copy of that from the Manager's office and make it available to whoever wants one. The records are public and you can contact David Peete at 704-766-2216.
- Jim Puckett – With traffic dumping onto Greenway from back of the project there needs to be a projection of percentage increase on Greenway, I suspect the Town and NCDOT road improvements had no reflection of a development dumping onto residential especially since they were developed prior to this project coming to fruition.
- Erik Hopkins – Could you let us know what the current population density of Greenfield Park is and what the approximate population density will be after the development? What will be the average price of the townhomes?
- Tammy Eppley – When Discovery Place Kids was built we were told they would redirect the water runoff, our back yard floods anytime it rains, this will only make it worse and we are up creek from Mr. Ranson. This project will add possibly 600 more cars on our small quiet roads.
- Kritzinger – Huntersville needs a downtown not another neighborhood. Huntersville needs restaurants and businesses.
- David Peete – The first draft of the plan only looks to widen Greenway Drive along the project frontage. Any future widening will not be decided until a traffic analysis is finished.

Appendix II

Second Neighborhood Meeting

Attendees:

- David Peete – 105 Gilead Rd. – dpeete@huntersville.org
- Brian Richards – 105 Gilead Rd. – brichards@huntersville.org
- Kevin Belk – 8936 Parkcrest St. – kbelk13@yahoo.com
- Frances M. Garner – 7417 Foxchase Dr., Trinity, NC 27370
- Martha M. Rawdon – 189 Scalybark Trail, Concord, NC 28027
- Joanne Miller – 13980 Asbury Chapel Rd. – jmiller.etj@aol.com
- Jack Simoneau – 105 Gilead Rd. – jsimoneau@huntersville.org
- John H. Calhoun, Jr. – 402 Hillcrest Dr. – trainmanjc@yahoo.com
- Jeff Hager – 203 Greenway Dr. – jhager18@live.com
- Janet Pierson – 104 Dallas St. – chloesnini@yahoo.com
- Dan Boone – 317 Southland Rd. – danboonenc@aol.com
- Amy Hallman – 119 Gilead Rd. – amytyler@roadrunner.com
- Tammy G. Eppley – 208 Greenway Dr. – teppley@bellsouth.net
- B. Eppley – 208 Greenway Dr. – b.eppley@palfingen.com
- Amber Kovacs – 207 Greenway St. – alhauk@gmail.com
- Katie Dickinson – 101 Holbrook St. – mommiekat@aol.com
- Rick Ranson
- Sierra Saumenig – 8618 New Oak Ln. – ssaumenig@huntersville.org
- Jorge Penaranda – 103 Hillcrest Dr. – homesclt@gmail.com
- William Latta – 20009 Verlaide
- Austin Eppley – 208 Greenway Dr. – Austin.15@me.com
- Michala Turner – 105 Dogwood Terrace – mltcrazy4horses@gmail.com
- Deborah McKnight – 103 Greenway Dr. – dpmcknight87@yahoo.com
- Terry McKnight – 103 Greenway Dr. – dpmcknight87@yahoo.com
- Charles – 14538 Holly Springs Dr.
- Abraham Van Wingarden – 15726 Huntersville-Concord Rd. – abe@metrolinagreenhouses.com
- Cynthia Van Wingerde – 16400 Huntersville-Concord Rd. – cindivanw@outlook.com
- Joseph Pierson – 104 Dallas St.

Developer Presentation:

- Same presentation as the first Neighborhood Meeting
 - Susan Irvin, Irvin Law Group
 - Shane Seagle, North State Development, LLC
 - Land Design Team
- The development team was present to ask questions regarding the project to all neighbors in attendance.
- Project site plans were displayed on boards for people to take a closer look at the project.



September 24, 2020

North State Development Group
18825 W. Catawba Ave, Suite 250
Cornelius, NC 28031

Re: Adequate Public Facilities (APF) Application – Town Center Mixed Use (File #2020-08)

To Whom It May Concern:

The Town has completed its review of the above referenced APF Application and deemed it to be complete, per Article 13.6.3 of the Zoning Ordinance. Based upon your request for an allocation of capital facilities for the above-referenced development proposal, consisting of up to 12,040 sf of Commercial, 140 Multi-Family Units, 61 Townhomes. I am issuing a "Determination of Adequacy (DOA)" for the following public facilities:

- Fire Vehicles
- Fire Facilities
- Police Facilities
- Police Vehicles
- Parks & Recreation Facilities

Please be advised that this DOA is valid for one (1) year, or until September 24, 2021, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance.

Please feel free to contact me with any questions @ brichards@huntersville.org or by phone: (704) 766-2218.

Sincerely,

A handwritten signature in black ink that reads "Brian Richards".

Brian Richards
Assistant Planning Director

Cc: Jack Simoneau, AICP, Planning Director
Anthony Roberts, Town Manager
Angela Beeker, Town Attorney
David Peete AICP, Principal Planner

Town of Huntersville: 2020-10-21 Huntersville Town Center - Revised

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: Up to 198 total dwelling units (138 multi-family units, 53 townhome units, and seven single family dwelling units) under Town Center - Conditional district (TC-DC) zoning

CMS Planning Area: North

Average Student Yield per Unit: 0.1209 (multi-family) = 16

0.1577 (townhomes) = 8

0.4623 (single family) = 3

This development may add 27 students to the schools in this area.

The following data is as of 20th Day of the 2019-20 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th 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	44	37	818	688	119%	16	122%
BAILEY MIDDLE	80.35	57	1673	1187	141%	8	141%
WILLIAM A. HOUGH HIGH	120.0	100	2493	2078	120%	3	120%

The total estimated capital cost of providing the additional school capacity for this new development is \$972,000; calculated as follows:

Elementary School: **16**x \$34,000 = \$544,000

Middle School: **8**x \$37,000 = \$296,000

High School: **3**x \$44,000 = \$132,000

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.

Below is a list of major changes that have been made to the Huntersville Downtown Mixed-Use Rezoning Plan in the third submittal:

1. Added a fence to the 10' buffer on the western boundary of the property north of Holbrook and extending to the daycare property.
2. Increased the size of the southern buffer on the western boundary of the property from 10' to 20'.
3. Added a fence to the 20' buffer on the western boundary of the property south of Holbrook.
4. Removed the townhomes along Greenway St. and replaced with seven detached single-family homes.
5. Reduced townhome count from 64 to 53.
6. Modified the mixed-use building footprint to include a vehicular pass through that is two stories high.
7. Increased height of first floor non-residential to 19' on Gilead Road, with a building height of 53'.
8. Increased the non-residential space on Gilead road to 12,000 sf, removing multi-family accessory uses from that area.
9. Included street access to ground floor units on Public Street A.
10. Revised the parking lot layout and parking counts.
11. Reduced the size of the BMP pond.
12. Moved the mail kiosk in order to avoid conflicts with any potential future pond access path / easement.
13. Modified sidewalk and planting strip on the western side of Public Street A to include a 7' wide sidewalk.
14. Added on-street parking and a planting strip to the eastern side of Public Street A.
15. All improvements to Public Street A paid by developer.
16. Holbrook St. extension from property to Hillcrest Dr. paid by developer.
17. Added new curb and gutter / sidewalk with 20' buffer east of sidewalk along Hillcrest Dr. and along the pond frontage.
18. Added / revised a number of notes on the plans to address various comments from Town Staff, including:
 - a. Added / clarified the information regarding trash pickup
 - b. Added / clarified the information regarding the buffers
 - c. Added/clarified the information regarding open space
 - d. Updated the development data table to reflect the plan updates and to add additional information requested by the Town
 - e. Added in additional sections to illustrate the various buffer conditions
 - f. Updated the bypass pipe system so as not to conflict with any buffers



SUSAN IRVIN | ATTORNEY

office: 19726 ZION AVENUE, CORNELIUS, NC 28031

mailing: P.O. BOX 2376, DAVIDSON, NC 28036

p: 704.896.0820 **f:** 704.896.0875 **e:** susan@irvinlawgroup.com

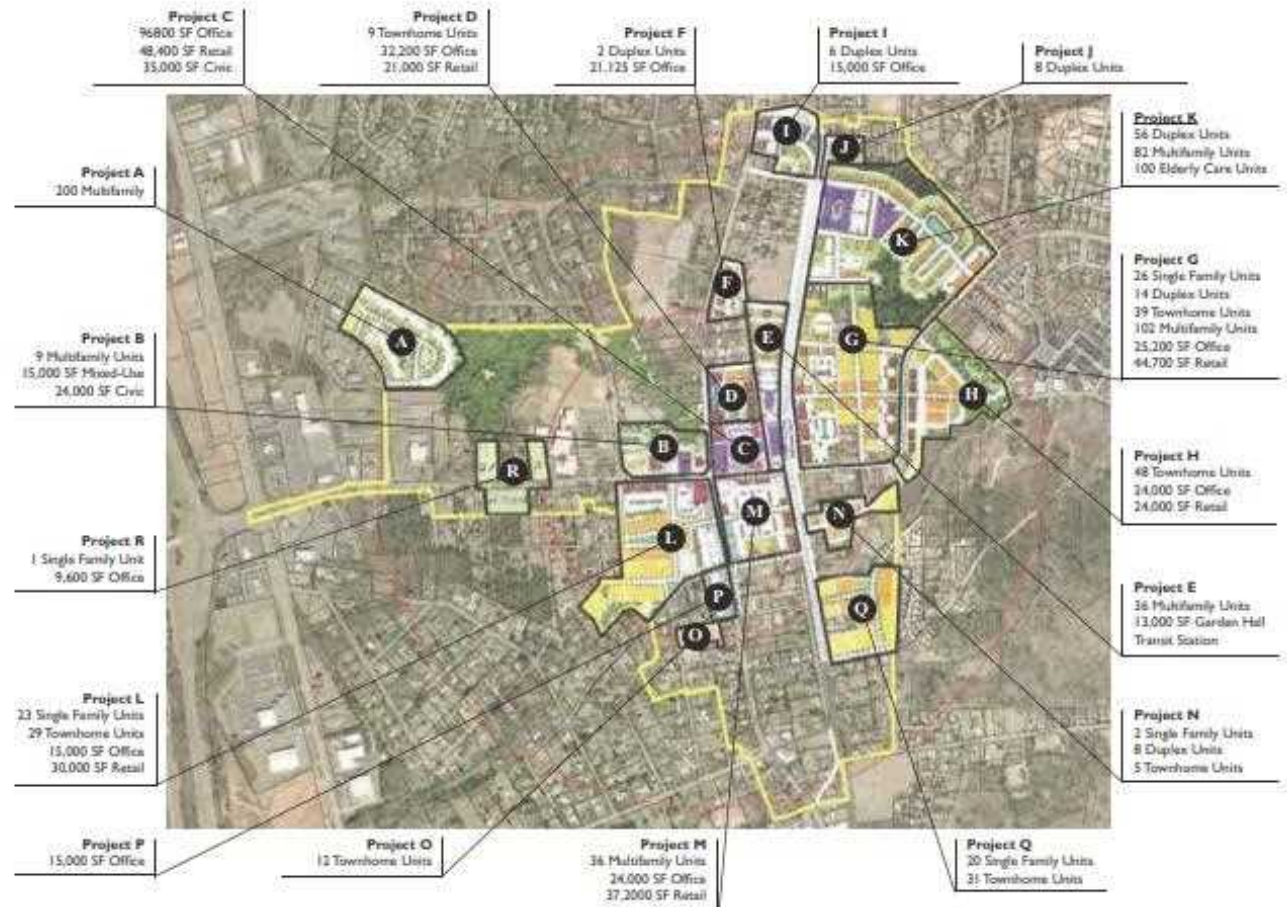
cell: 704.724.6763 <http://www.irvinlawgroup.com/>

Development Analysis

Downtown Plan New Development Totals

At build-out, the Downtown Huntersville Plan proposes the following new development opportunities for the study area:

- 180,950 square feet of Retail
- 208,400 square feet of Office
- 82,000 square feet of Civic / Institutional
- 100 Elderly Care Units
- 79 Single Family Residential Units
- 178 Attached Single Family Residential Units
- 459 Multi-family Residential Units
- Bed & Breakfast Inn Expansion
- 27,600 square foot Civic Plaza



Attachment H

Citizen Comments

(received as of the Town Board agenda
packet deadline – 9/29/20)

David Peete

From: Marie Hicks <mhicks7528@yahoo.com>
Sent: Monday, August 3, 2020 4:31 PM
To: David Peete
Subject: R20-03 Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello,

I am a resident of the Greenfield Park neighborhood and I am writing to you regarding the proposed Rezoning R20-03. This Mixed Use Plan will have a negative impact on our home values, safe neighborhood, traffic, and erosion issues. This is one of the oldest and established areas of Huntersville and if multi housing units are brought in, the added traffic and people will impact our current ability to enjoy walks on the streets and the safety of a small neighborhood. General Erosion and creek erosion has been an ongoing issue and we definitely don't need any more buildings to add to this, as well as reducing the wildlife that is running out of green space in our town.

Regards,

Marie Hicks

Sent from my iPhone

David Peete

From: C Mahoney <carriemahoney@gmail.com>
Sent: Tuesday, August 4, 2020 9:41 AM
To: David Peete
Subject: Town center plans

Follow Up Flag: Follow up
Flag Status: Flagged

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

Good morning,

I live in Greenfield Park and would like to stay updated on future meetings regarding the rezoning. I'm not against it, but don't think there should be any parking on Greenway.

Thank you
Carrie

David Peete

From: Amber Hauk <alhauk@gmail.com>
Sent: Friday, September 18, 2020 9:39 PM
To: David Peete
Subject: Opposition

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

Dear David Peete,

I'm live at Greenway St. and am writing to express my opposition to the proposed Rezoning R20-03 Huntersville Town Center Mixed Use. The proposed facility is will form a nuisance of noise, light, traffic, and environmental issues that will not only devalue my property, but severely degrade my quality of life in the neighborhood.

I support the effort of the citizens of Greenfield Park in their efforts to maintain the character of our community. I firmly ask that you deny the proposed rezoning.

Sincerely,

Amber Kovacs

David Peete

From: Jones, Kathy <Kathy_Jones@PremierInc.com>
Sent: Sunday, September 20, 2020 4:12 PM
To: Board Members
Cc: John Aneralla; Jack Simoneau; Anthony Roberts; David Peete; Jennifer Davis; Stephen Swanick; Janet Pierson
Subject: North State Development Project

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

All,

I would like to express my concern regarding the North State Development Project. Based on the town's vision for the downtown area, this project significantly restricts and basically prohibits that vision from being accomplished. Below are a few bullet points, but by all means there are plenty other reasons this project isn't a good move. I'm just trying to keep it short to hold your attention.

- Without this project Gilead, 115, Greenway and all streets in the Greenfield Park neighborhood are already at, or close to capacity. If built, travel through that area will be nearly impossible and make life miserable for the Greenfield community, not to mention the safety issues it will create. Cut through traffic has already negatively impacted this neighborhood where parents and children routinely walk on streets that aren't wide enough for two cars to pass without one going off the side of the road. I personally won't take my grandson to the neighborhood park (where I played as a child) because I'm afraid if he were to get into the road he'd get run over before I could grab him. The park is already dangerous for younger children and really should be surrounded by a fence. What about when the children go back to school? Will they still be able to walk to the bus stop and be safe? Probably not.
- This project is touted as creating retail/commercial that will bring people to a walkable, unique, bustling downtown, but it doesn't offer anything for people to look at, much less visit. The apartment leasing office and apartment gym amenity don't count as a destination. By using this land for apartments and apartment related services, you significantly decrease the space you have to actually have those shops, restaurants and places that will achieve your goal of a vibrant downtown. The people in those apartments can only eat at Slice House or have lunch at Café 100 so many times before they're over it. Currently, those are our only 2 options for dining downtown. Wouldn't recruiting more businesses in the food service industry be a better choice than apartments?
- There has ALWAYS been problems with flooding in the Greenfield area. Always. This project will intensify the issue and cause devastating problems for homeowners property.
- From what I've been told, this developer does a lot of college housing projects. What's the range of the rent? What will be the quality of these buildings? Will they become easily run down due to inexpensive building materials? How will they age? Will they be allowed to become dilapidated without consequences like other properties in downtown?
- Based on the design of the parking lot, will people opt to park in the Discovery Kids parking deck instead of driving down and around to get to their parking area? Will this increase crime? Who wants to be in a dark parking deck at night. Perfect breeding ground for crime. I guess we'll need those auxiliary police officers to handle it.

- During the community meeting the attorney for the developer said that the Main St and 21 road projects will alleviate some of the traffic, thereby the neighborhood would be able to accommodate the increase in traffic from this project. Yeah, ok. Tell me another one. She really should've rethought that before she said it. Utterly ridiculous. Don't even get me started on the Holbrooks Rd extension. Crazy. Hillcrest? Oh, yeah. Narrow, curvy, perfect for accidents.
- The citizens in Greenfield Park and surrounding communities do not want this type of project in downtown. People move here for the small hometown atmosphere. Not the Birkdale experience. We want the quaint, walkable, unique downtown with cute shops, restaurants, murals/art, etc. This area would be an awesome spot for a combination of these types of shops and greenspace where people can come sit, socialize and have a sense of being part of a community. Grab a bite to eat and hang out with friends and family or just sit and read a book. Other towns have managed to achieve this (Davidson, Mt Holly, Kannapolis, Mooresville.) Why can't we? Don't let dollar signs cloud your judgment and lead you to make poor design decisions.

Remember, bad design only takes one irresponsible vote to go forward, but the results last a lifetime. The citizens of Huntersville shouldn't have to suffer for that irresponsibility. Just take a minute and ask yourself, would you want this type of development dumping into your older, established neighborhood where some families have lived for several generations?

Thank you for listening.

Kathy Jones
704-575-1414

David Peete

From: Amy Hallman <atmhallman@gmail.com>
Sent: Sunday, September 20, 2020 5:51 PM
To: David Peete; Jennifer Davis; Stephen Swanick
Subject: No to North State plan

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

Dear Sir or Madam,

I am writing to make you aware I'm asking the Town Board to vote no to extend the North State contract.

If you feel inclined to say they are moving forward in good faith, please consider that the downtown population is also moving in good faith to ask you to not rezone the Greenfield Park neighborhood nor to sell the parcels necessary to complete such an unnecessary project.

I get that "we" want development, but I'd rather wait a little longer and get development that reflects the current population's idea of development—not more apartments and townhouses, especially not within the downtown area. Congestion alone at our schools, in our roads, and at the total of three restaurants (two open part time) does not support such construction. And if you cannot encourage the downtown commercial property owner(s) to make any modifications to his/her current properties already, this construction boom will not help.

PLEASE take a pause.

Thank you,

Amy Hallman

David Peete

From: melissab@customsights.com
Sent: Monday, September 21, 2020 7:50 AM
To: John Aneralla; Board Members
Subject: Please do not allow apartments to replace premium retail space in downtown Huntersville

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

Please do not allow apartments to replace premium retail space in downtown Huntersville

David Peete

From: Elise Demeter <elisedemeter@gmail.com>
Sent: Monday, September 21, 2020 1:47 PM
To: David Peete; Stephen Swanick; Jennifer Davis
Subject: R20-03 Huntersville Town Center Mixed Use - concerned about proposed rezoning

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

Dear David Peete, Stephen Swanick, and Jennifer Davis,

I am writing to express my concerns about the proposed rezoning + development plans by NorthState Development in downtown Huntersville (R20-03 Huntersville Town Center Mixed Use).

1. I am specifically concerned that the proposed development will add seriously to the traffic congestion in the area. I am concerned there is not a traffic impact study or a plan to widen roads that would remediate the traffic in this area at peak times.
2. I am concerned about the potential added pressures on our local schools. Our schools are struggling to keep up with enrollment as it is.
3. There is a large parking lot proposed for the residents of the multifamily housing units. The parking lot is a waste of valuable space. I am also concerned that it could negatively impact water runoff in the area.

I ask that you strongly urge NorthState to lessen their housing and parking lot allocations in favor of greater retail and green space allocations. I would also like to see NorthState conduct a proper, thorough traffic study.

The right mix of housing, retail, and green space is critical to making a vibrant downtown. I have sincerely appreciated Huntersville's vision for long-term development and vision. Town planning is important. I ask that you consider if the current rezoning and development proposals are truly in line with our vision for what downtown Huntersville should be in the years to come.

Sincerely,

Elise Demeter
Resident of Huntersville, NC
elisedemeter@gmail.com

David Peete

From: Rachel Haungs <racheljhaungs@gmail.com>
Sent: Monday, September 21, 2020 2:42 PM
To: John Aneralla; Board Members; David Peete; Stephen Swanick; Jennifer Davis
Subject: Commentary to be included as official record re: Rezoning of R20-03 Huntersville Town Center Mixed Use

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

Dear Mayor and commissioners, and other town staff,

I live in Shepherd's Vineyard on Glenora Dr. As you may recall, I am a native to Huntersville of 30 years. I am writing to express my extreme opposition to the proposed Rezoning R20-03 Huntersville Town Center Mixed Use. The proposed facility will form a nuisance of noise, light, **traffic**, and environmental issues that will not only devalue my property, but severely degrade my quality of life in the surrounding neighborhoods.

I support the citizens of Greenfield Park in their efforts to maintain the character of our community. I do not believe the proposed rezoning is aligned with the long-term vision of Huntersville, nor does it foster development that creates a vibrant and desirable downtown, let alone prioritize quality of life, green spaces, environmental safety, or boosting economic development.

Downtown Huntersville deserves to be developed with STABILITY and preserving green space in mind over corporate profits. With so little remaining of our small town charm, it is imperative that all of this be considered when determining the future of the few areas of green space left in our area. The addition of several hundred additional residents will have major impact and burden placed on our inadequate transportation infrastructure (ie: Gilead Rd // Old Statesville Rd at 7AM or 6PM every single weekday), schools, and storm water systems (expanding development in critical flood area with estimated 3MIL+ annual gallons of runoff into local creeks that feed our drinking water system).

Additionally, the approval of this rezoning and completion of this project virtually eliminates the ability to develop downtown Huntersville into a vibrant and desirable location by extinguishing opportunity for retail/commercial property development that is thriving in other neighboring communities like Cornelius and Davidson.

Four years ago, the Vermillion Village project (Anchor Mill) on Church St, just 3 or 4 blocks away from this site, was originally billed as town center. It was going to consist of a grocer, retail/commercial and 400 townhomes/apartments. Those plans have changed (no grocer will sign on) and the new plans (from what we've heard through the grapevine) are no retail/commercial, just 500 townhomes/apartments. **An increase of 100 townhomes/apartments.**

The Vermillion Front project on Huntersville-Concord Rd, just 3 blocks from this site has been approved and work has begun. **It's going to add another 99 townhomes/apartments to this area.**

We have other property in the Walters/First/Second St neighborhood, 3 blocks from the NS project, **where the Vermillion developer and a current commissioner have plans to built more townhomes/apartments. So these North State apartments aren't needed.** Much to our dismay, they'll be plenty of townhomes/apartments within walking distance of downtown without *taking precious land in the middle of town and basically throwing it away and creating problems.*

If you look at the 2040 plan, everything on the east side of the railroad is projected to be high-density townhome/apartment type buildings. **Just how many townhomes/apartments does Huntersville need?**

Given the explosive development of residential neighborhoods in our area with a lack of transportation infrastructure and retail network, where do you anticipate these new residents to shop and spend their time? The answer is pretty simple... they will take their money to our neighboring towns. When this plan so blatantly follows the voices raised in recent surveys for the 2040 plan, I feel the answer to this rezoning request is crystal cleared. If this is allowed, however, it will further enforce the existing notion that **no consideration for what the citizens want or suggest is ever taken into account when these decisions are made.**

I firmly ask that you deny the proposed rezoning.

Sincerely,
Rachel Johnson Haungs

David Peete

From: Jones, Kathy <Kathy_Jones@PremierInc.com>
Sent: Monday, September 21, 2020 3:41 PM
To: David Peete; Board Members
Cc: John Aneralla; Jack Simoneau; Anthony Roberts; Jennifer Davis; Stephen Swanick; Janet Pierson
Subject: RE: North State Development Project

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

Mr. Peete,

Something I just thought of that should be taken into account when the town is considering this project. Four years ago, Vermillion Village project (Anchor Mill) on Church St, just 3 or 4 blocks away from this site, was originally billed as "town center." It was going to consist of a grocer, retail/commercial and 400 townhomes/apartments. Those plans have changed (no grocer will sign on) and the new plans (from what we've heard through the grapevine) are no retail/commercial, just 500 townhomes/apartments. An increase of 100 townhomes/apartments over the original plan.

The Vermillion Front project on Huntersville-Concord Rd, just 3 blocks from the North State site has been approved and work has begun. It's going to add another 99 townhomes/apartments to this area.

We have additional properties in the Walters/First/Second St neighborhood, 3 blocks from the North State project, where the Vermillion developer and a current commissioner have plans to build more townhomes/apartments. So these North State apartments aren't needed. Much to our dismay, they'll be plenty of townhomes/apartments within walking distance of downtown without taking precious land in the middle of town and basically throwing it away and creating more problems than anything good.

If you look at the 2040 plan, everything on the east side of the railroad is projected to be high-density townhome/apartment type buildings. Just how many townhomes/apartments does Huntersville need? It seems no consideration for what the citizens want or suggest is ever taken into account when these decisions are made.

Kathy Jones
704-575-1414

From: David Peete <dpeete@huntersville.org>
Sent: Monday, September 21, 2020 11:13 AM
To: Jones, Kathy <Kathy_Jones@PremierInc.com>; Board Members <BoardMembers@huntersville.org>
Cc: John Aneralla <janeralla@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; Anthony Roberts <aroberts@huntersville.org>; Jennifer Davis <jenniferdavis078@gmail.com>; Stephen Swanick <stephen.swanick@gmail.com>; Janet Pierson <jpierson@huntersville.org>
Subject: RE: North State Development Project

Mrs. Jones,

Thank you for your input regarding the proposed development.

Your comments have been added to the project file and will be shared with the Town Board & Planning Board at the Public Hearing.

Thank you for your participation in the process!

David F. Peete, AICP

Principal Planner
Town of Huntersville
105 Gilead Road
PO Box 664
Huntersville, NC 28078
Phone: 704.766.2216
Fax: 704.992.5528
Email: dpeete@huntersville.org
Website: www.huntersville.org

Connect with Town of Huntersville!  

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may be disclosed to third parties.

From: Jones, Kathy <Kathy_Jones@PremierInc.com>

Sent: Sunday, September 20, 2020 4:12 PM

To: Board Members <BoardMembers@huntersville.org>

Cc: John Aneralla <janeralla@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; Anthony Roberts <aroberts@huntersville.org>; David Peete <dpeete@huntersville.org>; Jennifer Davis <jenniferdavis078@gmail.com>; Stephen Swanick <stephen.swanick@gmail.com>; Janet Pierson <jpierson@huntersville.org>

Subject: North State Development Project

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

All,

I would like to express my concern regarding the North State Development Project. Based on the town's vision for the downtown area, this project significantly restricts and basically prohibits that vision from being accomplished. Below are a few bullet points, but by all means there are plenty other reasons this project isn't a good move. I'm just trying to keep it short to hold your attention.

- Without this project Gilead, 115, Greenway and all streets in the Greenfield Park neighborhood are already at, or close to capacity. If built, travel through that area will be nearly impossible and make life miserable for the Greenfield community, not to mention the safety issues it will create. Cut through traffic has already negatively impacted this neighborhood where parents and children routinely walk on streets that aren't wide enough for two cars to pass without one going off the side of the road. I personally won't take my grandson to the neighborhood park (where I played as a child) because I'm afraid if he were to get into the road he'd get run over before I could grab him. The park is already dangerous for younger children and really should be surrounded by a fence. What about when the children go back to school? Will they still be able to walk to the bus stop and be safe? Probably not.
- This project is touted as creating retail/commercial that will bring people to a walkable, unique, bustling downtown, but it doesn't offer anything for people to look at, much less visit. The apartment leasing office and apartment gym amenity don't count as a destination. By using this land for apartments and apartment related services, you significantly decrease the space you have to actually have those shops, restaurants and places that will achieve your goal of a vibrant downtown. The people in those apartments can only eat at Slice House or have lunch at Café 100 so many times before they're over it. Currently, those are our only 2 options for dining downtown. Wouldn't recruiting more businesses in the food service industry be a better choice than apartments?

- There has ALWAYS been problems with flooding in the Greenfield area. Always. This project will intensify the issue and cause devastating problems for homeowners property.
- From what I've been told, this developer does a lot of college housing projects. What's the range of the rent? What will be the quality of these buildings? Will they become easily run down due to inexpensive building materials? How will they age? Will they be allowed to become dilapidated without consequences like other properties in downtown?
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- The citizens in Greenfield Park and surrounding communities do not want this type of project in downtown. People move here for the small hometown atmosphere. Not the Birkdale experience. We want the quaint, walkable, unique downtown with cute shops, restaurants, murals/art, etc. This area would be an awesome spot for a combination of these types of shops and greenspace where people can come sit, socialize and have a sense of being part of a community. Grab a bite to eat and hang out with friends and family or just sit and read a book. Other towns have managed to achieve this (Davidson, Mt Holly, Kannapolis, Mooresville.) Why can't we? Don't let dollar signs cloud your judgment and lead you to make poor design decisions.

Remember, bad design only takes one irresponsible vote to go forward, but the results last a lifetime. The citizens of Huntersville shouldn't have to suffer for that irresponsibility. Just take a minute and ask yourself, would you want this type of development dumping into your older, established neighborhood where some families have lived for several generations?

Thank you for listening.

Kathy Jones
704-575-1414

David Peete

From: Iaiela Dumitrescu <biola1994@yahoo.com>
Sent: Monday, September 21, 2020 3:45 PM
To: David Peete
Subject: North State Capital Development

As new neighbor and owner in Vermillion, the news that there is a development planned for downtown Huntersville does sit very well with me and my family.

Therefore, I recommend that you take a good look at those the requests sent by the citizens affected and make sure that we keep the downtown area looking as such without the extra residences and traffic that will congest the area. We need more walking friendly businesses and commercial development instead of more cars to make traffic unbearable.

Thanks for taking the time to give this your attention.

Iaiela Dumitrescu
BS Business Admin.

David Peete

From: Marian Dumitrescu <mdu1987@yahoo.com>
Sent: Wednesday, September 23, 2020 12:57 PM
To: David Peete
Subject: Re: Please Sign the petition

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

Mr. David Peete,

As new neighbor and owner in Vermillion, the news that there is a development planned for downtown Huntersville doesn't sit very well with me and my family. Therefore, I recommend that you take a good look at the requests sent by the citizens affected and make sure that we keep the downtown area looking as such without the extra residences and traffic that will congest the area. We need more walking friendly businesses and commercial development instead of more cars to make traffic unbearable.

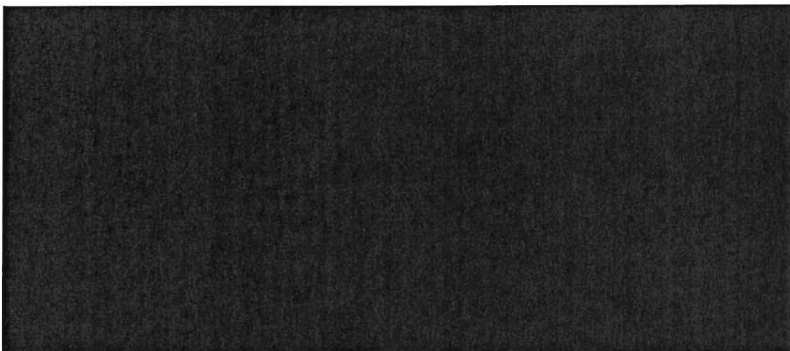
Thanks for taking the time to give this your attention.

Regards,
Marian Dumitrescu
704-778-2026

On Mon, Sep 21, 2020 at 12:40 PM, Iaiela Dumitrescu
<biola1994@yahoo.com> wrote:

This is to stop a developer from adding over 200 homes in the heart of Huntersville by Discovery Place,

[Sign the Petition](#)



Sign the Petition

Save Downtown Huntersville

David Peete

From: rsbdirect@bellsouth.net
Sent: Friday, September 25, 2020 8:57 AM
To: David Peete
Subject: NO! to Apts. in Downtown Huntersville

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Good morning, Mr. Peete.

I am against rezoning downtown Huntersville to "Town Center Mixed Use."

We don't need the congestion that will occur from the addition of 140 apartments, 61 town homes, and all of the ugliness (260 parking spaces) that will accompany them.

Let's turn downtown Huntersville into something charming and intimate, such as what you have in Davidson. Let's attract small businesses and restaurants and create a really beautiful town.

Thank you.

Regards,

Robert Blumenthal
8828 Oakham St.
Huntersville, NC 28078

10/1/2020

Town Planners and Commissioners

RE: Proposed Conditional Rezoning application 20-03 , Town Center

Dear Sir(s) and Madam(s)

My name is Jim Fletemier;

My wife and I are Huntersville residents, as well as longtime residents of North Mecklenburg County, and live at 209 Hillcrest Drive, one of the properties adjacent to and directly affected by this proposed conditional rezoning.

Professionally, I am the Assistant Director in charge of Curriculum and Educational Technology for Canopy Real Estate Institute, a subsidiary of the Canopy Realtor® Association and Canopy MLS. I'm one of less than 60 people Nationwide to hold both DREI and CDEI certifications, which are Internationally recognized professional certifications that allow me to teach real estate, and to train instructors, in over 30 states. I'm also a longstanding member of ARELLO (The International Association of Real Estate Licensing Law Officials).

By education, I'm an Applied Industrial Engineering Technologist with a minor in Supply Chain and Logistics design. Although I'm a licensed Broker in Charge in North Carolina, as part of my employment agreement, I don't currently actively practice Real Estate; as that would create a potential conflict of interest if I were to serve as an expert witness in real property litigation, or become directly involved in professional ethics investigations within the Real Estate industry. My wife has been a Commercial Property Manager for one of the most respected and successful commercial development and Property Management companies in the Carolinas for over 18 years, is the former President of the Charlotte region of BOMA International (Business Owners and Managers Association) , and is currently the Director of Facilities for a large International company.

I tell you all of that just to say that our opinions and views are backed by significant expertise and experience related to this proposed rezoning. Between the two of us, we're very fortunate and blessed to fully understand many of the components of this proposed project.

Like most residents; we're both very supportive, and excited, about the creation of a vibrant and successful "downtown" Huntersville.

And like most residents, we both implore you to vote "NO" on the proposed conditional rezoning.

The proposed rezoning and associated sketch plans not only don't provide for, or take initial steps for, a vibrant, walkable, successful downtown core; this rezoning makes reaching that goal significantly more difficult. The developer believes, and would like for you to believe, that this plan is the "only workable alternative." That's just not true. It's the best plan for the developer, simply because Northstate Builds high density multifamily housing. It's their 'bread and butter', their true core competency, so it's the thing that they want to do. It's as simple as that.

The request for rezoning, and the associated sketch plan, should be denied for the following primary reasons:

The proposed rezoning constitutes illegal "spot zoning" and opens the Town of Huntersville to liability at the State Level.

I'm very confident that should this request for rezoning be approved, legal action will be brought against the Town of Huntersville at the State level, that seeks to prove this as Illegal spot zoning. When that case is eventually won, it could literally become the next "textbook case" of spot zoning. I say that without hyperbole, since I could very well be a primary author of the next textbook.

This proposed plan injures the property values and quality of life of all the adjacent homes currently zoned single family residential, and places a retention pond well inside an established neighborhood in order to allow for the runoff from additional multifamily attached housing. This is being proposed at a time when significant residential input (61% of respondents from the last town survey) prioritized single family homes on large lots; which is the current makeup of the area of proposed rezoning. There are several attached multi family housing projects already underway within 5 miles of the proposed site, and supply for detached single family homes in the North Mecklenburg/ Lake Norman region is at an all time low. Additionally, the developer was given two alternate proposed plans that would NOT require rezoning of 8 of the parcels in question, and better meet the needs of the town as a whole. BOTH OF THOSE ALTERNATIVE PLANS ARE ATTACHED.

The proposed rezoning is in opposition to the Town's vision, and intentionally misinterprets the town plan (both current and proposed long term Master plans.)

The master plan and "vision" for Huntersville includes a vibrant, walkable downtown, centralized retail and restaurant space, and protected mature tree canopy, and a "destination" feel to the downtown area. However, the proposed rezoning would eliminate the largest section of mature trees in existence within the downtown or surrounding area, and focus primarily on creating an area for people to *leave from, rather than arrive to*. There is a finite amount of space available within the downtown core area that's already zoned Town Center, and the proposed plan dedicates the majority of that space to high density residential. This would kill the tree canopy, increase traffic, increase the noise level, and provide very little "destination" impetus for residents or visitors.

The logic being used to justify this plan is flawed.

While it's true to some extent that "you have the population to get the big retail and development" ; that's a gross oversimplification, makes a great sound bite for the developer, and ignores the actual demographic, economic, and logistical factors along the Gilead Rd Corridor.

The downtown Huntersville area is a unique economic challenge, and applying blanket statements makes dangerous assumptions about the current, and future, state of retail and residential living in the area. There are currently 3 large grocery spaces along Gilead Rd, on the West Side of I77, and two more on the East side. One of those 5 grocery stores is currently closed and empty due to poor sales.

According to current population demographics and the models most often used by national grocery chains like Kroger (owns Harris Teeter), and the National Grocers Association, the 4 to 6 square block area of downtown Huntersville would have to increase it's population by an estimated 8,000-12,000 residents before a "Town Center location" would be seriously considered by a National Chain, as an additional location over and above those already in existence. Well before that happened, though, that increase in population would implode the town infrastructure, completely overwhelming schools, first responders, water, sewer, and town services. In short, that just isn't going to happen.

Therefore, the only path to develop a vibrant downtown MUST BE to create a "destination" location; that focuses the available square footage primarily on retail and restaurants/ dining, provides plenty of parking, and allows for walkability. That can all be done under the existing zoning, while preserving the currently zoned lots for the highly sought-after single family detached residential space it was designed for.

Right now, because of current COVID and political unrest, it is one of the worst times in history to consider building speculative retail or Commercial, and the developer well knows this. Their plan, therefor, involves such a small portion of retail that its success or failure has little bearing on their financial goals.

"Scaling back" the retail due to lack of concerns for support of that retail, as the developer has stated on many occasions, is flawed at best. It's a long-standing tenant of *basic* retail development that "retail drives retail, which drives restaurants. " In other words, the retail portion needs to be large enough, well done enough, and located properly to have people come there.. not leave from there to go somewhere else.

It's also true that once people get in their cars to dine or shop, whether they drive ½ mile or 5 miles plays virtually no part in their location choice. Right now, because the proposed plan will make Huntersville so much less walkable, those 500+ additional residents will be FAR more likely to get in their cars (further causing traffic problems). Once in their cars, there is nothing keeping them in Huntersville to spend their dollars.

Also, during a meeting with Northstate Development that my wife and I had fairly early in the process, their "required" rental rates that they stated, based on the cost of acquisition and development that they had, put their commercial space at 25-30% higher than already available empty retail space along Gilead Rd, and over twice the cost of the older retail locations on the Southwest corner of Gilead and Old Statesville.

What the proposed plan will effectively create is a very small, unoccupied or unsuccessful retail pocket, surrounded by high density housing, in an already high traffic area, and economically seal the fate of

what could have been a vibrant downtown experience, while simultaneously injuring the surrounding properties, for the benefit of North state Development, at the cost of our Town.

A far better approach would be to delay the development of those core parcels at least 2 years until the economy and retail market realign and stabilize themselves with the parcels already zoned Town Center, and develop the parcels currently zoned for Neighborhood Residential in a way that both has very high demand and would protect the interests of the residents- as single family detached dwellings on larger lots.

Let's get creative

The absolute best location for attached multifamily housing, with ground floor retail, that would maintain and create continuity within the new downtown "park" and mill area, is the current location of the Town Hall. Conversely, the best usage for the properties under consideration with this plan may very well be a new town hall, with Town Park and wooded trail way, adjacent to the existing and underutilized parking deck; if a truly creative and positive approach was the goal. See attached.

Thank you for your time

Jim and Alexis Fletemier

10/2/2020

Town of Huntersville Town Council, Planning Board, and Legal staff;

In regards to the proposed conditional rezoning R20-03

I'd like to respectfully ask that Councilman Hines recuse himself from the vote on this item, that he be excused from any public or private meetings in regards to this proposed rezoning, and that he abstains from any commentary or offering of opinion to other Councilmembers or Planning Board members in regards to this proposed rezoning outside of public forums available to all residents.

I'd also like to respectfully request that any input Councilman Hines has provided to other councilmembers in regards to this plan, dating from the property being sold to Northstate Development, be eliminated from consideration.

It appears that Councilman Hines was one of the listing Brokers that marketed several of the parcels involved; and utilized the attitude of the Town of Huntersville as being receptive to rezoning of these parcels, in the marketing materials to procure the sale of these parcels.

Excerpts from the advertising and marketing materials, authored by Invest Properties, a Firm with Councilman Hines as a principle:

"The property is ideally situated for high density residential, whether apartments, townhomes, or a mixed use. Huntersville staff is willing to review all potential plans and excited about the development."

- The property is zoned TC-CD and GR. Huntersville Staff has indicated support in rezoning the property to higher density residential.
- Site plan supports 100 apartment units and 20 townhome units with structured parking. There is also some possible interest in joint/shared parking with the Town of Huntersville with their parking deck.

Councilman Hines may have a conflict of interest in regards to the upcoming vote; and may be highly disincentivized to vote on the basis of the best interests of the town residents. *Should this rezoning application be denied, the purchasing party may have some legal or financial recourse against Mr. Hines' advertising strategy, and the advertising would indicate potential motivations for a manipulation of that vote, in order to legitimize the statements made in marketing of the properties.*

It also *appears*, but may not be the case, that initial application renderings of the site plan along Gilead and Old Statesville Roads are the identical drawings used in the marketing materials of the property to procure the sale to Northstate Development.

I'm confident that Councilman Hines, a well-respected member of our community and a freshman Councilman, may be consciously unaware of this conflict of interest between his personal business dealings and serving as a representative of the town's residents. I'm also confident that, having brought that conflict to light, the steps outlined above can be easily taken to eliminate any concerns over apparent improprieties.

Additionally, I have grave government functionality and ethical concerns, if Huntersville staff did in fact "indicate support for rezoning" prior to any application for rezoning having been filed. I would like to clearly understand which Huntersville staff positions would be in a position of decision making to offer that support; as it's my understanding that conditional rezoning decisions are to be made by the elected Town Council only after careful consideration of public input and a review by the planning board, not predetermined by staff members prior to any application being filed or public knowledge of a proposed redevelopment. I hope that you can clarify my concerns and misunderstanding for me, to avoid any escalation of concerns over ethical violations having taken place.

I look forward to your prompt response, and also ask that this be included as a part of the public comments in regards to rezoning application 20-03, Town Center.

Thank you.

Jim Hetemier

David Peete

From: Jeff Boyer <jlboyer@bellsouth.net>
Sent: Saturday, October 3, 2020 11:12 AM
To: mbales@Huntersville.org; Dan Boone; Brian Hines; Nick Walsh; Stacy Phillips; Lance Munger; John Aneralla; Stephen Swanick; David Peete
Subject: North State Development Rezoning-Yes Please!

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

I have been a Huntersville resident since 1987 and have seen a great deal of transformation in that time. As such I want to express support for the North State project and related rezoning. The voices of residents opposing this project are stuck in the past, and hopefully will not stifle this project and others to come which will take the town into the future. We are quite fortunate to be attracting investment into the area, and a favorable view by the town on projects such as this is imperative to such investments continuing going forward.

David Peete

From: Ross Howard <wrhoward21@gmail.com>
Sent: Sunday, October 4, 2020 4:31 PM
To: David Peete
Cc: Board Members
Subject: Zoning Change R20-03

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

Hi, David.

Good Evening, sir. I wanted to send you a quick email documenting my opposition to the proposed rezoning in downtown Huntersville. As a resident of Huntersville and HPD Officer I believe a large apartment building would be an incredible detriment to the downtown area in the near term and long term. I am all for positive development to enrich the downtown area but this is not the direction it should go.

I know your time is valuable and I thank you for your consideration.

Respectfully,

Ross Howard
(828) 244-3599

David Peete

From: Janet Pierson <chloesnini@yahoo.com>
Sent: Sunday, October 4, 2020 9:45 PM
To: Board Members
Cc: David Peete; Janet Pierson
Subject: Petition R20-03

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

Please note that I am sending this email as a taxpaying resident that lives at 104 Dallas Street. It is being sent on my personal time, from my personal email address and my personal iPhone.

I am writing this email to oppose Petition #R20-03 for the reasons outlined below:

1. I feel the proposed plan includes too much residential. I would like to see more retail/restaurants/offices.
2. The proposed plan does not fit in with the existing Greenfield Park neighborhood. Single family residential ranch-type houses with larger lots would be in keeping with the character of Greenfield Park. I would prefer no apartments....Huntersville has enough apartments.
3. Concern with traffic. My understanding is a TIA was not required. What I understood at the community meeting is the developer does not think the development will affect the neighborhood roads. I have lived in the neighborhood all of my life (except for 3 years when I first got married, but even then I was in the neighborhood about every day), and it will increase the traffic. People will find they can cut through the neighborhood roads. Our roads are narrow and cannot handle that kind of traffic. If the plan is approved, I would suggest there be no entry/exit at Greenway. They would still have several entry/exit points for connectivity.
4. I did sign the online petition opposing this project. I asked about signing the paper petition representatives from the neighborhood were circulating, but was told since I signed the online, I didn't need to sign the paper one. I didn't quite agree with that, but wasn't going to argue, so I just want to confirm I support their petition.
5. There will be representatives from the neighborhood speaking at the hearing Monday night. I have not heard all of what they plan to present, but heard some proposed concerns a few weeks ago that they were going to bring up. I agree with their concerns related to water run off, safety, traffic, etc. However, I do not agree with any personal attacks against any commissioners.

Thank you for your time.

Janet Pierson
104 Dallas Street

[Sent from Yahoo Mail for iPhone](#)

David Peete

From: Janet Pierson
Sent: Monday, October 5, 2020 9:58 AM
To: Board Members
Cc: David Peete
Subject: FW: Opposing the rezoning of downtown property

From: E J <ellamarjo23@gmail.com>
Sent: Monday, October 05, 2020 9:45 AM
To: Janet Pierson <jpierson@huntersville.org>
Subject: Opposing the rezoning of downtown property

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

Huntersville board:

I would like to object to the rezoning of the land adjacent to Discovery Place. This land needs to be used to help develop Huntersville's downtown into a walkable area with retail, restaurants, etc- not multifamily housing. I'm also very concerned about the connection of Brian Hines to the property and the conflict of interest that arises with him having sold the property and voting on the rezoning. He should recuse himself from this vote.

Please consider the immense opposition as people are learning the developer's true intentions which go against everything we would like to see in Huntersville.

Thank you for your consideration.

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Janet Pierson, Town Clerk

Date: November 2, 2020

Subject: Consider decision on North State Development Conceptual Plan.

EXPLAIN REQUEST:

Per the purchase contract condition, the Huntersville Town Board approved a conceptual plan on November 18, 2019. Due to the acquisition of additional land, the plan layout has changed thereby requiring Town Board approval of a new conceptual plan.

ACTION RECOMMENDED:

Action on revised conceptual plan

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. NORTH STATE CONCEPT PLAN REQUIREMENT
2. North State Concept Plan approved November 18, 2019
3. North State Concept Plan Dated 10-13-2020

NORTH STATE CONCEPT PLAN REQUIREMENT

Separate and apart from the development approvals pursuant to law or ordinance, the Buyer shall present a conceptual site plan for the Property to the Town Board, as seller of the Property, for the Town Board's approval within forty-five (45) days after Final Acceptance, hereinafter "Conceptual Site Plan." The Conceptual Site Plan shall consist of a proposed site plan, Building Elevations (architectural renderings) and proposed floor plan(s). Approval of the Conceptual Site Plan by the Town for purposes of this Offer shall not be deemed approval of the Plan for purposes of any approvals required under applicable law or Town ordinances. The Town Board shall either approve, or request specific modifications to, the Conceptual Site Plan in writing within thirty (30) days of receipt from the Buyer, otherwise the Conceptual Site Plan shall be deemed approved as submitted by Buyer. If the Town Board requests modifications to the Conceptual Site Plan as submitted by the Buyer, the Buyer shall have thirty (30) days to resubmit a revised Conceptual Site Plan consistent with the Town's requested modifications, after which the Town shall have thirty (30) days in which to confirm its approval (with approval deemed to have occurred at the end of such thirty (30) day period if no further specific modifications are requested in writing by the Town). This process shall continue until the Conceptual Site Plan is approved by both parties or until Buyer elects not to submit any further requested modifications. If Buyer elects not to make any specific modifications to the Conceptual Site Plan requested by the Town under the foregoing process, the Town may, upon thirty (30) days' written notice, terminate the Agreement, in which case the Town shall return the deposit to Buyer promptly. Prior to approval of the Conceptual Site Plan, the Town shall have the ability to terminate this Agreement for any reason or for no reason. Upon approval of the Conceptual Site Plan (by action or by failure to act) the Town shall no longer have the ability to terminate the Agreement for a reason other than material breach of the Agreement by the Buyer.

PARKING REQUIREMENTS:

NON-RESIDENTIAL SPACE PROVIDED = UP TO (NOT TO EXCEED) 12,000 SF
NON-RESIDENTIAL PARKING REQUIRED = 1 SPACE / 500 SF
(PER ORDINANCE REQUIREMENT)
RESIDENTIAL UNITS PROVIDED = UP TO (NOT TO EXCEED) 80 UNITS
(PENDING FINAL UNIT AVERAGE AND UNIT MIX)
RESIDENTIAL PARKING REQUIRED = 1 SPACE / 1 BDRM UNIT
1.5 SPACES / 1+ BDRM UNITS
TOTAL PARKING PROVIDED = ±96 SPACES
(FINAL NUMBER OF PARKING SPACES TO BE
PROVIDED IN ACCORDANCE WITH APPLICABLE
ORDINANCE REQUIREMENTS)

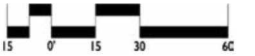
PROPOSED DESIGN AND DEVELOPMENT CRITERIA:

1. VARY FACADE TREATMENTS ALONG GILEAD TO PROVIDE VISUAL INTEREST & AVOID A MONOLITHIC ELEVATION, SIMILAR TO PRECEDENT PROVIDED BY TOWN AND SUBJECT TO GENERAL CONTRACTOR PRICING EVALUATION.
2. STOOPS REQUIRED ON ALL GROUND FLOOR RESIDENTIAL UNITS TO ACTIVATE/ENHANCE ELEVATION AND TRANSITION FACADE TO GRADE ELEGANTLY. ALSO PROVIDES LEVEL OF SECURITY/BOUNDARY FOR UNITS ON GRADE.
3. PROVIDE QUALITY MATERIALS TO BE AGREED UPON/USED ON GILEAD SPECIFICALLY AND ON BALANCE OF OTHER ELEVATIONS IN ORDER TO MANAGE EXPECTATIONS. TOWN TO REVIEW DURING SCHEMATIC DESIGN PHASE OF WORK.
4. AGREEMENTS WITH TOWN REGARDING LOCATIONS ON SITE PLAN FOR 'NON-RESIDENTIAL' SPACE AND/OR LOCATION ON GILEAD FRONTAGE.
5. MAXIMUM NUMBER OF FLOORS IS FOUR (4).
6. DESIGN TEAM WILL ACCOMMODATE/RESPECT ALL EXISTING ZONING & CODE REQUIREMENTS ASSOCIATED WITH THIS DISTRICT, INCLUDING BUT NOT LIMITED TO MINIMUM CLEAR HEIGHT FOR GROUND FLOOR COMMERCIAL SPACE.

APPROVED BY HUNTERSVILLE TOWN BOARD 11-18-19

DOWNTOWN HUNTERSVILLE HUNTERSVILLE, NC • SITE CONCEPT PLAN

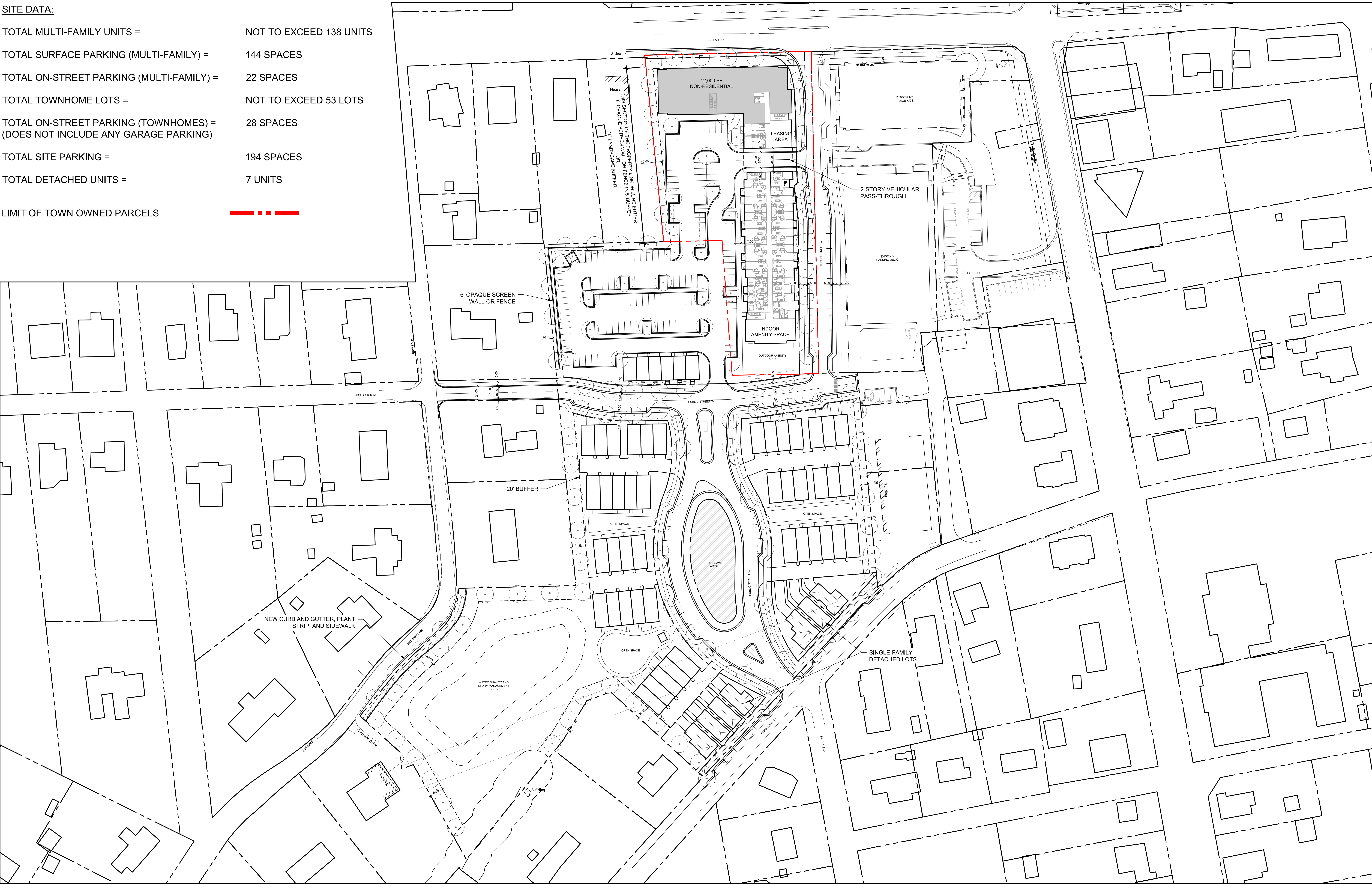
PN 1018017 | 10.29.2019

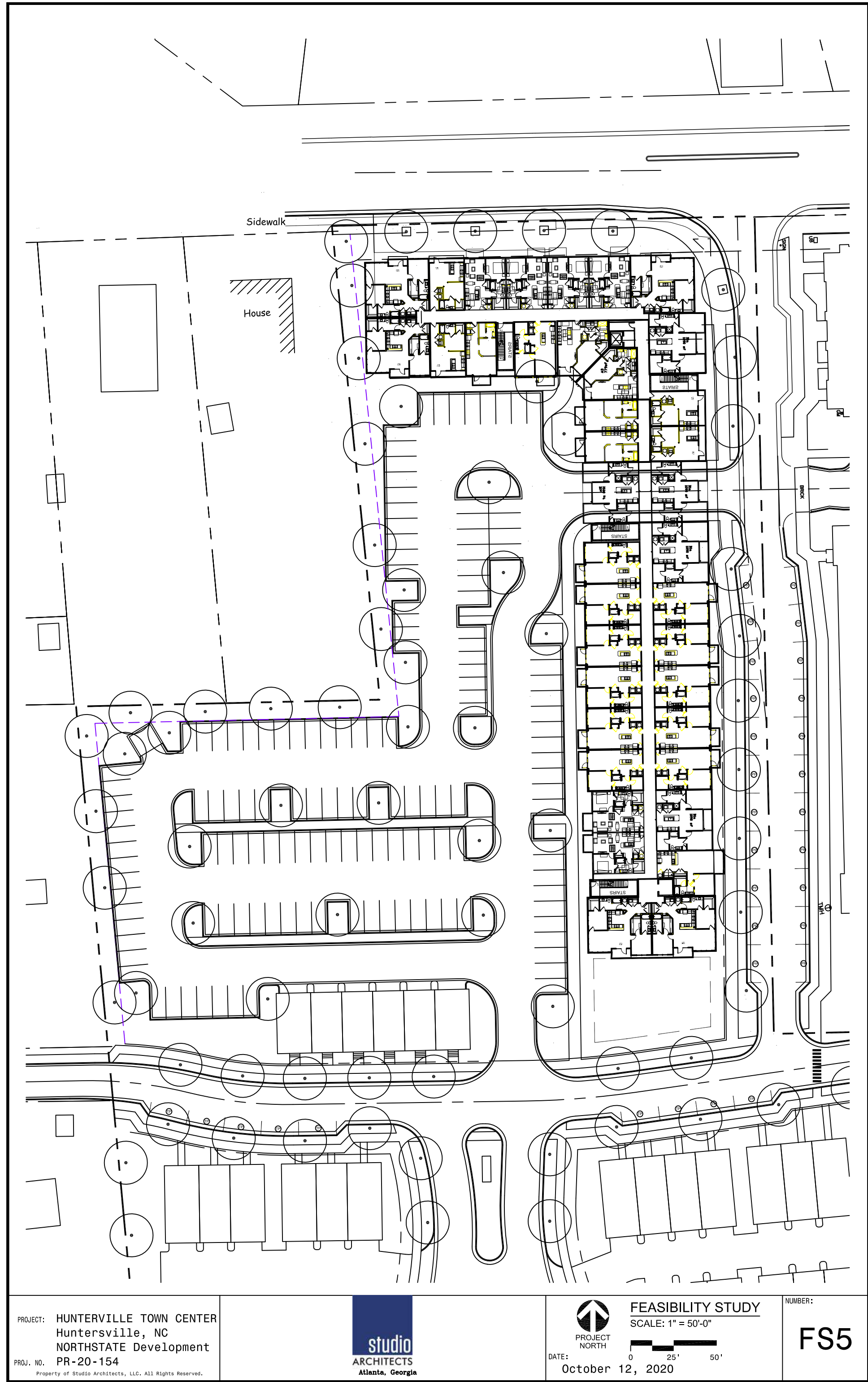


SITE DATA:

TOTAL MULTI-FAMILY UNITS =	NOT TO EXCEED 138 UNITS
TOTAL SURFACE PARKING (MULTI-FAMILY) =	144 SPACES
TOTAL ON-STREET PARKING (MULTI-FAMILY) =	22 SPACES
TOTAL TOWNHOME LOTS =	NOT TO EXCEED 53 LOTS
TOTAL ON-STREET PARKING (TOWNHOMES) = (DOES NOT INCLUDE ANY GARAGE PARKING)	28 SPACES
TOTAL SITE PARKING =	194 SPACES
TOTAL DETACHED UNITS =	7 UNITS

LIMIT OF TOWN OWNED PARCELS





HUNTERVILLE TOWN CENTER • HUNTERSVILLE, NC • TYPICAL UNIT FLOOR PLAN LAYOUT (UPPER LEVELS)

PN 1018017 | 10.13.2020





HUNTERSVILLE TOWN CENTER • HUNTERSVILLE, NC • GILEAD RD. BUILDING ELEVATION

PN 1018017 | 10.13.2020





HUNTERSVILLE TOWN CENTER • HUNTERSVILLE, NC • PUBLIC STREET A BUILDING ELEVATION

PN 1018017 | 10.13.2020





NORTH - SOUTH SECTION ON PUBLIC STREET A

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Bobby Williams, Assistant to the Manager

Date: November 2, 2020

Subject: Discuss and consider approving 2020-21 Legislative Goals to Submit to NCLM for Consideration.

EXPLAIN REQUEST:

The Town needs to submit its proposals for items to be included in the NCLM Municipal Advocacy Goals by November 5, 2020.

Proposals will be considered by NCLM Legislative Policy Committee, the NCLM Board of Directors and the entire membership.

Please Note: League bylaws require cities and towns to indicate whether a proposed goal was approved by local council or board.

As such, these are the proposed goals for final discussion by the Board and approval to submit to NCLM that the Government Affairs committee reviewed earlier this month and the focus areas they hit for NCLM's 2020-21 goals process. There are five goals - the Board can approve all five or take each goal separately.

- Funding for Additional Magistrates Across North Carolina – In growing areas like ours, this addresses adverse impacts to the productivity of our police officers and residents due to lack of local services. – Supports more responsive, adaptive operations
- Pension Reform - see letter drafted by Mayor attached – Supports sustainability of system for healthy state/local finances
- Revenue Options for all Municipalities (Without Creating Winners/Losers) – Supports flexibility for cities/towns – Support healthy finances and vibrant, resilient, adaptive municipal operations
- Cancer Registry – Recognizing increase of clusters (labeled or perceived) in occurrences of certain cancers in our region and other parts of state, a more active and responsive registry to simplify research and response to these occurrences is needed – Supports vibrant communities

- Support firmer timelines/deadlines for utility relocation and other related work needed to speed up and support infrastructure projects – Supports resiliency of infrastructure, adaptive municipal operations

ACTION RECOMMENDED:

Discuss and decide on legislative goals to recommend to NCLM

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. 2020 Legis Goals Action Nov 2



Proposed Legislative Goals to Submit to NCLM for Consideration in 2020-21 Advocacy Goals

The Town needs to submit its proposals for items to be included in the NCLM Municipal Advocacy Goals by November 5, 2020.

Proposals will be considered by NCLM Legislative Policy Committee, the NCLM Board of Directors and the entire membership.

Please Note: League bylaws require cities and towns to indicate whether a proposed goal was approved by local council or board.

Town's Proposed Goals for Submission to NCLM for Consideration:

The Town's Government Affairs Committee met in October to give final review to board member goal suggestions from earlier this year (**attached**) and refine the list the Town should propose to NCLM for consideration as part of their 2020-21 advocacy agenda. Evaluation of each potential goal submitted by commissioners was reviewed and presented to the Board in March 2020. Based on that process and further refinement against the NCLM's framework for grouping goals for 2020-21, the following goals are proposed to submit to NCLM for consideration in their goals for advocacy:

Town's Proposed Legislative Goals for Consideration by NCLM as 2020-21 Goals:

- **Funding for Additional Magistrates Across North Carolina** – In growing areas like ours, this addresses adverse impacts to the productivity of our police officers and residents due to lack of local services. – *Supports more responsive, adaptive operations*
- **Pension Reform** - see letter drafted by Mayor **attached** – *Supports sustainability of system for healthy state/local finances*
- **Revenue Options for all Municipalities (Without Creating Winners/Losers)** – *Supports flexibility for cities/towns – Support healthy finances and vibrant, resilient, adaptive municipal operations*
- **Cancer Registry** – Recognizing increase of clusters (labeled or perceived) in occurrences of certain cancers in our region and other parts of state, a more active and responsive registry to simplify research and response to these occurrences is needed – *Supports vibrant communities*

- **Support firmer timelines/deadlines for utility relocation and other related work needed to speed up and support infrastructure projects** – *Supports resiliency of infrastructure, adaptive municipal operations.*

The process and framework for 2020 are included below for reference.

NCLM Revised Goals Process for 2020

In 2020, the League's Board of Directors revised the member-driven process that forms our organization's legislative policy positions—their goal is to expand the process to receive as much input from all of our municipal officials that reflects the diversity of our members' opinions and circumstances.

This member-driven process coincides with the start of each new legislative biennium. During even-numbered years, members come together to share their legislative goals and priorities. The basic process includes the following steps:

1. [Members submit their ideas for legislative policy goals online](#). Ideas should fit into the League's overarching policy focus areas, be actionable and be applicable to cities and towns statewide.
2. The [Policy Committee](#) considers all submitted ideas through the lens of the [League's Core Municipal Principles](#) (attached) and policy focus areas and submits its suggestions to the Board of Directors.
3. After reviewing and refining the Policy Committee's suggestions, the NCLM Board of Directors presents the goals to the entire membership for a vote.
4. Each municipality casts a single vote on the policy goals and the results are used by League staff, members and legislative leaders to advance the agenda together.

Focus Areas for 2020-21 Goals

The NCLM Board of Directors provided a framework for organizing ideas and goals for 2020-21. Each Focus Area is drawn from the NCLM Vision 2030 Goals.

That framework is bulleted below:

- **RESILIENT INFRASTRUCTURE** Vision 2030 operating principles: Municipalities demonstrate the value they add to the community's quality of life. Municipalities widely practice productive partnerships with counties, other governments, and the private sector.
- **HEALTHY FINANCES** Vision 2030 operating principles: Municipal governments exercise greater control over their revenues, structures, and functions. Urban and rural municipalities routinely work together for economic success.
- **VIBRANT COMMUNITIES AND NEIGHBORHOODS** Vision 2030 operating principles: Municipalities demonstrate the value they add to the community's quality of life. Urban

and rural municipalities routinely work together for economic success. Municipalities are able to quickly adapt to cultural and demographic changes in their communities.

- **RACIAL EQUITY** Vision 2030 operating principles: Municipalities demonstrate the value they add to the community's quality of life. Municipalities are able to quickly adapt to cultural and demographic changes in their communities.
- **ADAPTIVE MUNICIPAL OPERATIONS** Vision 2030 operating principles: Municipal governments exercise greater control over their revenues, structures, and functions. Municipalities are able to quickly adapt to cultural and demographic changes in their communities.

For Reference - List of Ideas and Potential Goals Submitted by Board that were Discussed in March 2020.

Board members,

We wanted to share with you in advance the full list of topics that have been submitted to the Government Affairs Committee.

Updates on research and status of the following items (in no particular order) will be presented at Monday's pre-meeting.

- Point of origin clause for sale taxes
- Changing the pension system for new employees
- ABC system tax allocation and privatization
- Removal from HB 514
- Support municipal efforts to solve for public school enrollment increases through activation of HB 514. Further fully support no new cap on NC Charter schools.
- Support legislation that encourages MPO and RPO reform such as the ability to modify the MPO charter with one vote per town instead of a weighted vote.
- Support efforts to obtain and fund a magistrate for North Mecklenburg
- Support efforts to expedite the Mecklenburg County Conceal Carry License renewal process (move to online renewal) and efforts to ensure mental health data is being properly reported to the Federal Background Check System.
- Support Funding a Local Magistrate
- Support increasing behavioral health resources allocated to local schools.
- Support legislation that encourages economic development opportunities in rural counties while safeguarding current local sales tax and related revenues.
- Continue efforts to actively encourage NCDOT to complete the I-77 project and the Governor to cancel or buy out the Cintra contract.
- Support and assist in creation of formal task force to understand the depth, impact and ways to eliminate the region's Thyroid Cancer cases.
- Support efforts to understand the depth, impact and ways to eliminate the region's Ocular Melanoma cases
- Possible Impact Fee Resolution
- Have issues arisen with SB 355 that we need to go back and advocate for changes?
- Plastic Bag Ban
- Amend Town Charter to include districts, staggered four-year terms, etc.
- Other Items we're watching

Memorandum

Subject: North Carolina State (TSERS) and Local Government (LGERS) employee retirement system.

To: Huntersville Town Board

From: Mayor John Aneralla

Date: October 20, 2020

Background: Both TSERS and LGERS are annually recognized as being among the best managed pension plans in the Country. The conservative allocation of the plan combined with the legislative and local government commitment to annually funding the plan has ensured the plan remains well-funded. Other conservative policies such as a short amortization schedule for unfunded liabilities, annual review of COLA, pension-spiking prevention, requiring “catchup” payments, updating mortality tables and timely asset allocation reviews have allowed the plan to achieve its mandate over the past 20 years. Currently, the plan is funded in the 85%-90% range much higher than the average plan in the low 70% with some public pension considerably lower (ex. Illinois).

However, it is my belief and many others that the pension system will have difficulty meeting its mandate over the next 20 years due to numerous factors.

Problem: There are three basic “ingredients” that make up the funding of a pension system: employee, employer contributions and the assumed rate of return (ARR). The ARR is currently 7% down from 7.25% in past years. The higher the assumed rate of return the less employers need to contribute but if the ARR is not met in a particular year the employer/tax payer has to make of the difference. The unfunded liability of the plan is in the billions despite fairly strong asset performance over the past 20 years.

The current asset allocation of the plan is one of the most conservative in the Country. (Attached is the current breakdown of the plan.) The allocation is determined by state statute within a range for each investment category. Due to the conservative nature of the plan’s allocation of fixed income/cash (between 24%-42%) combined with historically low interest rates, a significantly higher than 7% return will be required from the other asset categories. If the returns in risk assets are not achieved, employers/taxpayers will be required to contribute more. The local government employer contribution has consistently gone up over the past few years and is projected to go up significantly more over the next few years. (Chart attached)

Solution: Several states and the United States Military have made changes to their pension plans for new employees to create more retirement options as well as limit or slowdown future liabilities. In general, each plan limits the incentive to participate in the defined benefit plan and places more emphasis on defined contribution plan creating more flexibility and portability for the participant.

The U.S. military offered 50% of a participant’s salary after 20 years of service. For new enrollees, the benefit is now 40% of his or her recent salary with a lump sum option and a match of up to 5% in a 401k option. (See attachment.)

Several states have instituted multi-tiered pension systems similar to the militaries with more emphasis on defined contribution and increased employee cost sharing. Michigan, Arizona, Florida, Pennsylvania and Colorado are among the states that have implemented various pension reforms.

Conclusion: We are fortunate in North Carolina to have one of the best managed, cost efficient and well-funded pension systems in the United States. However, demographic changes, low interest rates and the likelihood that risk assets will return less in future year than the past two decades will create a greater unfunded liability. This will put more pressure on the State and local governments to increase their portion of funding to the detriment of traditional government services.



NCRS Asset Allocation

As of June 30, 2020

	Market Value (\$MM)	%	Target	Range		Relative %	Relative \$ (\$MM)
				Minimum	Maximum		
Growth	\$47,773	45.98%	58.00%	37.00%	71.00%	-12.02%	(\$12,495)
Public Equity	33,418	32.16%	42.00%	37.00%	47.00%	-9.84%	(10,224)
Private Equity	5,342	5.14%	6.00%	0.00%	8.75%	-0.86%	(892)
Non Core Real Estate	3,064	2.95%	3.00%	0.00%	8.00%	-0.05%	(53)
Opportunistic Fixed Income	5,949	5.73%	7.00%	0.00%	7.50%	-1.27%	(1,325)
Rates & Liquidity	43,176	41.55%	29.00%	24.00%	42.00%	12.55%	13,042
IG Fixed Income & Cash	33,459	32.20%	28.00%	24.00%	32.00%	4.20%	4,364
Pension Cash	9,717	9.35%	1.00%	0.00%	10.00%	8.35%	8,678
Inflation Sensitive & Diversifiers	10,922	10.51%	11.00%	4.00%	16.00%	-0.49%	(508)
Inflation Sensitive	5,437	5.23%	6.00%	2.00%	7.50%	-0.77%	(798)
Core Real Estate	5,485	5.28%	5.00%	2.00%	10.00%	0.28%	290
Multi-Strategy	2,039	1.96%	2.00%	0.00%	4.00%	-0.04%	(39)
Grand Total	\$103,910	100.00%					

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER AND NONEMPLOYER CONTRIBUTIONS
COST-SHARING, MULTIPLE-EMPLOYER, DEFINED BENEFIT PENSION PLANS

Last Ten Fiscal Years

(Dollars in Thousands)

Teachers' and State Employees'	2019	2018	2017	2016	2015
Actuarially determined contribution	\$ 1,915,146	\$ 1,565,728	\$ 1,438,306	\$ 1,210,904	\$ 1,262,988
Contractually required contribution	1,915,146	1,602,901	1,441,194	1,275,003	1,262,988
Contributions in relation to the actuarially determined contribution	1,915,146	1,602,901	1,441,194	1,275,003	1,262,988
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ (37,173)</u>	<u>\$ (2,888)</u>	<u>\$ (64,099)</u>	<u>\$ -</u>
Covered payroll	\$ 15,582,963	\$ 14,869,212	\$ 14,440,822	\$ 13,934,459	\$ 13,803,148
Contributions as a percentage of covered payroll	12.29%	10.78%	9.98%	9.15%	9.15%
Local Governmental Employees'					
Actuarially determined contribution	\$ 512,287	\$ 483,559	\$ 453,193	\$ 393,920	\$ 402,429
Contractually required contribution	534,107	492,317	461,329	414,168	408,694
Contributions in relation to the actuarially determined contribution	534,107	492,317	461,329	414,168	408,694
Contribution excess	<u>\$ (21,820)</u>	<u>\$ (8,758)</u>	<u>\$ (8,136)</u>	<u>\$ (20,248)</u>	<u>\$ (6,265)</u>
Covered payroll	\$ 6,665,378	\$ 6,368,275	\$ 6,192,808	\$ 5,860,574	\$ 5,650,694
Contributions as a percentage of covered payroll	8.01%	7.73%	7.45%	7.07%	7.23%
Firefighters' and Rescue Squad Workers' *					
Actuarially determined contribution	\$ 14,544	\$ 14,287	\$ 17,705	\$ 13,241	\$ 13,900
Contractually required contribution	18,302	17,952	17,602	13,900	13,900
Contributions in relation to the actuarially determined contribution	18,302	17,952	17,602	13,900	13,900
Contribution deficiency (excess)	<u>\$ (3,758)</u>	<u>\$ (3,665)</u>	<u>\$ 103</u>	<u>\$ (659)</u>	<u>\$ -</u>
Covered payroll	N/A	N/A	N/A	N/A	N/A
Contributions as a percentage of covered payroll	N/A	N/A	N/A	N/A	N/A
Registers of Deeds'					
Actuarially determined contribution	\$ -	\$ -	\$ -	\$ -	\$ -
Contractually required contribution	950	856	869	817	802
Contributions in relation to the actuarially determined contribution	950	856	869	817	802
Contribution excess	<u>\$ (950)</u>	<u>\$ (856)</u>	<u>\$ (869)</u>	<u>\$ (817)</u>	<u>\$ (802)</u>
Covered payroll	N/A	N/A	N/A	N/A	N/A
Contributions as a percentage of covered payroll	N/A	N/A	N/A	N/A	N/A

* Nonemployer contributing entity

Note: Changes in benefit terms, methods and assumptions are presented in Notes to the Required Supplementary Information (RSI) schedules following the pension RSI tables.

2014	2013	2012	2011	2010
\$ 1,177,341	\$ 1,078,783	\$ 1,015,762	\$ 926,429	\$ 492,779
1,177,341	1,120,482	1,015,762	680,670	492,779
1,177,341	1,120,482	1,015,762	680,670	492,779
<u>\$ -</u>	<u>\$ (41,699)</u>	<u>\$ -</u>	<u>\$ 245,759</u>	<u>\$ -</u>
\$ 13,548,227	\$ 13,451,164	\$ 13,652,715	\$ 13,806,691	\$ 13,803,324
8.69%	8.33%	7.44%	4.93%	3.57%
\$ 397,462	\$ 370,152	\$ 376,340	\$ 342,910	\$ 230,121
413,175	383,889	389,399	361,998	273,337
413,175	383,889	389,399	361,998	273,337
<u>\$ (15,713)</u>	<u>\$ (13,737)</u>	<u>\$ (13,059)</u>	<u>\$ (19,088)</u>	<u>\$ (43,216)</u>
\$ 5,553,383	\$ 5,421,364	\$ 5,402,147	\$ 5,329,651	\$ 5,320,927
7.44%	7.08%	7.21%	6.79%	5.14%
\$ 14,620	\$ 14,074	\$ 14,389	\$ 12,243	\$ 10,074
14,627	15,447	14,398	10,110	10,080
14,627	15,447	14,398	10,110	10,080
<u>\$ (7)</u>	<u>\$ (1,373)</u>	<u>\$ (9)</u>	<u>\$ 2,133</u>	<u>\$ (6)</u>
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A
\$ -	\$ -	\$ -	\$ -	\$ -
817	937	843	772	736
817	937	843	772	736
<u>\$ (817)</u>	<u>\$ (937)</u>	<u>\$ (843)</u>	<u>\$ (772)</u>	<u>\$ (736)</u>
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

The BRS at a glance

Defined benefit	
	
Defined benefit vesting	20 years of service (YOS)
Defined benefit multiplier	2.0%
Defined benefit working age annuity	Active duty: Choice of full annuity or lump sum option (50% or 25%) at retirement; National Guard/Reserve: Lump sum based on annuity at age 60 (or earlier with creditable active service).
Defined benefit retirement age	Active duty: At 20 or more YOS; National Guard/Reserve: After 20 or more qualifying YOS and age 60 (or earlier with creditable active service).
Defined benefit cost-of-living adjustment (COLA)	Full COLA
Defined benefit disability retired pay	Disability rating (minimum 30%) capped at 75% or 2.0% multiplier

Defined contribution	
	
Defined contribution, DoD contribution rate	1% automatic, plus up to 4% matching (Max=5%)
Defined contribution, DoD contribution rate YOS	1% automatic: Begins at 60 days of service through 26 YOS Matching: Starts after two YOS and continues through 26 YOS*
Enrollment	Automatic for members entering service on or after Jan. 1, 2018; automatic re-enrollment every January if member zeros out contributions
Defined contribution member contribution rate	3% automatic; full DoD match requires 5% contribution; default to Traditional TSP account, Lifecycle (L) Fund
Defined contribution vesting	Always vested in Service member contributions, DoD matching and any earnings. Vested in Service Automatic (1%) Contribution and any earnings after two years in service
Defined contribution forfeit of DoD contributions	If you leave service before two years, you forfeit the Service Automatic (1%) Contribution and any of their earnings.

Continuation pay	
	
Continuation pay multiplier (months of basic pay)	Active duty (including AGR and FTS): Between 2.5 and 13 times monthly basic pay. National Guard/Reserve: Between 0.5 and 6 times monthly basic pay (as if on active duty)
Continuation pay commitment	Any member who elects to receive continuation pay will incur an additional service obligation of not less than three years, as determined by the member's Service.
Continuation pay eligibility	Eligible for continuation pay when complete between eight, but no more than 12 YOS, calculated from Pay Entry Base Date (PEBD)

Lump sum	
	
Lump sum options	May choose a lump sum of either 25% or 50% of the discounted present value of future retirement payments, in exchange for reduced monthly retired pay, until full Social Security retirement age, which for most is age 67.
Lump sum election	Active duty: Lump sum election must be made no less than 90 days before retirement. National Guard/Reserve: No less than 90 days before receipt of retired pay.
Lump sum eligibility	Active duty: At retirement after 20 or more YOS. National Guard/Reserve: Upon becoming eligible to begin receiving retired pay at age 60 (or earlier with creditable active service).

* Members who opt into BRS receive Service Matching Contributions immediately regardless of YOS.

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Janet Pierson, Town Clerk

Date: November 2, 2020

Subject: Approve the minutes of the September 8, 2020 Regular Town Board Meeting Minutes.

EXPLAIN REQUEST:

Consider approving the minutes of the September 8, 2020 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes
2. The Hills Subdivision Sketch Plan Transcript
3. Hill Street Phase 2 Subdivision Sketch Plan Transcript
4. Vermillion Front Subdivision Sketch Plan Transcript
5. Petition #SUP20-01 Transcript
6. Petition #MBS20-01 Transcript

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 8, 2020 – 6:00 p.m.
Huntersville Recreation Center
11836 Verhoeff Drive**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 5:15 p.m. on September 8, 2020.

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

Mayor Aneralla called the Pre-meeting to order.

Stephen Trott, Director of Engineering, provided update on NCDOT TIP projects. *Refer to Exhibit No. 1.*

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

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on September 8, 2020.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Commissioner Bales

- Lake Norman Economic Development Corporation is currently working 27 total projects. The EDC will be participating in two building tours next week with the Charlotte Regional Business Alliance.
- Update was sent to Board members on where Charlotte-Mecklenburg Schools is at currently with the rubric.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Several new officers have started with the Huntersville Police Department.
- Olde Huntersville Historic Society will have a non-perishable food drive on September 19.

Commissioner Hines

- NCDOT will present their recommendation for reprioritization of the STIP projects on Wednesday.

Commissioner Munger

- There is a new ice cream shop beside Slice House Pizza.
- Mail-in ballots started going out last Friday.
- Encouraged people to donate to the local non-profits.

Commissioner Phillips

- Thanked everyone for coming out.

Commissioner Walsh

- Announced upcoming Parks & Recreation committee meetings and events.
- Provided update from Huntersville Chamber of Commerce.

Mayor Aneralla noted that a representative from Colonial Pipeline is present to give an update on the spill.

Greg Glaze, Director of Operations for Colonial Pipeline Southeast District, provided update on the Colonial Pipeline spill. Throughout this response our priorities have remained the same – protecting the people with the local community and those who are responding; protecting the environment and making sure we recover product as quickly as possible; restoring the community assets; and maintaining open communication.

We recognize here at Colonial that this release of product in your community has brought concerns to this community and so we are here tonight to make sure that we are addressing those concerns. We want to make sure that we are keeping an open line of communication. To start out with, I want to give an environmental update. But the first thing is I want to make sure everyone understands that we want to assure the community that there has been no detection of petroleum product compounds in any residential water wells. To date Colonial has installed 48 shallow wells, roughly around 30' or so.....29 are monitoring wells and 20 are recovery wells. The 29 monitoring wells surround the impacted area and there are no signs of product in those 29 monitoring wells. Monitoring wells are installed as part of the response and they are used to monitor the product if it moves. This allows us to remove product if we discover product. If we do discover product in any of these monitoring wells, we are quick to respond and we make sure that we immediately start recovering product because we want to make sure that we prioritize the health and safety and we want to make sure that the drinking water wells do not become impacted.

To date we have 20 recovery wells installed and they are actively recovering product at the site. This past week we completed our third round of residential well monitoring and there were no petroleum compounds found in any of those wells. We also continue our weekly sampling of surface waters and once again there were no petroleum compounds found in any of those sectors. To date we have

excavated and removed 798 tons of soil and we still have four active drill rigs on the site. These rigs are still there because we are installing additional recovery wells so that we can aggressively recover product at the site. Colonial has sought permission from local landowners to close active residential wells within 1,500' of the site. I'll restate once again that we are requesting to close those wells, but there has not been any petroleum products found in any of those wells. Closing the wells is really a proactive thing from Colonial and it's really to provide a peace of mind to the local community. This is not a requirement by the state or local government. This is our way of proactively trying to make sure we're doing what's right in a consistent and proactive manner. We cannot force anyone to change their water supply and that's fine by us. You can continue to maintain your water well. We will continue sampling as long as this process goes on.

Our next steps are to continue to work with the local community to make sure that we are providing an alternate means of water supply, if so desired within that 1,500'. We are going to continue to work with NCDEQ and submit an initial abatement report, a site assessment report and a corrective action plan. We are going to supplement our current recovery systems to put in more aggressive technologies so that we can quickly recover product and we are going to submit a 30-day update to the Pipeline Hazardous Materials Safety Administration. And we are going to continue to receive questions and we're going to continue to post updates on our website.

Colonial has been in this community and our folks have worked in this community for over 50 years. We are committed to this response and this recovery. Our people are committed to this community and we are not going anywhere. We are looking forward to working with the local community to address any concerns.

Erin Kohen, 13800 Pavilion Estates Drive, said I really hoped that you would have a bit more to say about the handling of the gas leak and I would like to go on record to say that from what I'm understanding of what Colonial Pipeline is doing regarding trying to cap people's wells, it's kind of like do it now or don't ever do it. This is control and manipulation and the ball is still in their court to answer questions that still are not answered from the last meeting. During the last meeting I asked for somebody to send someone who could answer those questions and Mr. Glaze is back here again. Mr. Glaze, I respectfully ask you to review the questions that our community has stated and asked of you and the next time we get an update we would like and expect those answers to those questions.

Rick Lyke, 15136 Pavilion Loop Drive, said at the informational meeting held at the end of August, Colonial Pipeline received questions from residents concerning the environmental damage done, the safety of our families and the value of our homes. Hundreds of people living near this disaster count on well water for drinking, cooking, bathing, cleaning, irrigation, livestock and other important needs. We've heard from Mr. Glaze tonight. He talked about soil removed. We don't have answers to some critical questions. We understand that Colonial appears to be backing away from the original 63,000 gallon estimate for the spill. There was no update about that tonight. We were told that number is likely to climb. We also understand that there's offers, as Mr. Glaze said, to some residents within 1,500'. Those offers require residents to sign a multi-page release giving up their rights in return for the hook-up to water and a small cash payment which would amount to about 1-1/2 years' worth of water. We find the pressure that's being put on to them to sign this now to be unacceptable. We also would like to know if Colonial will stand behind the pledge that Mr. Glaze, Terry Mock, Angie Coulier, Jeff Titus and others from the company have made about being transparent. They've shown up here tonight, they haven't really given out much information that really tells us much about what's going on with this spill. They didn't exactly, as one resident said, at the last meeting shine when they came to that informational meeting. I don't think they shined tonight either. One question I have for the Town,

there's going to be some of these reports that are filed with regulators. I fully anticipate that they are going to be written by lawyers and engineers. We need another informational meeting once those are filed so that we can get some help and ask some questions about them. We would really appreciate the town holding another informational meeting when those reports are filed. I guess one should be in a few days because it's 30 days out and then there's another deadline of November 14. The last thing that I would like to ask, since that spill happened in the older nature preserve, do we have any information from the county, state or federal government on how long it will take before that place is safe again, if it ever will be. There's a lot of trees that have been taken down, a lot of soil removed. Is Colonial going to have to return that to the state it was before or will the town act to try to get them to require some replacement property, because as you all know, green space in this part of the county is disappearing pretty rapidly and that's a huge resource that we are losing right now.

Shannon Ward, 13835 Asbury Chapel Road, said my well is about 1,350' – 1,400' away from the spill. My family has been there a long time. My third great grandfather was George Oehler for whom the nature preserve is named. In the 1,500' range my family has three houses and three wells that are affected. I just wanted to let you know because I'm not sure that you are getting the whole story, I want you to know what my experience has been. The people from Colonial have been so friendly and so nice and so helpful. All the people that come from the county have been helpful. All the people that have come from the state to talk to us and from the water sampling place have been very helpful. I was very optimistic because of those. On Saturday morning somebody from Colonial came and brought me a contract and said that they wanted to cap my well, hook us up to city water and give us \$1,000. I thought that doesn't sound like a really fair price for me giving up my well that I love....we have the best water ever, in exchange for \$1,000 that won't cover a whole lot of city municipal water, treated water, for our family. I decided I wasn't going to sign the contract. I thought I'm not even going to take it to a lawyer because I know I'm not going to sign it and so I'll talk to the Colonial guy the next time he comes back and tell him that I'm going to need a little bit better offer if I'm going to pay the money to take it to an attorney and have them look at it. If this is the best you can do, I need you to pay for an attorney for me to talk to for them to convince me that this is a good contract. It took me a couple of days to actually pull it off of my refrigerator and read it. When I read it, I was shocked. The first paragraph, in exchange for my city water that I don't want and \$1,000, is that I will allow them to occupy my property as long as they need to with heavy equipment, storage tanks, roads, employees, whatever they need to recover the product and monitor wells that they dig with no compensation to me. I can't hold them responsible for any damages to my property and if it affects my property value, I'm out of luck. I felt like at that moment that they had shown their hand. They told me who they are, and they are not the people that are friendly and want to talk to me about fishing and grandkids and this kind of thing. They have a different agenda. I just wanted you all to be aware of that. At this point I want to cooperate with them because if there is gasoline running in the soil underneath my house, I would like for it to be found and taken care of, but I don't think anybody would think that it was reasonable for me to sign away my rights to my property for \$1,000 and city water or treated water that I don't want in exchange for them to do whatever they want on the property. It's my hope that they never have to come there and I'm sure that that's their hope too, that they don't need my property and they don't need to dig anything and they are going to capture it all and it's fine. But I'm already concerned about my property values independent of all of that. I just wanted you to know while they seem so nice, and they probably are really nice people, they do not have the best interest of the community at heart based on what they are offering us. I expected a low-ball offer because we can negotiate. This isn't low ball. This is offensive.

Vince Geramonti, 15120 Pavilion Loop Drive, said Terry Mock of Colonial said three things when you put it out. Number 1, that the regulators will dictate the clean-up process to ensure that my water is safe. Number 2, the regulators requested 1,500' testing of the wells. Pavilion Loop Drive is 3,000'. Number 3,

data will drive the decision. In my day job I manage \$2 billion in stocks around the world and data drives my decisions. But within the data, you have to differentiate between noise and signal. This may not go over well, but here is my first signal, that Colonial will do the right thing. The regulators whose incentives are to be conservative for the safety of our land and the quality of my water said 1,500', but we'll test you at 3,000'. The second positive signal came in the August 27 meeting, which I listened to again last night. The first regulator, remember the surface water guy, praised Colonial, explained in steps what they were doing. Other regulators said we will make sure that Colonial meets our standards. Greg Glaze, you're here. I thought he was fine on the 27th and I enjoyed his presentation just now. We are required.....corresponding to Terry Mock's comments to me in my home 8 days earlier by the regulators, the situation is active, it is fluid. When we are confident of our data, we will file a report with the regulators, then it will be made public. I don't want incomplete information. Incomplete information is noise. What I want is to be patient and confident of the data when the data is made public. I'm sorry to hear about the misfortunes of the prior speaker, but after three weeks we have these measuring wells that Mr. Glaze talked about and until Terry Mock comes to pay us a visit to tap my well, this is how I'm handicapping it – a 1 percent chance that my water is contaminated and at the end of the day a 1 percent chance that Colonial will not do the right thing and for you folks that are mathematically inclined and know probabilities, you multiply the two 1 percents together and the odds that I'll be disenfranchised is one in 10,000, because here's the thing, the regulators dictate the process.

AGENDA CHANGES

Commissioner Bales made a motion to flip flop Items 9.A (Consider Adopting an Ordinance to Grant a Franchise for the operation of the North Mecklenburg Construction and Demolition Landfill) and 9B (Consider decision on Petition #ANNEX20-01, a request by Greenway Waste Solutions at North Meck, LLC, to annex 5.47 acres along Holbrooks Road into the Town of Huntersville) – move Item 9.B to 9.A and shift 9.A down to 9.B.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Frank Gammon, Catherine Graffy and Derek Partee.

Mayor Aneralla called to order public hearing on Petition #TA20-01, a text amendment application requested by the Huntersville Planning Board to amend Articles 7.2, 7.4, and 12 of the Huntersville Zoning Ordinance to modify the required tree save mitigation requirements.

Brad Priest, Principal Planner, entered the Staff Analysis into the record. *Staff Analysis and PowerPoint attached hereto as Exhibit No. 2.*

Mr. Priest explained in 2019 the Planning Board noticed that mitigation requests were on the rise. More trees were being removed from sites than intended in the ordinance. The Planning Board formed a Tree Mitigation Committee to encourage mature tree save rather than mitigation and improve tree canopy in the community.

Mr. Priest reviewed the current tree save requirements in different zoning districts. The different zones have different percentages. The Tree Committee met through the summer and fall of 2019. The recommendation from the committee includes:

- Increase the mitigation to 100 percent of the caliper (from 30 percent).
- Define a "Specimen Tree" as 18" caliper tree down from a 24" caliper tree (to match "significant tree").
- Allow a maximum of 50 percent of trees to be used for tree mitigation.
- Require Zoning Ordinance plantings to be from the approved species list.

Commissioner Walsh said if I had a piece of property and it's heavily wooded, then I have an open area, I can chop down the trees but then plant in the buffer area.

Mr. Priest said that's correct.

Commissioner Walsh let's say I didn't have them in the buffer area, or I needed to put them in the buffer area for the buffer requirement, is that why staff is saying they don't have to be in the buffer area.

Mr. Priest said that's correct. You could plant the buffer and then just completely have very little tree save mitigation requirement.

Commissioner Walsh said what was the thinking for the recommendation to stay at 24" caliper.

Mr. Priest said the thought process of the committee was in order to preserve canopy in Huntersville to drop it down because the trees are worthy of being saved.

Commissioner Walsh said but you guys are recommending staying at 24".

Mr. Priest said if the desire is only to deal with mitigation and leave the tree save requirements alone, because if we change the definition of a specimen tree, then indirectly we're increasing the save tree requirement for specimen trees.

Commissioner Hines said I'm trying to recall, sometime ago we talked about this and I was at the Huntersville Ordinances Advisory Board meeting – take, for example, you have a one acre site, heavily wooded, Highway Commercial and it abuts up against somewhere where you need a buffer. Would there be a mechanism if you take it down based off Planning staff's recommendation to 0 can be planted in the buffer, with a small one acre, two acre site.....with the landscaping ordinance that we already have, let's say there's no additional room to plant those additional trees, would there be a mechanism where those trees could be planted in the buffer.

Mr. Priest said in the buffer on the site.

Mr. Hines said on the site, yes. I guess they couldn't contribute to the tree fund anymore.

Mr. Priest said yes, they could, it's just the amount of double dipping, so what we are proposing is to separate the requirements to count those buffer trees as mitigation trees, so what they could do if they don't have any room, the buffer is the only place, they planted the buffer now there's no room in the site to safely plant trees, yes that option is available to take that number of trees, do the calculation and

take the funds for those plantings and contribute them to the tree fund bank rather than planting them on site.

Commissioner Hines said and they haven't made a recommendation or changed that, because right now is it \$350 a tree.

Mr. Priest said it's market value.

Commissioner Hines said how much money do we have in our tree fund bank now.

Mr. Priest said right now the total is \$55,000.

Commissioner Hines said and what do we do with those funds.

Mr. Priest said we are in the process of looking for projects right now. What staff is looking to do and what I would like to see done is to use those funds perhaps for street trees, for new road improvements, new road projects and perhaps also schools, Parks & Rec Department plantings, to be able to put areas where trees would be put on public spaces.

Commissioner Munger said in regards to the tree fund bank, was there any consideration given to modifying the amount that was paid to the tree fund bank for tree mitigation.

Mr. Priest said that's essentially what's happening because the only time that someone is going to contribute to the tree fund bank is like was mentioned earlier, when there can't be a requirement on site. The requirement is basically if you take the mature trees down, the first option is you don't give us any funds, you just count up the calipers and you replace those trees on your site. That's the first step and that's the first desire. It's not a fee in lieu of. It's basically you plant the trees on site, but what you do is if there's no room and the trees wouldn't last, they wouldn't be healthy, then you calculate how much would it cost to plant the trees that you are required to plant somewhere else and you get a cost estimate of market value – if one landscaping company will do it for \$350, you know you've got your brother-in-law he can do it for \$250, well then that's great. We'll accept that when you take that estimate and take the money and put it in the tree fund bank in order to plant it somewhere else in the community to build up that canopy in the future years.

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

Petition #TA20-02. Mayor Aneralla called to order public hearing on Petition #TA20-02, a request by Jack Simoneau, Planning Director, on behalf of the Huntersville Planning Board to allow the Planning Board to have control of one deferral with or without applicant consent.

Lauren Speight, Planner I, entered the Staff Analysis into the record. *Staff Analysis and PowerPoint attached hereto as Exhibit No. 3.*

Ms. Speight explained that the current Zoning Ordinance allows the Huntersville Planning Board to defer action on a request two times for one of the following reasons: the public hearing remains open, ordinance required information is not completed, or the petitioner agrees and/or requests a deferral. The Planning Board would like to amend the Ordinance so that one deferral is limited to the current reasons listed and another deferral is not limited to the listed reasons.

Planning staff recommends approval.

Jack Simoneau, Planning Director, added that the intent is if somebody doesn't have ordinance required information after the second time, then the Planning Board just needs to recommend denial, it's not coming in. What this text amendment is doing, at the request of the Planning Board, is if all those three boxes of those first things are already met but there still is a number of changes that are being asked and needed for the Planning Board to make a recommendation of approval, the Planning Board just wants the option to be able to recommend that case be deferred for one more meeting and give the applicant one chance to get the rest of those things cleaned up and in order.

Frank Gammon, Planning Board, said I would just like to add it's not specified in this, but it's implied because of procedure, that it's not the Chair of the Planning Board saying we are going to defer this. This requires a motion, it requires discussion, it requires a vote by members of the Planning Board. A recommendation of a deferral could be voted down by the Planning Board itself.

Commissioner Bales said I just want to be very clear this does not add to the scope for the Planning Board, what this does do is give a little bit of flexibility. Is that correct.

Ms. Speight said that's correct.

Commissioner Hines said the way it's written, I'm kind of having a little concern. Hypothetically, could the Planning Board, it's a long meeting, they get to another thing and their just tired. Could they defer it and not give a reason, because it says here may defer action on a request one additional time, not limited to the reasons listed above. There's three specific, but now it seems open ended to me. Maybe that won't happen, but could it.

Mr. Simoneau said I've been here 20 years and the Planning Board has never just said I'm kind of tired, I just need to defer. It just doesn't work that way. You would replace the Planning Board members if they did those kinds of things. If you feel more comfortable if there was language in there for reasons stated specifically as to why, we can add that in there if that's your desire. That's what will happen anyways.

Commissioner Hines said it just seems a little bit open ended to me. I think something like that would be a little more helpful for me anyway.

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

Petition #TA20-07. Mayor Aneralla called to order public hearing on Petition #TA20-07, a request by The Barnes Real Estate Co., LLC to allow 100% attached houses in the Highway Commercial zoning district on one lot or a combination of lots that are less than or equal to 3 acres net of any SWIM Buffer. The maximum density is proposed to be limited to 10 units per acre net of any SWIM Buffer and the Building Lot Types would comply with Article 4: Attached House.

Commissioner Phillips requested to be recused because her family owns land that could be affected.

Commissioner Boone made a motion to recuse Commissioner Phillips.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Lauren Speight, Planner I, entered the Staff Analysis into the record. *Staff Analysis and PowerPoint attached hereto as Exhibit No. 4.*

Ms. Speight explained that the current Zoning Ordinance allows major subdivisions in the Highway Commercial Zoning District a maximum of 30 percent attached houses, apartment buildings and mixed-use buildings with three exceptions as listed in the Staff Analysis. The Barnes Real Estate Co., LLC would like to add a fourth exception to the maximum 30 percent attached house limit as follows:

(d) With a focus on allowing for infill attached residential development fronting major thoroughfares and boulevards zoned Highway Commercial (HC), the percentage of dwelling units contained in the attached houses is not limited. To qualify, the size of the lot or combination of adjoining lots, at the date of this amendment, is less than or equal to three (3) acres net of any SWIM buffer. Maximum density will be limited to 10 units per acre net of any SWIM buffer and the Building Lot Types would comply with Article 4: Attached House.

The Huntersville Ordinances Advisory Board recommended denial of the proposed text amendment and as outlined in the Staff Analysis, staff also recommends denial of the recommendation for reasons outlined in the Staff Analysis.

Commissioner Walsh said why is it 3 acres. Why not 2 acres. Why not 5 acres.

Donovan Barnes, 15533 Old Statesville Road, said the reason the 3-acre tract was proposed is kind of in line with what she was saying. We wanted to think about the number of properties that would be affected. If you went out with larger plots, we thought that it might not be in line with what the intent was. Tracts as small as 2 acres and 3 acres are pretty limited and with that it decreased the number of exposure and I think that's the reason why I thought about it to be 3 acres instead of larger tract which may not be in line with what the spirit of what you guys were thinking of.

Commissioner Hines said does an applicant/landowner have another option, because doing a text amendment like this affects the entire town. Does an applicant that owns a piece of property in Highway Commercial, do they have any other options coming to us for a conditional rezoning, site plan review – do they have any other options to still accomplish this without a text amendment like this allowing it.

Ms. Speight said the Zoning Ordinance also allows in Highway Commercial Zoning District that you can have one building on one lot that is 100 percent attached.

Commissioner Hines said could you do one row of townhouses that are 10 units connected, is that one building.

Ms. Speight said one building on one lot, yes you could.

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

Commissioner Boone made a motion to let Commissioner Phillips back in.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Greenway Waste Solutions Franchise. Mayor Aneralla called to order public hearing to receive public input on a request received from Greenway Waste Solutions, LLC, and Greenway Waste Solutions of North Meck, LLC, for a new franchise to continue operations of the C&D Landfill located at 15300 Holbrooks Road.

The Town has received an Application for a new franchise to extend the life of the North Mecklenburg Construction and Demolition Landfill located at 15300 Holbrooks Road. The first reading and approval of the ordinance to grant the franchise agreement was at the Regular Town Board Meeting on August 3, 2020. After the public hearing, the Board will have to again vote to approve the ordinance to grant the franchise. *Proposed Ordinance attached hereto as Exhibit No. 5.*

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

Petition #ANNEX20-01. Mayor Aneralla called to order public hearing on Petition #ANNEX20-01, a request by Greenway Waste Solutions at North Meck, LLC to annex 5.47-acres along Holbrooks Road into the Town of Huntersville.

David Peete, Principal Planner, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Exhibit No. 6.*

Mr. Peete noted the property owners, Greenway Waste Solutions, LLC have filed a petition to consider voluntary contiguous annexation pursuant to North Carolina General Statutes Section 160A-58.1. The Board of Commissioners adopted a Resolution of Intent to Annex on August 17, 2020. The proposed area to annex is 5.47 acres. All statutory requirements have been met. Staff recommends approval.

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

Petition #ANNEX19-04. Mayor Aneralla called to order public hearing on Petition #ANNEX19-04, a request by EPCON Eastfield Road, LLC, to annex 35.908 acres (Courtyards at Eastfield Road Subdivision) into the Town of Huntersville.

David Peete, Principal Planner, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Exhibit No. 7.*

Mr. Peete noted the property owner, EPCON Eastfield Road, LLC, has filed a petition to consider voluntary, non-contiguous annexation pursuant to North Carolina General Statutes Section 160A-58. The Board of Commissioners adopted a Resolution of Intent to Annex on August 17, 2020. The proposed area to annex is 35.908 acres. All statutory requirements have been met. Staff recommends approval.

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

OTHER BUSINESS

Petition #ANNEX20-01. Petition #ANNEX20-01 is a request by Greenway Waste Solutions at North Meck, LLC, to annex 5.47 acres along Holbrooks Road into the Town of Huntersville.

Commissioner Walsh made a motion to approve Petition #ANNEX20-01, a request by Greenway Waste Solutions at North Meck, LLC, to annex 5.47 acres along Holbrooks Road into the Town of Huntersville.

Commissioner Bales seconded motion.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 8.

North Mecklenburg C&D Landfill Franchise. The Town received an Application for a new franchise to extend the life of the North Mecklenburg Construction and Demolition Landfill located at 15300 Holbrooks Road, Huntersville, NC. All franchises must be adopted at two regular meetings of the Town Board. The Board approved the first reading on August 3, 2020. This is the second reading.

Commissioner Walsh made a motion to adopt Ordinance to Grant a Franchise for the operation of the North Mecklenburg Construction and Demolition Landfill, 15300 Holbrooks Road.

Commissioner Bales seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 9.

Petition #ANNEX19-04. Petition #ANNEX19-04 is a request by EPCON Eastfield Road, LLC, to annex 35.908 acres (Courtyards at Eastfield Farm Subdivision) into the Town of Huntersville.

Commissioner Boone made a motion to approve Petition #ANNEX19-04, a request by EPCON Eastfield Road, LLC, to annex 35.908 acres (Courtyards at Eastfield Farm Subdivision) into the Town of Huntersville.

Commissioner Phillips seconded motion.

Commissioner Hines noted that he recused himself from this project when it was approved last year and questioned if that would have any impact on this.

Karen Wolter, Town Attorney, stated there was not a problem.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 10.

Salem Ridge Road Traffic Calming. Stephen Trott, Director of Engineering, reminded the Board that two options for speed humps were presented at the public hearing in August. Option 1 included five speed

humps and Option 2 included four speed humps. The vast majority of citizens are in favor of Option 1.
Refer to Exhibit No. 11.

Commissioner Boone made a motion to approve Option 1 of the traffic calming option presented for Salem Ridge Road in Skybrook.

Commissioner Hines seconded motion.

Motion carried unanimously.

The Hills Subdivision Sketch Plan. The Hills Subdivision Sketch Plan was heard as quasi-judicial. A transcript of the proceedings prepared by Westmoreland Reporting, Inc. is attached hereto as Exhibit No. 12.

Action Taken: Commissioner Walsh made a motion in considering the evidence presented regarding The Hills subdivision sketch plan, the Town Board finds the application is complete, the sketch plan complies with all applicable requirements and there is consistency with adopted public plans and policies of the 2030 Community Plan, including Policy ED-2, E-3, T-5, T-6, T-7, T-8 and TF-2. The application complies with all requirements of the ordinances. This decision is supported by the findings of fact set forth by the staff in the Staff Report. Town Board approves the following: The block length modification request is approved finding that it will reduce stream crossings and result in an arrangement of lots and public space more consistent with Articles 5 and 7. The landscape median modification request is approved in the interest of public safety. Town Board approves the subdivision sketch plan contingent on all other plan comments are addressed.

Commissioner Hines seconded motion.

Motion carried 5 to 1, with Commissioner Boone opposed.

Hill Street Phase 2 Subdivision Sketch Plan. The Hill Street Phase 2 Subdivision Sketch Plan was heard as quasi-judicial. A transcript of the proceedings prepared by Westmoreland Reporting, Inc. is attached hereto as Exhibit No. 13.

Action Taken: Commissioner Boone made a motion to approve based on the application being complete, with a condition that all minor site plan comments be addressed. The sketch plan complies with all applicable requirements, including the 2030 Community Plan and Policies H-1 and H-9, development pattern focusing on high-density development generally within two miles of the I-77 and NC-115 corridor.

Commissioner Hines seconded motion.

Motion carried unanimously.

Vermillion Front Subdivision Sketch Plan. The Vermillion Front Subdivision Sketch Plan was heard as quasi-judicial. A transcript of the proceedings prepared by Westmoreland Reporting, Inc. is attached hereto as Exhibit No. 14.

Action Taken: Commissioner Walsh made a motion in considering the evidence presented regarding Vermillion Front subdivision sketch plan, the Town Board finds the application is complete, the sketch

plan complies with all applicable requirements, and there is consistency with the adopted public plans and policies of the 2030 Community Plan, including Policy H-1, H-9, E-2, T-5, T-6, T-8, CD-5 and PF-2. The application complies with all requirements of the ordinances. These decisions are supported by the findings of fact set forth by staff in the staff report. The Town Board approves the subdivision sketch plan contingent on all minor site comments are addressed.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes (Commissioner Hines was recused).

Petition #SUP20-01. A Special Use Permit hearing on Petition #SUP20-01, an application for a Special Use Permit to operate a banquet facility at 14418 NC 73 in the Rural zoning district, was heard as quasi-judicial. A transcript of the proceedings prepared by Westmoreland Reporting, Inc. is attached hereto as Exhibit No. 15.

Action Taken: Commissioner Walsh made a motion in considering Petition #SUP20-01, NC 73 event venue, we the Town Board find that the request meets all required conditions and specification, is reasonable and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or health, safety and general welfare of the community will be minimized. The decision is supported by the following findings: the request meets the Zoning Ordinance criteria of Article 3.2.1 and Articles 9.59.1 through 9.59.11 as described in the staff findings of fact included in the Staff Report. The Town Board approves the petition contingent upon approval of the stormwater plan by the Huntersville Engineering Department and approval of the driveway connection to NC 73 by NCDOT.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Petition #MBS20-01. An evidentiary hearing on Petition #MBS20-01, an application from the Hope House for a multi-building site at 15604 Northcross Drive, was heard as quasi-judicial. A transcript of the proceedings prepared by Westmoreland Reporting, Inc. is attached hereto as Exhibit No. 16.

Action Taken: Commissioner Walsh made a motion in considering Petition #MBS20-01, the Hope House multi-building site, we the Board find that the request meets all required conditions and specifications as reasonable and does not impose an injurious effect on adjoining properties and finds that the effect on the character of the neighborhood or the health, safety and general welfare of the community will be minimized. The decision is supported by the following findings: the application meets the submittal requirements and review process for multi-building sites within the Huntersville zoning jurisdiction as outlined in Section 6.800 of the Huntersville Subdivision Ordinance. Specifically, the application has met the preliminary plan requirements of Section 6.820, elevation standards as stated in Section 6.830, as described in the findings of fact included in the Staff Report. The Town Board approves the petition contingent on all minor recommendations being addressed following a formal staff review of the submittal site plans.

Commissioner Hines seconded motion.

Motion carried with five (5) yes votes (Commissioner Phillips was recused).

Proposed Electric Rate Modifications. Anthony Roberts, Town Manager, stated ElectriCities did a Cost of Service study to look at the rate structures for the various classes. That Cost of Service study determined that we needed to do some rate adjustments and what you have before you tonight, which you actually saw at the public hearing back in August, is a couple of those rate modifications to the industrial service rate. Staff recommends moving forward. *PowerPoint Slide attached hereto as Exhibit No. 17.*

Commissioner Hines made a motion to approve the proposed rate modifications to the industrial Huntersville ElectriCities' customer. Commissioner Boone seconded motion.

Motion carried unanimously.

Senator Marcus/Representative Clark Letter. Commissioner Bales stated it was brought to this Board's attention through a public records request that Senator Marcus and Representative Clark had sent a letter to our Board of Adjustment members, as well as our Planning Director, Mr. Simoneau. It also showed that they copied Ms. Warner from Community School of Davidson, along with Sheriff McFadden of Mecklenburg County. We would not have known about the letter had there not been a public records request that then triggered us being notified of said public records request and the issue really isn't about per say the topic, if you will, of the Board of Adjustment and the Broken Arrow Shooting Range, it has more to do with the fact that this Board was not copied and no one from their office or themselves reached out and had conversations with us about it. What I would like to do is send a letter, because while we all, each and every one of us, had the opportunity to pick up the phone and call, which I have spoken with Representative Clark, I think that sending the letter where we are speaking with one voice carries more weight. *Letter attached hereto as Exhibit No. 18.* We know this evening after doing five quasi-judicial hearings the importance of having the facts presented to the Board and not having hearsay or opinion and I feel it is very important that we open the lines of communications. This is a non-partisan board. We need to have open lines of communications with our representatives and it's very important that we continue to reach out and reaching out collectively through this letter I think makes the most sense. I also think that it's important to send this letter publicly and reading it out here so that our Board of Adjustment understands that we recognize the issues that the letter may have impacted them because they did receive it to their personal e-mail addresses, but that we responded appropriately and respectfully with the letter that we are sending.

Commissioner Munger said I did a lot of research related to quasi-judicial based on the fact that we were having all the hearings tonight and that we were putting together this letter. One of the things that I ran across was something out of Coates Cannon, UNC School of Government. Legally, the Board must base its decision on competent material and substantial evidence in the record. But in practice as a result of the process, the record may include incompetent material or insubstantial evidence. So, what do we do with all of the insufficient evidence. Do we strike it from the record. No, insufficient evidence may remain in the record, but may not be the basis of the quasi-judicial decision. Quasi-judicial boards must adhere to the procedural requirements of constitutional due process, but boards are not required to follow the strict rules of evidence that apply in a courtroom. Some informality is allowed for the quasi-judicial Board. As such, courts allow that the inclusion of some insufficient evidence as part of the record is not a due process violation. One of the questions I have for our attorney at this time is what should the Board of Adjustment do with that letter.

Karen Wolter, Town Attorney, said they should disregard the letter. It was never entered into evidence.

Commissioner Munger said is that what they did.

Ms. Wolter said I'm under the assumption that is what they did. I didn't participate in the hearing.

Commissioner Munger said additionally, I passed on to Commissioner Bales last Friday six questions I had specifically related to this letter. At this point I don't have answers for them and that's very troubling to me, so I just want to read the six questions I had.

1. What, if any, citation to statute or any other official document that an ex parte letter from elected officials to a quasi-judiciary board is improper, unethical or inappropriate?
2. Can you provide a legal opinion of the matter from the UNC School of Government?
3. If neither of these are available, how about the attorney or high up official in Mecklenburg County? Can either of them provide any legal citation?
4. It is my understanding that a complaint has been made with the Ethics Commission and that the Ethics Commission has not made a ruling whether the complaint is valid or not. Should we not wait to hear this ruling prior to proceeding with any action?
5. It is also my understanding that an additional party submitted a letter to the Board of Adjustment. What, if any, actions will we be taken against that party?
6. What, if any, precedence exists for the Town of Huntersville in writing this letter? Have we done this before? If so, can you provide documentation to that effect or links to where I might find it.

The point is, in quasi-judicial, as you saw tonight, there are a number of people who want to express their opinion. It is incumbent upon the Board, in this case the Board of Adjustment, to only look for the facts, but as I stated before, it is not a due process violation for someone to express their opinion or say something to a board even if it's a quasi-judicial matter. With that being said, I absolutely will not support this letter.

Commissioner Bales said if I may, Commissioner Munger, yes I did receive your e-mail about 12:30 on Friday and unfortunately trying to get answers to those questions on Labor Day weekend was a little bit challenging. I will say that I did find a few answers for you. In regards to additional parties submitting a letter, I have talked with the Town Clerk and cannot find any additional letter, so unclear where that came from but it's my understanding this was the only letter that had been submitted to the Board of Adjustment outside of the purview of the quasi-judicial hearing. In regards to if this has ever happened before, I can only state, and I did follow up with the Town Clerk, but I can state that in my tenure I have never seen a state elected official weigh in on a quasi-judicial hearing. In addition to that, I believe there has been open lines of communication and this is not an indictment about due process or the quasi-judicial piece in and of itself with this letter, it has more to do with the fact that the lines of communication had broken down. They have broken down and frankly if the role had been reversed, I think their expectation should be that we would respond to them and cc'ing them on our comments to their board. The Board of Adjustment needs to be able to work free of influence. I think that is very important. In the almost 9 years now that I have served, we have always had open lines of communication with our state representative and that's been regardless of party affiliation. We are a non-partisan board and we need to do our part to continue to build better lines of communication with our representatives and I think that's a piece that I'm happy to own and say I need to work harder at those lines of communication, but the fact that we were not at the very least cc'd on the letter I find troubling and like I stated earlier, we could each individually call and have these conversations, but if we have learned anything out of Ethics Training, we speak with one voice collectively and there's more weight to that collectively and that's the reason why I feel it would be appropriate to send a letter. I do not think the letter is scathing in any way, shape or form. I think that it's simply let's communicate better.

Commissioner Munger said I do understand where you are coming from. Obviously, I would hope that the lines of communication with our state representatives and state senator obviously are more open. This to me is a terrible way to try and jumpstart that. There are far better ways than putting this out in public. This should be a conversation we should invite them to one of our town meetings to have them address the board to be able to have that communication, to understand what they are trying to do for Huntersville. I almost guarantee they would jump at the chance to speak to our board and to be able to have that communication. We could possibly even have a special meeting to bring them in, express what we would like to see from them so that they can understand specifically and that would be a fantastic way to start this conversation. Putting a letter like this together to jumpstart communication is absolutely the wrong way to go about this.

Commissioner Phillips said I'm the second on this, but the thing is I represent 65,000+ people of Huntersville. While one of our representatives does live in Huntersville, she's one of 65,000 people. I think tonight we really showed how seriously we take quasi-judicial, if we agree with it or not, but at the end of the day I feel that our Board of Adjustment was put in precarious situation where 2/3 of the people in the NCGA that represent the Huntersville area put some type of pressure directly or indirectly and that's a very danger precedent that I do not want to look forward to in the future. I think by saying please don't do this, it's not a slap on the wrist, it's not being ugly. We are protecting our Board of Adjustment and our citizens. My whole thing's been while I'm here I'm going to make sure when I leave that I leave the town in a better situation and it's not political. It's about respecting the 65,000 people that we represent.

Mayor Aneralla said I did reach out to both Senator Marcus who is an attorney and Representative Clark who works for a law firm. I expressed to them both my displeasure because when you send something on state senate/house letterhead, there's a certain intimidation factor. I believe my conversation with Ms. Clark went much better than Ms. Marcus, but I do believe that we do need to say you should have called, you should have not sent this letter. At least three attorneys I have spoken to all said it was inappropriate at a minimum for them to send this letter.

Commissioner Bales made a motion that we send this letter to our representatives in Raleigh and in addition to sending the letter I would like for us to also set up an opportunity for us to whether it's a Ring Central call to start putting forth the opportunity to build relationship.

Commissioner Phillips seconded motion.

Motion carried 4 to 2, with Commissioners Munger and Walsh opposed.

Commissioner Bales I think it would be better for the signatures of everyone simply because the whole point was for us to speak as one voice.

CONSENT AGENDA

Settlements of Litigation Report. Commissioner Hines made a motion to accept Report of Settlements of Litigation approved in Closed Session. Commissioner Phillips seconded motion. Motion carried unanimously. *Report attached hereto as Exhibit No. 19.*

Call for Public Hearing – Petition #R19-18. Commissioner Hines made a motion to call a public hearing for Monday, October 5, 2020 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive on Petition #R19-18, a request by Cambridge Properties, Inc. to revise the +/- 25.6-acre Huntersville Market

Conditional District Rezoning located north of the Eastfield Road and Prosperity Church Road intersection (Parcel #s: 02119171, 02119172, , 02119170, 02119169, 02119168, 02119173, 02119174, 02119175 & 02119101) from Highway Commercial - Conditional District to Highway Commercial - Conditional District REVISED to permit senior apartments. Commissioner Phillips seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R20-03. Commissioner Hines made a motion to call a public hearing for Monday, October 5, 2020 at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive on Petition #R20-03, a request by North State Development, LLC. to rezone +/- 9.947-acre to develop Huntersville Town Center Mixed-Use Conditional District located south of Gilead Road, west of NC 115 and north of Greenway Street. (Parcel #s: 01711616, 01711617, 01711618, 01711619, 01711627, 01711643, 01711699, 01711625, 01711626, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801 & 01711811) from General Residential, Neighborhood Residential and Town Center to Town Center - Conditional District for a mixed-use development with commercial uses, apartments and townhomes. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution – Commerce Station Sidewalk. Commissioner Hines made a motion to adopt resolution to award Commerce Station Sidewalk Project. Commissioner Phillips seconded motion. Motion carried unanimously. *Resolution attached hereto as Exhibit No. 20.*

Resolution – 2021 Resurfacing Contract. Commissioner Hines made a motion to adopt resolution to award Town of Huntersville 2021 Resurfacing Contract. Commissioner Phillips seconded motion. Motion carried unanimously. *Resolution attached hereto as Exhibit No. 21.*

Resolution – Gibson Park Phase 1. Commissioner Hines made a motion to adopt resolution to award Gibson Park Phase 1 project. Commissioner Phillips seconded motion. Motion carried unanimously. *Resolution attached hereto as Exhibit No. 22.*

Resolution – Accept Road for Town Maintenance. Commissioner Hines made a motion to adopt resolution to accept Carver Avenue from NCDOT for Town maintenance. *Resolution attached hereto as Exhibit No. 23.*

CLOSING COMMENTS

Commissioner Bales expressed appreciation to the Board and Town Staff for the kindness shown during the death of her father.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2020.

TOWN of HUNTERSVILLE
REGULAR TOWN BOARD MEETING

IN RE: Agenda Item 9.E.

Conduct evidentiary hearing and consider decision on The Hills Subdivision Sketch Plan, a request by Bowman Development to subdivide 62.62 acres of land located on the east side of Asbury Chapel Road to create a 88 lot single-family subdivision (Parcel IDS 02103108, 02103107, 02103138, 02103132 and 02103104),

Tuesday, September 8, 2020
At Huntersville, North Carolina
Reporter: Michael T. Westmoreland, CVR



A P P E A R I N G

Mayor: John Aneralla
Mayor Pro-Tem: Melinda Bales
Commissioners: Dan Boone
Brian Hines
Lance Munger
Stacy Phillips
Nich Walsh
Town Attorney: Karen Wolter, Esq.
Bringewatt, Wolter & Snover, PLLC
Town Manager: Anthony Roberts

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I N D E X

STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA SAUMENIG	17
NATE BOWMAN; DREW BOWMAN; LEONARD S. RINDNER, PWS; and	
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1 MAYOR ANERALLA: And bear with me because I have an
2 opening statement, and we have a lot of procedures
3 to go through. We have five of these evidentiary
4 -- quasi-judicial evidentiary hearings today.

5 So this is a quasi-judicial hearing. I'm
6 going to open up on the application submitted for
7 The Hills subdivision. This hearing is a
8 quasi-judicial evidentiary hearing. That means
9 it's like a court hearing. State law sets specific
10 procedures and rules concerning how this Board must
11 make its decision. These rules are different from
12 other types of land-use decisions like rezoning
13 cases. The Board's discretion is limited. The
14 Board must base its decision upon competent,
15 relevant and substantial evidence in the record.

16 Competent evidence is evidence that is
17 sufficiently trustworthy and reliable and that is
18 legally fit and acceptable for consideration by
19 this Board. Examples of evidence that would likely
20 not be competent include speculation, vague
21 evidence, nonexpert opinion as to something that
22 requires an expert, evidence that is not relevant
23 as to whether a standard has or has not been met,
24 hearsay evidence unless it is presented under the
25 exception that make it competent such as a report



1 written by an expert.

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

4 Substantial evidence is more than a scintilla.
5 Evidence is substantial if it is relevant and
6 something that is reason- -- of reasonable mind
7 would regard as sufficient to support a specific
8 conclusion.

9 Examples of evidence that is not substantial
10 includes mere speculation, unsubstantiated fears of
11 community or vague assertions.

12 A quasi-judicial decision is not a popularity
13 contest. It is a decision constrained by the
14 standards in the ordinance and based on the facts
15 presented. If you will be speaking as a witness,
16 please focus on facts and standards, not personal
17 preferences. Participation is limited. This
18 meeting is open to the public. Everyone is welcome
19 to watch.

20 The parties with standing have rights to fully
21 participate. Parties may present evidence, call
22 witnesses and make legal arguments. Parties are
23 limited to the applicant, the local government and
24 individuals who can show they will suffer special
25 damages.



1 Other individuals may speak as witnesses.
2 However, they will not be allowed to participate
3 fully as a party such as questioning other
4 witnesses or calling for other personal testimony.

5 General witness testimony is limited to facts,
6 not opinions. For certain topics this Board needs
7 to hear opinion testimony from expert witnesses.
8 These topics include projections about impacts on
9 property values and projections about impacts of
10 increased traffic. Individuals providing expert
11 opinion must be qualified as an expert and provide
12 the factual evidence upon which they base their
13 expert opinion. In evaluating expert testimony,
14 mere conclusory testimony without providing the
15 foundation of the expert's opinion will not be
16 sufficient to establish the existence or
17 nonexistence of a fact or conclusion.

18 Generally speaking, evidence that is presented
19 that is not objected to may be considered by the
20 Board. However, even if certain evidence is not
21 objected to, it may not be considered by the Board
22 unless presented by an expert witness: the use of
23 property in a particular way would affect the value
24 of another property; the increase in vehicle
25 traffic resulting from proposed development would



1 pose a danger to the public safety; and matters
2 about which only expert testimony would generally
3 be admissible under the Rules of Evidence.

4 I want to remind my fellow Board members that
5 even though the Board may rely upon other evidence,
6 if it is not objected to, the Board should rely on
7 competent, reliable evidence in making its
8 decision. Even if incompetent evidence is admitted
9 in the hearing, what is important is the evidence
10 that is actually relied upon by this Board.

11 Witnesses must swear or affirm their
12 testimony. Tonight all witnesses will be sworn or
13 affirmed. However, they will be sworn or affirmed
14 as they come up to testify rather than in a group.

15 The Board will recognize the applicant as a
16 party. Are there other persons who believe -- the
17 applicant is here? Do you want to stand and state
18 your name?

19 MR. NATE BOWMAN: Nate Bowman, 205 South Church Street.

20 MR. DREW BOWMAN: Drew Bowman, 10110 S. Church Street.

21 Drew Bowman 10116 Roosevelt Drive.

22 MR. NATE BOWMAN: And we have two people, a wetland
23 scientist --

24 MAYOR ANERALLA: Okay. Expert?

25 MR. NATE BOWMAN: Yes, certified.



1 MAYOR ANERALLA: I need them to come up and give us
2 their credentials as experts to the mic, please.

3 MR. RINDNER: My name -- my name is Leonard S. Rindner.
4 I'm -- my name is Leonard S. Rindner. I am the
5 principal of Wetlands and Environmental Planning
6 Group. And we're in Matthews, North Carolina.

7 MR. NATE BOWMAN: And you're certified?

8 MR. RINDNER: Yeah. And I am a professional wetland
9 scientist, and I'm also a registered landscape
10 architect.

11 MAYOR ANERALLA: Hold on. Will the Board accept this
12 gentleman as an expert witness?

13 COMMISSIONER PHILLIPS: Yes.

14 MAYOR ANERALLA: All those in favor?

15 COMMISSIONER PHILLIPS: (Votes via raised hand.)

16 COMMISSIONER WALSH: (Votes via raised hand.)

17 COMMISSIONER BOONE: (Votes via raised hand.)

18 COMMISSIONER HINES: (Votes via raised hand.)

19 COMMISSIONER MUNGER: (Votes via raised hand.)

20 COMMISSIONER BALES: (Votes via raised hand.)

21 MAYOR ANERALLA: Okay.

22 MS. LIPSKY: Amber Lipsky, wetland professional in
23 training. I'm just here to assist Len.

24 MAYOR ANERALLA: And your credentials if you should be
25 speaking? We'd like to know.



1 MS. LIPSKY: Wetland professional in training. It's a
2 certification.

3 MR. RINDNER: By the Society of Wetland Scientists.

4 MS. LIPSKY: By the Society of Wetland Scientists, a
5 precursor to the wetland professional -- sorry.
6 I'm blanking.

7 MR. RINDNER: I am a PWS. And that's a professional
8 wetland scientist. Amber is a WPIT, which is a
9 wetland professional in training.

10 MAYOR ANERALLA: Will the Board accept Amber as an
11 expert witness? All those in favor?

12 COMMISSIONER PHILLIPS: (Votes via raised hand.)

13 COMMISSIONER WALSH: (Votes via raised hand.)

14 COMMISSIONER BOONE: (Votes via raised hand.)

15 COMMISSIONER HINES: (Votes via raised hand.)

16 COMMISSIONER BALES: (Votes via raised hand.)

17 MAYOR ANERALLA: Any opposed?

18 COMMISSIONER MUNGER: (Votes via raised hand.)

19 MAYOR ANERALLA: Okay, all right. You may sit down.
20 Thank you.

21 Are there any other individuals that think
22 they are standing -- have standing?

23 COMMISSIONER WALSH: Mr. Mayor?

24 MAYOR ANERALLA: Yes.

25 COMMISSIONER WALSH: Just wanted to say one thing. On



1 advice from our attorney, I did have a couple
2 people from the communities that surround --

3 MAYOR ANERALLA: I'll get to it.

4 COMMISSIONER WALSH: Okay. Are you?

5 MAYOR ANERALLA: Yeah.

6 COMMISSIONER WALSH: Yeah.

7 MAYOR ANERALLA: Thank you.

8 If you think you have standing and would be
9 talking tonight, please come to the mic.

10 MS. FERREIRA: Mr. Mayor, our community would like to
11 speak --

12 MAYOR ANERALLA: If you would like to talk, you need to
13 come to the mic and declare who you are, and we
14 will determine. We are trying to determine who
15 will be eligible to be witnesses or expert
16 testimony tonight.

17 MS. FERREIRA: So this is the community's chance to
18 talk, basically?

19 MAYOR ANERALLA: It will be determined whether -- who
20 can talk and who cannot talk. Please state your
21 name and your reason for being here and why you
22 feel like you should be -- have standing in this
23 quasi-judicial hearing.

24 MS. FERREIRA: Inga Ferreira, 15024 Autumncrest Road,
25 which is directly impacted by The Hills



1 neighborhood that has a proposed connection to the
2 Autumncrest Road. And I drive that road every
3 single day. I drive my child there.

4 MAYOR ANERALLA: That's all. We don't need the whole --

5 MS. FERREIRA: All right.

6 MAYOR ANERALLA: We are going to, on advice of counsel,
7 quality you as a witness.

8 MS. FERREIRA: Okay, thank you.

9 MAYOR ANERALLA: Okay. Thank you.

10 Next?

11 MS. SPRAGUE: Hello. My name is Bethany Sprague, 14401
12 Hus McGinnis Road. I am also an adjoining neighbor
13 to the development. In addition I am a --

14 MAYOR ANERALLA: Thank you. Thank you. We'll keep you
15 as standing. You're adjoining -- your property
16 adjoins the zone?

17 MS. SPRAGUE: (Nods head affirmatively.)

18 MAYOR ANERALLA: Okay. Thank you.

19 MR. SPRAGUE: Hello. My name is George Sprague. I am
20 at 14401. We are adjoining property as well.

21 MAYOR ANERALLA: Okay, you will have standing. George
22 Sprague was that?

23 MR. SPRAGUE: Sprague.

24 MAYOR ANERALLA: Okay. Sorry about that.

25 Anybody else?



1 MS. GUNTER: Hello. I'm Libby Gunter. I live at 14613
2 Autumncrest Road. And to enter or leave my
3 neighborhood, I must go Autumncrest Road to Asbury
4 Chapel on a daily basis. I've lived there since
5 1988.

6 MAYOR ANERALLA: Are you adjoining property owner, or
7 you just have to go through the potential
8 neighborhood?

9 MS. GUNTER: I'm across the road from where it will be.

10 MAYOR ANERALLA: You'll be a witness. Thank you.

11 MS. CARRASCO: Good evening. My name is Esther
12 Carrasco. I live on 13529 Autumn- -- sorry --
13 Cliffhaven Lane. And I have to drive through
14 Autumncrest to get in and out of the neighborhood.

15 MAYOR ANERALLA: Okay. You will be a witness.

16 MS. WILKINS: My name is Mary Wilkins. I live on 14623
17 Autumncrest Road. In and out of the neighborhood
18 on Autumncrest, and we're almost directly across
19 from one of the entrances.

20 MAYOR ANERALLA: Okay. You'll be a witness. To speed
21 this up, just say if you're in the particular
22 neighborhood or you're an adjoining landowner.

23 MS. THORNHILL: Hi. My name is Sandy Thornhill. I live
24 at 14508 Hus McGinnis Road. And we believe we'll
25 be impacted because of the redirection of traffic.



1 MAYOR ANERALLA: Are you an adjoining landowner?

2 MS. THORNHILL: I am not adjoining.

3 MAYOR ANERALLA: Okay. You'll be a witness, then.

4 Thank you.

5 MS. MOSER: My name is Carol Moser. I live at 14912
6 Autumncrest Road. I have an adjoining property to
7 The Hills.

8 MAYOR ANERALLA: Okay. You have standing. Thank you.

9 MR. PICKARD: My name is Mike Pickard. We live at 14711
10 Autumncrest Road, and we are not adjoining.

11 MAYOR ANERALLA: Okay. You will be a witness. Thank
12 you.

13 MS. OBERMILLER: Good evening. My name is Sarah
14 Obermiller. I'm at 14901 Autumncrest Road. I am
15 in the neighborhood.

16 MAYOR ANERALLA: Okay. You'll be a witness. Thank you.

17 MR. MARTIN: My name is John Martin. I live at 14928
18 Autumncrest Road, and my property adjoins the
19 proposed development.

20 MAYOR ANERALLA: Okay. Thank you. You have standing.

21 MR. SRINIWASS: I am Sri Srinivass. I live in the
22 neighborhood and access -- and use access roads
23 through the neighborhood frequently.

24 MAYOR ANERALLA: Okay. You'll be a witness. And can
25 you please state your name again?



1 MR. SRINIWASS: Sri Sriniwass.

2 MAYOR ANERALLA: Okay.

3 MS. LOCKLEAR: I'm Hannah Locklear. I live at 14601
4 Autumncrest Road. And I am across from the
5 proposed subdivision.

6 MAYOR ANERALLA: Okay. You will be a witness. Thank
7 you.

8 MS. CROES: Hi. My name is Gail Croes. I live at 15249
9 Hus McGinnis Road. I'm not connected to the --

10 MAYOR ANERALLA: Okay. You'll be a witness. Thank you.

11 MS. MARTIN: Jessica Martin, 14928 Autumncrest Road.
12 And, to my recollection, I will be adjoining.

13 MAYOR ANERALLA: You're an adjoining landowner?

14 MS. MARTIN: Yes.

15 MAYOR ANERALLA: Okay. You'll have standing. Thank
16 you.

17 MS. MARTIN: Thank you.

18 MAYOR ANERALLA: Anyone else? Okay. Thank you.

19 So we've identified our witnesses and our
20 people that have standing. Are there any other
21 persons -- let's see. Are there any other persons
22 -- okay.

23 Now, disclosure. The parties in this case are
24 entitled to an impartial Board. A Board member may
25 not participate in this hearing if he or she has a



1 fixed opinion about this matter, a financial
2 interest in the outcome of this matter or a close
3 relationship with the affected person. Does any
4 Board member have any partiality to disclose or
5 conflict of interest to offer at tonight's meeting?

6 Well, I will disclose that I've known Mr.
7 Bowman for a number of years. Also, he
8 contributed, I think, 75 or \$100 to my last
9 campaign. But I don't believe that would impair my
10 judgment. If the Board believes so, I would like
11 to stay on.

12 COMMISSIONER WALSH: I'll guess I'll jump in here. Of
13 course, I know Mr. Bowman. Additionally, somebody
14 from the neighborhood did reach out to me. But in
15 finding out it was a quasi-judicial hearing, I
16 called him back and said that I couldn't talk about
17 it.

18 MAYOR ANERALLA: Commissioner Hines?

19 COMMISSIONER HINES: Yeah, I'd like to just put on
20 record that I've received a couple phone calls, and
21 I returned those phone calls just stating it was
22 quasi-judicial; I was unable to speak. I have
23 known Mr. Bowman for many years. But none of that
24 would change any of my decision.

25 MAYOR ANERALLA: Commissioner Boone?



1 COMMISSIONER BOONE: Thank you, Mr. Mayor.

2 I know Nate and Drew Bowman, but that'd have
3 -- that will have no bearing on my decision.

4 MAYOR ANERALLA: Commissioner Munger?

5 COMMISSIONER MUNGER: I also know Mr. Bowman and have
6 received a number of emails, but none of that will
7 affect my judgment.

8 MAYOR ANERALLA: Commissioner Bales?

9 COMMISSIONER BALES: Thank you, Mr. Mayor.

10 I have known the Bowmans for a number of
11 years. I -- once I realized this was
12 quasi-judicial, I have not had any interaction with
13 anyone regarding this, so I'm interested in hearing
14 what's happening tonight.

15 MAYOR ANERALLA: Commissioner Phillips?

16 COMMISSIONER PHILLIPS: I received a few phone calls but
17 never made them back. That's what I did.

18 MAYOR ANERALLA: Well, I think a lot of people on this
19 Board received emails. I apologize. I did not
20 read them because we knew that the -- I personally
21 knew the -- this was a quasi-judicial hearing. I
22 apologize for that. But under the circumstances,
23 that's what we needed to do. So that's why you
24 probably didn't get -- you should not have received
25 any replies.



1 So, based on these disclosures -- we've heard
2 from the Board concerning partiality and ex parte
3 communications. Does any member of the Board or
4 any party to this matter have an objection to the
5 Board members participating in this hearing? That
6 would be the applicant or those that have standing.

7 Okay. Thank you.

8 I'd like to call our planning staff for the
9 presentation of their staff report. And I will be
10 swearing you in. You can just stand where you are
11 and -- come on, whoever -- whichever staff is going
12 to be presenting.

13 Please raise your right. Mr. Trott, are you
14 speaking tonight?

15 * * * * *

16 STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA
17 SAUMENIG, upon first being duly sworn, testified as
18 follows:

19 * * * * *

20 MAYOR ANERALLA: Thank you. Should -- do you want us to
21 have them state their names?

22 COURT REPORTER: Please. Helpful.

23 MAYOR ANERALLA: Okay. Sorry. If you could come back
24 and state your name.

25 MS. SAUMENIG: Sierra Saumenig.



1 MR. SIMONEAU: Jack Simoneau.

2 MR. TROTT: Stephen Trott.

3 MAYOR ANERALLA: Thank you.

4 It's all yours.

5 MS. SAUMENIG: All right. Good evening. At this time,
6 I'd like to enter the staff report into the record.
7 The Hills is a request by Bowman Development Group
8 for a sketch plan approval. Here you can see that
9 the site is located on the east side of Asbury
10 Chapel Road. Briefly, this is also in the staff
11 report. Here you can see that there's a 2018
12 approved sketch plan for this site versus the
13 proposed one before you. Some key differences
14 include the lot count, tree save and open space
15 percentage.

16 The applicant is proposing 88 lots on
17 approximately 62.62 acres, making the density 1.41
18 units per acre. The site as it's proposed is
19 meeting all TR requirements, and those are outlined
20 in the staff report. No TIA was required, but
21 NCDOT is requiring right-in/right-out access at
22 Asbury Chapel Road and widening Autumncrest to
23 11-foot travel lanes. Two modifications are being
24 requested. One is for a block length, and one is
25 for a landscape median. Staff reports these



1 modifications for the reasons that are outlined in
2 the staff report.

3 And a detailed staff recommendation can be
4 found on Page 6 of the staff report. Planning
5 Board also heard this on July 28th and recommended
6 approval with conditions via 6-3 vote. And I'm
7 here if you have any questions as well as the
8 applicant.

9 MAYOR ANERALLA: Any questions of staff at this time?
10 Commissioner Munger?

11 COMMISSIONER MUNGER: In regards to the TIA, what was
12 the specific reasoning why a TIA was not required
13 of this particular development?

14 MS. SAUMENIG: It was under the threshold.

15 COMMISSIONER MUNGER: What is the threshold?

16 MS. SAUMENIG: I believe -- and, Stephen, if you want to
17 correct me if I'm wrong. I think it's 100 -- well,
18 I'll let him speak on it.

19 MR. TROTT: The current threshold for the Town is 100
20 trips in peak hour or 1,000 trips in a day.

21 COMMISSIONER MUNGER: I guess, how is that calculated?

22 MR. TROTT: The Town uses the Institute of
23 Transportation Engineers Trip Generation. That's
24 in its 10th edition. And for single-family
25 detached housing units, an equation has been



1 developed based on data that's collected across the
2 country, based on that land use type.

3 COMMISSIONER MUNGER: And my last question regarding
4 this is: If The Hills and The Hills 2 were
5 combined, would this have triggered it?

6 MR. TROTT: Don't -- I don't have the information to
7 answer that question.

8 COMMISSIONER MUNGER: Okay. Sorry.

9 MAYOR ANERALLA: Remember, facts.

10 MS. SAUMENIG: The Hill Street, Phase 2, is on
11 Huntersville-Concord. It's actually part of
12 Vermillion, so it is vested from TIA requirement.
13 So while they both have "Hills" in the name, they
14 are separate subdivisions.

15 COMMISSIONER MUNGER: Thank you.

16 MAYOR ANERALLA: Commissioner Hines?

17 COMMISSIONER HINES: Thank you for this information. Is
18 the reason this is quasi-judicial because it's per
19 zoning a use by right?

20 MS. SAUMENIG: Yes, sir.

21 COMMISSIONER HINES: So the only two things that they're
22 asking a waiver from is the block length
23 requirement, and the other?

24 MS. SAUMENIG: Is a landscape median at the Autumncrest
25 entrance.



1 COMMISSIONER HINES: Is that on a town road, or would
2 that be on a state road?

3 MS. SAUMENIG: That's on a state road.

4 COMMISSIONER HINES: Okay. Does NCDOT have to approve
5 that?

6 MS. SAUMENIG: That I'm not sure. I do know that the
7 reason for the modification is that the sight
8 distance separation between the ground and the
9 sight line is less than a one-foot separation.
10 NCDOT requires at least -- I'm sorry -- one-inch
11 separation between the ground and the sight line.
12 And they can't meet that with where it's at. Or
13 foot. Sorry.

14 COMMISSIONER HINES: Okay. Thank you.

15 MAYOR ANERALLA: Any other questions of staff before we
16 bring the applicant up?

17 Commissioner Boone?

18 COMMISSIONER BOONE: Yes. I don't know if this is going
19 to be for the staff or --

20 MAYOR ANERALLA: Could you speak into the microphone,
21 please?

22 COMMISSIONER BOONE: Yes, sir.

23 I don't know if this is going to be the staff
24 or the applicant, but why was the original plan
25 changed from 50 lots to 88 lots?



1 MS. SAUMENIG: I'll let the applicant speak on that.

2 MAYOR ANERALLA: Well, if you have questions for the
3 applicant, we have to swear them in. So --

4 COMMISSIONER BOONE: All my questions will have to be
5 sworn in.

6 MAYOR ANERALLA: At this time, do you have any more
7 questions for staff?

8 Okay. Can we have the applicants and their
9 expert witness, please, and we'll swear them in.
10 If you're -- if you're testifying, you have to be
11 sworn in.

12 * * * * *

13 NATE BOWMAN; DREW BOWMAN; LEONARD S. RINDNER,
14 PWS; and AMBER LIPSKY, WPIT, upon first being duly
15 sworn, testified as follows:

16 * * * * *

17 MAYOR ANERALLA: And please state your names again.

18 MR. NATE BOWMAN: Nate Bowman, 205 South Church Street,
19 Huntersville.

20 MR. DREW BOWMAN: Drew Bowman, 10116 Roosevelt Drive,
21 Huntersville.

22 MR. RINDNER: Leonard S. Rindner, 3714 Spokeshave Lane,
23 Matthews, North Carolina.

24 MS. LIPSKY: Amber Lipsky, 718 Harwyn Drive in
25 Charlotte.



1 MAYOR ANERALLA: Thank you.

2 I think we have -- Commissioner Boone, do you
3 have a question off the bat?

4 COMMISSIONER BOONE: Yes, sir.

5 Mr. Bowman, in the original --

6 MAYOR ANERALLA: In the microphone, please.

7 COMMISSIONER BOONE: Mr. Bowman, the original lot was,
8 let's say, 50 acres, and it's been increased.

9 MR. NATE BOWMAN: 50 lots, not --

10 COMMISSIONER BOONE: Why was it increased?

11 MR. NATE BOWMAN: The original plan was -- we thought
12 was poorly engineered. We fired our engineer. And
13 it also was not financially feasible.

14 COMMISSIONER BOONE: That's all my questions for the
15 time being.

16 MAYOR ANERALLA: Any questions of the applicant or the
17 experts?

18 Okay. Do you have a presentation?

19 MR. NATE BOWMAN: I just want to address the wetlands
20 issue. And if that isn't -- that's what I handed
21 out. There's been some noise on the Internet and
22 petitions that we are destroyers of wetlands and
23 beauty and nature, and I wanted to provide some
24 evidence that shows what we've done to protect this
25 property.



1 MAYOR ANERALLA: Well, you're welcome to present that
2 evidence. Obviously, the Board will determine if
3 it's evidence, but --

4 MR. NATE BOWMAN: Well, what I -- if you've never seen a
5 full wetlands report, typically you don't get that
6 in a sketch plan by-right review. That happens
7 with the planning staff later on. But I've given
8 you Len's full report, which identifies all the
9 wetlands.

10 In the previous plan the amount of wetlands we
11 were crossing -- and one was a pretty valuable
12 wetland -- was .14 acre. In that packet you will
13 actually find the Army Corps of Engineers permit
14 that allowed that and approved that crossing.
15 Since then we replaced our engineer, recirculated
16 the road to miss that valuable wetland. And we
17 will be no larger than .14 acre or maybe less than
18 2,000 square feet disturbed. So I wanted to make
19 sure that was in there.

20 Also, there's some question about wildlife.
21 There's an endangered species report in there by an
22 expert. It turns out there was a second one done
23 by the builder who does one independently. And
24 both found no endangered species on the property.

25 So as far as my history in destroying



1 wetlands, I won't bring that to the table unless
2 there's some questions after we hear from the
3 witnesses.

4 MAYOR ANERALLA: Any other questions at this time of the
5 applicant?

6 Commissioner Munger?

7 COMMISSIONER MUNGER: Yeah. Based on notes from the
8 Planning Board meeting, they said that you had
9 submitted a request to the Army Corps of Engineers,
10 but it has not been approved yet. Can you clarify
11 that?

12 MR. NATE BOWMAN: First of all, there was one question
13 in one of the witnesses to planning staff that I
14 wasn't truthful in a neighborhood meeting. I have
15 never met with the Army Corps of Engineers in 33
16 years. I always have experts. So the current plan
17 has not been reviewed in detail by them, but it
18 misses all the wetlands we were -- most of the
19 wetlands we were impacting previously. It's just
20 not at the stage that you engage the Corp. Once
21 the jurisdictional -- what's it called -- well, the
22 jurisdictional delineation is done, that never
23 changes. So it was done for the first project.
24 There was no reason to redo it. Nature has stayed
25 the same. I haven't touched it.



1 So we are now at the process that we would
2 present this. And I'm going to let Len tell you
3 his next steps in his process.

4 MR. RINDNER: Thank you.

5 The jurisdictional determination for the site
6 was approved by the Corps of Engineers. And that
7 should be in the packet that Mr. Bowman provided.
8 The permit -- the original permit for the former
9 plan was permitted by the Corps of Engineers. The
10 modification that we have to make to that permit
11 will be less impact than the previous permit.

12 COMMISSIONER MUNGER: Just crystal clear, we are -- you
13 are not waiting for anything from the Army Corps of
14 Engineers at this time?

15 MR. RINDNER: I'm -- can I -- can I clarify?

16 COMMISSIONER MUNGER: That's fine. I didn't mean to cut
17 you off.

18 MR. RINDNER: Once the plan is approved, the next step
19 for us to do with the Corps of Engineers is just to
20 submit an application to the Corps of Engineers,
21 which would modify the previous permit.

22 MAYOR ANERALLA: Mr. Rindner?

23 MR. RINDNER: Yes.

24 MAYOR ANERALLA: Can you authenticate that this report
25 has been done by you as submitted?



1 MR. RINDNER: That report -- that report is a -- is a
2 presentation of the work that we've done. I don't
3 know exactly what's in there, but I could -- we
4 have the original. I think Nate has the original
5 application.

6 I will say that this -- this report you have
7 has most of the information that is in our original
8 application. The original application that we
9 submit is much thicker than this, and it has a lot
10 more substantiation about the types of species and
11 soil types and the hydrology and all those other
12 factors. So this is missing some of that.

13 MAYOR ANERALLA: But were you involved in this report or
14 some portion of it?

15 MR. RINDNER: Yes, yes, yes.

16 MAYOR ANERALLA: Does the Board have any objection to
17 accepting this?

18 (No response.)

19 MAYOR ANERALLA: All right. Any other questions of the
20 applicant?

21 Commissioner Boone?

22 COMMISSIONER BOONE: Thank you, Mr. Mayor.

23 I have a question about the wetlands. When
24 you originally purchased the original property,
25 were the wetlands part of the property, were -- or



1 have you increased the acreage?

2 MR. NATE BOWMAN: No, they were part of the original.

3 Sierra, do you want to pull up the -- do you
4 want to pull up the before and after?

5 We haven't touched the property, so the
6 wetlands are exactly where they were. There's been
7 no movement of any dirt or anything. But the plan
8 on your left shows the tree -- the road going
9 through a significant wetland. And we adjusted the
10 road and had it miss that significant wetland by
11 going to the right. So that's a combination of the
12 original 50-lot plan, and on the right is the
13 88-lot plan.

14 COMMISSIONER BOONE: Are both lots the same size? Are
15 -- the lot was 58 lots?

16 MR. NATE BOWMAN: No. 50 lots.

17 COMMISSIONER BOONE: 50 lots. How many acres was that?

18 MR. RINDNER: They're smaller lots.

19 MR. NATE BOWMAN: They're smaller lots. Total acreage
20 is exactly the same.

21 COMMISSIONER BOONE: That's -- thank you. That's my
22 question.

23 MR. NATE BOWMAN: Exactly the same. The difference is
24 actually in smaller lots, the common area has gone
25 up to over 59 percent now of open space.



1 COMMISSIONER BOONE: Thank you.

2 MAYOR ANERALLA: Any other questions of the applicant or
3 the expert at this time?

4 Commissioner Munger?

5 COMMISSIONER MUNGER: One of the things mentioned in
6 here is that the -- this specific land was offered
7 to Land Conservancy, Mecklenburg County Parks. Can
8 you just enlighten us on the nature of that?

9 MR. NATE BOWMAN: When the project didn't seem to be
10 financially feasible, I reached out to the Land
11 Conservancy and Mecklenburg County to see if they
12 were interested in purchasing it.

13 COMMISSIONER MUNGER: And they --

14 MR. NATE BOWMAN: Both declined.

15 MAYOR ANERALLA: Commissioner Munger, I'm not sure
16 that's relevant, so --

17 COMMISSIONER MUNGER: Fair enough.

18 MAYOR ANERALLA: Any other questions?

19 Okay, all right. Thank you.

20 We'll call our first witness, Ms. Carol Moser.

21 No random order.

22 COMMISSIONER BOONE: Mr. Mayor, Mr. Mayor, can I ask a
23 question of the town attorney?

24 I heard the mayor's instructions at the
25 beginning that participants in a quasi-judicial



1 process cannot testify as to matters which would
2 require an expert testimony, but they can testify
3 as factual matters of any element of the case that
4 would not require specialized training or a
5 specific academic degree. Is that true?

6 MS. WOLTER: That is correct.

7 COMMISSIONER BOONE: Okay. In other words, if the sun
8 comes up every morning in the east, that would be
9 something that they could testify to?

10 MS. WOLTER: I'm sorry. I didn't --

11 MAYOR ANERALLA: Sun comes up in the east.

12 MS. WOLTER: That is correct. They would not -- they
13 would not be able to testify in a matter, expert in
14 matters of environmental science --

15 COMMISSIONER BOONE: I'm sorry. I really can't hear you
16 that well.

17 MS. WOLTER: Yes. They would not be allowed to testify
18 on anything that required an expert giving an
19 opinion. And so what we are looking for today is
20 factual information, but any opinion at all -- the
21 only opinion we do accept is expert opinion. And
22 so any layman opinion would generally not be
23 something that you all would consider in making
24 your decision.

25 COMMISSIONER BOONE: Would danger be considered an



1 expert witness, if something was in danger?

2 MS. WOLTER: For example, for a road danger, if -- the
3 impact that the new development may have on road
4 development and the danger of a road, we would
5 defer that to an expert on the traffic study and on
6 the impact of the development on the road itself.

7 COMMISSIONER BOONE: And my second question is
8 Commissioner Munger mentioned the notes from the
9 Planning Board. They haven't been put into
10 evidence. Are we going to do this at this time?

11 MAYOR ANERALLA: (Inaudible.)

12 COMMISSIONER BOONE: Okay. Well, then I'll hold my
13 questions till then. Thank you.

14 MAYOR ANERALLA: Since there's no sworn testimony in a
15 Planning Board, you are not allowed to use that in
16 your basis for your decision.

17 COMMISSIONER BOONE: Thank you, but it's -- it was in
18 our agenda packet. And a lot of things have
19 already been used as part of that. And I guess I'm
20 trying to decide what is -- what we can and can't
21 use in the agenda packet. And the only thing
22 that's been put into evidence so far is a staff
23 report.

24 MS. WOLTER: And that is all -- anything that is going
25 to be used or that you can consider will need to be



1 presented and offered up as evidence by a person
2 with standing or an expert witness. So the items
3 in the agenda packet that are not officially
4 presented at this hearing will not be -- you will
5 not be allowed to consider.

6 COMMISSIONER BOONE: Okay. Thank you.

7 MAYOR ANERALLA: Any other questions?

8 Okay. Ms. Carol Moser. Let me swear you in,
9 please.

10 * * * * *

11 CAROL MOSER, upon first being duly sworn,
12 testified as follows:

13 * * * * *

14 MAYOR ANERALLA: Thank you.

15 MS. MOSER: My name is Carol Moser. I live at 14912
16 Autumncrest Road, which is part of the Oakwood
17 Forest neighborhood. I have lived there for 36
18 years. And I would have to say it is a very
19 unique, very rare neighborhood. It's not a
20 development with cul-de-sacs and multiple houses
21 per acre. They're large lots.

22 I think the development with 88 homes versus
23 50 definitely impacts the quality of life we have
24 now. Again, we are in a very natural setting, and
25 the additional traffic onto Autumncrest Road is



1 definitely going to make a difference. I
2 definitely have concerns about the traffic on
3 Autumncrest, which is a hilly, curvy, unmarked,
4 rural road. And anybody walking, doing our walking
5 or biking, is definitely going to be impacted.

6 I would hope that you would -- I can see where
7 50 homes can be done, where it would be much more
8 natural and fit in with the neighborhood that we've
9 had and that's been there for years. I'm not
10 against growth and development, but I want to see
11 it done the right way.

12 Thank you.

13 MAYOR ANERALLA: Thank you.

14 I'll remind everybody, witnesses, you should
15 provide factual testimony as to how this project
16 does or does not meet the standards of our
17 Subdivision Ordinance. The Board must base its
18 decisions upon evidence that I record, not personal
19 preferences or opinions.

20 Ms. Bethany Sprague?

21 * * * * *

22 BETHANY SPRAGUE, upon first being duly sworn,
23 testified as follows:

24 * * * * *

25 MAYOR ANERALLA: Thank you.



1 MS. SPRAGUE: Thank you guys very much for showing up
2 here tonight to listen to us neighbors, adjoining
3 landowners to development.

4 I am a family nurse practitioner, and I've
5 been in healthcare for going on 20 years, and I
6 prioritize the health and safety of my family and
7 my community with such great honor. And so I
8 wanted to first share that. I appreciate you guys
9 showing up for us as a community, us as individuals
10 living here in Huntersville. I certainly believe
11 that -- I feel we have great value in the
12 uniqueness and the diversity in our community, and
13 I really am so thankful that you guys are here to
14 make sure that not only all of the development that
15 has to be done to create more space, to create more
16 homes, to create the growth that we expect and we
17 will plan to see with Huntersville.

18 As a landowner, I chose my land very
19 specifically because of the safety purposes. I
20 have children, small children. I have pets that we
21 allow free range, that we allow in a very safe
22 environment where we are very well protected with
23 trees all around us. One specific area that our
24 land is going to be adjoining, this plan is in a T
25 buffer zone. This T buffer zone is an open space,



1 which we have very small open spaces in our
2 property. It's mostly heavily wooded. But this
3 open space and this buffer is coming up directly on
4 our open space, which for us is going to impact our
5 views and the noise impact of this building.

6 I am obviously very passionate about quality
7 of life because that impacts our health and our
8 safety, so this is going to be a significant impact
9 for me and my family. This impact will not only
10 impact our visibility of what's around us, it will
11 also be the change in -- the change in the actual
12 physical land structure. We have such a unique
13 space that is -- has a very high content of granite
14 boulders all throughout the woods around us, giant
15 amounts of quartz. If you dig a hole, you're going
16 to find gigantic quartz rocks. My biggest concern
17 and safety is that this land development, which is
18 putting in a massive amount more houses, will mean
19 that they will have to decimate more of the land in
20 explosive manners that would impact our quality of
21 life.

22 My request from you, our town commissioners,
23 is that you hear us from our passion, hear us from
24 our stance that we love the rural qualities of
25 where we live. We have -- we can walk our dogs,



1 ride with our kids on the streets without concern
2 for safety at this time, and we would live it to
3 continue to be able to do that moving forward.

4 And thank you very much for hearing us
5 tonight.

6 MAYOR ANERALLA: Thank you.

7 I'm going to be the least popular person here
8 by the end of the night, but I still would like to
9 say, as a reminder, witnesses should provide
10 factual testimony as to how this project does or
11 does not meet the standards of the ordinance. The
12 Board must base its decision upon evidence that's
13 recorded, not personal preference or opinion.

14 Mr. Sprague?

15 MR. SPRAGUE: Good evening. Sorry about that.

16 All right. Just wanted to say thank you again
17 for taking the time to allow us to speak.

18 A couple of things I was listening to as the
19 Bowman Group was speaking, a couple of questions
20 that I have, I see some inaccuracies in what was
21 stated.

22 MAYOR ANERALLA: I'm sorry, sir. I have to swear you
23 in.

24 MR. SPRAGUE: I'm sorry. Thank you.

25 * * * * *



1 GEORGE SPRAGUE, upon first being duly sworn,
2 testified as follows:

3 * * * * *

4 MAYOR ANERALLA: Thank you.

5 MR. SPRAGUE: Thank you.

6 MAYOR ANERALLA: Sorry about that.

7 MR. SPRAGUE: That's okay.

8 So first off, one of the things that was
9 mentioned, that he has never touched the property,
10 never been on the property. There has been trees
11 cut down already on that property. Shortly
12 thereafter they closed on the property, someone
13 went back there and clearcut some areas directly
14 behind our property. As my wife has mentioned, we
15 are the hammerhead as it comes down to the bottom,
16 as you can see there. And looking just straight
17 from our property, you can see where the trees were
18 cut down. So there already has been some trees
19 that have been cut down from our property.

20 Another question that I have, trying to stick
21 with the facts here, is I do question what was
22 brought up here as far as the -- excuse me here --
23 the traffic impact area report. The question was
24 brought up by the Board and the Commission that --
25 why was that not taken? And that was one of my



1 questions as well.

2 During the -- the reasoning for that, I
3 believe they said, it was 100 cars traffic --
4 correct me -- 1,000 during the day. Well,
5 according to Article 14 it does not state that. If
6 someone could clarify that for me. According to
7 Article 14, it's 30 vehicles per peak hour and
8 total all approachments of -- by 50 vehicles in a
9 peak hour would require an intersection to be
10 studied by the TIA. Could someone clarify why it's
11 100 and 1,000?

12 MAYOR ANERALLA: We -- do you have any other comments,
13 or is that the last one?

14 MR. SPRAGUE: I do. I do. I have a couple of them.

15 MAYOR ANERALLA: We'll bring up the person as you've --

16 MR. SPRAGUE: Sure, absolutely. Thank you.

17 I also would like to know, as far as we are --
18 and a lot of this stuff was already brought up
19 tonight -- and I do appreciate that -- from the
20 tree preservation presentation that was brought up.
21 So we are zoned TR within our area, which means 35
22 percent of the existing trees listed in Section 2
23 and 3, also 100 percent required to be -- the
24 heritage trees. Knowing that this is going to be
25 built, and we're going to be changing this now from



1 50 to 93 homes, now how does that impact the
2 heritage trees? And, if a heritage tree was there,
3 and now we're going to put a house there and knock
4 that down, because we're supposed to have 100
5 percent of those, how does that affect that? And
6 who is policing this? I would like to know who is
7 policing this. Who's watching this? And how do we
8 know, if they've chopped down these trees, whether
9 they're species trees, heritage trees, the size of
10 these trees? If they say they chopped down 10,000,
11 who's counting them? If they chop down 20,000, do
12 they say 10,000? So how do we know that? How are
13 we gauging this? How are we managing that?

14 And the -- do we have a land disturbance
15 permit that was pulled? Do we have anything that
16 was done on that? And how do I access that? I
17 feel that that should be public knowledge, if it's
18 a permit pulled. Correct me if I'm wrong. I don't
19 know, but I feel like I should be able to access
20 that and make sure that we know that these trees
21 are going to be taken care of, especially if
22 they're going to be going in and knocking all this
23 stuff down.

24 I do apologize. I have a different format
25 here, but trying to stick to the facts.



1 I believe -- also the safety barriers. With
2 the job that I currently have, who is going to
3 regulate that, the safety barriers around the
4 trees? I -- the job that I currently have, I've
5 been in hundreds of neighborhoods in Huntersville
6 alone, new construction neighborhoods going
7 through. I can tell you honestly I don't think
8 I've ever seen one safety tree barrier anywhere,
9 ever. And a safety tree barrier, according to the
10 ordinance, is supposed to be around protected
11 areas. And we're supposed to have barriers up
12 according to the ordinance.

13 And I'm not preaching. I just want everyone
14 else to know. I'm sure you guys are well aware of
15 this, but I want everyone else to know behind me
16 about these ordinances.

17 And we're supposed to have safety nets and
18 screens. I rarely see that in new construction as
19 well around those trees and the -- and the
20 perimeters and the buffer zones. Unfortunately I
21 could not find anywhere -- and I would love to have
22 that information provided -- where the distance or
23 a buffer is required. I was told during a meeting
24 probably a year and a half ago during a Board
25 meeting that there is no buffer requirement for a



1 hammerhead that adjoins any property. And then on
2 our last meeting, I reached out and spoke with Mr.
3 Bowman. He did call me, and we talked about --
4 real briefly about him providing a buffer for us.

5 And according to Sierra, she wrote that the
6 hammerheads are typically pulled back 10-ish feet.
7 I'm not sure what "10-ish feet" means or if that's
8 a fact. How do we get that fact? Where is this
9 hammerhead distance? I have a copy of the email
10 here. I'd be happy to provide that to you guys or
11 forward it to you, however you'd like to have that.
12 But I would like to have some information as far as
13 that goes as far as the facts on that and the
14 permit information.

15 So I do greatly appreciate your time. I'm
16 sorry. I'm just trying to get all that information
17 out.

18 MAYOR ANERALLA: No. Thank you.

19 Mr. Trott, can you come up here and explain to
20 Mr. Sprague and the audience the TIA and why it
21 wasn't required?

22 And then either Mr. Simoneau or Ms. Saumenig,
23 I hope you were writing down the questions that Mr.
24 Sprague had so we can address those.

25 MR. TROTT: So for the TIA process the first step -- can



1 you hear me now?

2 MAYOR ANERALLA: Yes.

3 MR. TROTT: Thank you.

4 So the first step in the TIA process is the
5 TIA determination. That process looks at the type
6 of development and the intensity of development to
7 see if a TIA is required. So the threshold for
8 that is 100 trips in one hour or 1,000 trips in a
9 day. So during one hour 100 or 1,000 in a day.
10 So, if it doesn't cross that threshold, then the
11 next steps as far as what intersections are studied
12 is not completed. So, if it's below that
13 threshold, the process is then finished.

14 MAYOR ANERALLA: Mr. Sprague, do you have a question of
15 Mr. Trott?

16 MR. SPRAGUE: I do.

17 According to Article 14 in the --
18 Huntersville's town ordinance, it does not state
19 that. It states exactly what I said before. It is
20 30 vehicles per peak hour and a total of all
21 approaches by 50 vehicles per peak hour will
22 require an intersection to be studied by the TIA.
23 I have several copies here, if you'd like me to
24 hand it to you.

25 MR. TROTT: So in Article 14.2.1 of the Zoning Ordinance



1 it says, "A TIA is required for any development or
2 portion thereof which is expected to create 100 or
3 more peak hour vehicle trips or 1,000 or more daily
4 vehicle trips..."

5 I believe the section -- so that section talks
6 about what's the threshold to require a study.

7 The section that was being referenced talks
8 about the impact area. "The impact study area
9 designates the intersections for study where
10 potential increases in traffic from the development
11 may require mitigation." And that talks about
12 where a signal -- a single intersection approach of
13 30 vehicles in a peak hour. And that section of
14 the ordinance applies when a TIA is required.

15 MAYOR ANERALLA: Okay, all right. Thank you.

16 Ms. Saumenig?

17 MS. SAUMENIG: All right. I will speak about the
18 hammerhead. You don't typically build a stub
19 street up to the property line because, when -- you
20 know, when that road connects to the other, you
21 have to meet grade, so you take it back about 10
22 feet. So the other person that comes in is going
23 to do the same thing so the road matches. So
24 10-ish -- it could be 10. It could be 15. I don't
25 think we --



1 I mean, correct me if I'm wrong, Jack.

2 I don't think we have an exact amount, but
3 that's just typical to pull it back. You wouldn't
4 build it to the property line.

5 I do know that the plans have a note that
6 there will be evergreen trees planted in front of
7 this stub street.

8 Jack, can you speak on heritage trees?

9 MAYOR ANERALLA: Yeah, could you speak to heritage
10 trees, who's policing, is there a land disturbance
11 permit, and safety barriers around trees?

12 MS. SAUMENIG: I can speak on some of that. I'm sorry.

13 So, when we get -- so right now we're looking
14 at the sketch plan. The next plan is going to be
15 preliminary construction plans. That's when we
16 start to see tree protection fencing. That's when
17 we make sure grading is not happening in the tree
18 save. So that is looked at. There is -- we have
19 an erosion control inspector, a zoning control
20 inspector. That is looked at during the
21 construction phase. That's not -- that's not shown
22 on a sketch plan.

23 MR. SIMONEAU: Is there another question on heritage
24 trees?

25 MAYOR ANERALLA: Yes, sir, heritage trees.



1 MR. SIMONEAU: Heritage trees.

2 MAYOR ANERALLA: And who's policing?

3 MR. SIMONEAU: So a heritage tree is basically a state
4 champion tree. To my knowledge, there's been none
5 identified in Huntersville that I'm aware of.

6 Specimen trees -- we do have a number of
7 specimen trees.

8 And who polices it? That is the inspectors
9 that the Town of Huntersville employs.

10 As was mentioned, if the sketch plan is
11 approved, the next phase is a preliminary plan,
12 which is sheets of maybe 30 or 40 pages with all
13 kinds of details, including the tree save area, how
14 they're going to do fencing around it, design of
15 water/sewer, street design. All of those things
16 are dealt with once that plan is approved.

17 After that's approved, the next step is to
18 have an on-site meeting with all the affected
19 reviewers. And they'll go out on site. And
20 they'll see the trees have to be identified and
21 then protection around the -- the tree itself. In
22 that on-site meeting, they walk the site. This is
23 before the dirt starts turning. And once that's
24 been done, then they can authorized to start doing
25 the grading work.



1 MAYOR ANERALLA: Okay, all right. Thank you.

2 Mr. Bowman?

3 MR. NATE BOWMAN: He is correct. I always talk about
4 land disturbances. We don't go in until we get an
5 erosion control permit. But there was soil borings
6 done on the property and soil evaluations. And
7 occasionally surveys -- surveyors will cut limbs or
8 whatever to get a clearer sight line. So there
9 were some soil borings done on the property.
10 That's all that was done. They just try to work a
11 drill rig around as carefully as they can to get
12 the spots they need to drill to test for rock.

13 MAYOR ANERALLA: Okay, all right. Thank you.

14 Mr. Sprague, do you have another question?

15 MR. SPRAGUE: Just a quick comment. And it goes back to
16 the policing. I heard that it's the Huntersville
17 -- the code enforcement. If you go to your
18 website, the Huntersville town, and you click on
19 "development, code enforcement officer" to try and
20 find out who does that, basically what comes up is
21 "We're sorry, but there's not a web page that
22 matches this entry." So I can't even look to see
23 to access or who these code enforcers are. So a
24 little bit more information than just the code
25 enforcer would be great.



1 Thank you.

2 MAYOR ANERALLA: Saumenig?

3 MS. SAUMENIG: I apologize because that sounds like our
4 website has a glitch, but Au'Darius Blackwood, he
5 would be the zoning inspector. It would not be
6 code enforcement that would go out there.

7 MAYOR ANERALLA: All right. Our next speaker would be
8 Hannah Locklear. Good evening. I will swear you
9 in.

10 * * * * *

11 HANNAH LOCKLEAR, upon first being duly sworn,
12 testified as follows:

13 * * * * *

14 MS. LOCKLEAR: My name is Hannah Locklear. And my
15 family have lived in the Oakwood Forest subdivision
16 for 15 years. Well, I shouldn't say subdivision.
17 It's not a -- it's not your regular subdivision.
18 We love our beautiful little neighborhood, and I
19 feel compelled to share my concerns on behalf of
20 our residents as well as our future neighbors in
21 The Hills.

22 So my first concern I would like to bring up
23 is the number of homes proposed and built. Years
24 ago, when the property was first acquired by Mr.
25 Bowman, we began a discussion, our family and the



1 Bowmans Development Group, a conversation to
2 discuss his plans particularly. He also owns a
3 parcel or a group of land, parcels of land, right
4 abutting ours. We are across the street from The
5 Hills entrance. But we were concerned about his
6 willingness to put such homes on such small parcels
7 of land. And so long story longer, we ended up
8 purchasing a small parcel of land so we wouldn't be
9 built right up under.

10 So, when we heard The Hills proposed plan
11 initially to build 50 homes in our neighborhood of
12 large lots, we found it extremely disappointing.
13 And then now we're completely baffled and mystified
14 by the proposed 88 homes being proposed.

15 So that leads to my second concern, traffic.
16 And my neighbors have expounded on that. Two
17 entrances to such a large density neighborhood
18 going into our rural property, rural homes. One
19 entrance is right across from my property and needs
20 to be rethought. Autumncrest is a side street. It
21 already has difficulties as noted with blocked
22 lines of sight, rolling hills that encourage
23 speeding. About a week ago I had to call the
24 police because a car was going down Autumncrest and
25 was firing a gun into my property where my children



1 were playing. So our remote location just does not
2 need more traffic that is in a rural area not
3 regularly patrolled by police, etc. So you can
4 imagine my concern about the exponential increase
5 in traffic on Autumncrest and especially right by
6 that entrance of two entrances into the proposed
7 neighborhood.

8 So I invite you commissioners and planning
9 staff to -- if you haven't been down our street,
10 come take a look because looks different than it
11 looks like on paper. It's -- it would be -- would
12 give you good evidence for the -- to really
13 consider the wisdom of accepting this plan as
14 proposed.

15 Thank you.

16 MAYOR ANERALLA: Thank you.

17 Our next witness is Sri, Sri Sriniwass. And I
18 apologize for that.

19 And I will reiterate -- I will reiterate the
20 Board appreciates everyone's testimony. All
21 witnesses -- excuse me -- should provide factual
22 testimony as to this project and how it does or
23 does not meet the standards of our Subdivision
24 Ordinance. The Board must base its decision upon
25 the evidence, not personal preference or opinion.



1 It's a high bar.

2 You're ahead of me.

3 * * * * *

4 SRI SRINIWASS, upon first being duly sworn,
5 testified as follows:

6 * * * * *

7 MAYOR ANERALLA: Thank you.

8 MR. SRINIWASS: Yeah. So basically our main concern
9 with The Hills development is the amount of traffic
10 that's going to be coming in and out of -- out of
11 our neighborhood. And as Hannah mentioned earlier,
12 if you've not driven through our neighborhood, you
13 would not understand what we say, what we are
14 telling you about the neighborhood.

15 So as it is, it's a narrow two-lane road. And
16 when two large vehicles pass by each other, we have
17 to kind of move off to the side to give them enough
18 room to pass by. We're not asking to change that
19 because that would destroy the character of the
20 neighborhood. So putting more homes there, for one
21 thing, if you do not do anything with the road,
22 it's going to have the same problem and now even
23 more increased traffic. But, like I said, we're
24 not -- we're not looking to expand or to widen the
25 road and destroy the character of the neighborhood.



1 So on top of that going from a 50-home
2 development which, you know, may be something that
3 we might have been able to live with up to 88 and
4 above houses, that's a whole other level of
5 increased traffic and whatnot.

6 And on top of that with the development that's
7 going to go on there, we are also concerned with
8 the water quality of the runoffs from the
9 neighborhood going to the Clark Creek that runs
10 right behind our house as well.

11 MAYOR ANERALLA: Thank you.

12 MR. SRINIWASS: That's pretty much all I have. And
13 thank you.

14 MAYOR ANERALLA: Next speaker or witness is Esther
15 Carrasco.

16 And I'm going to -- I -- I know this is not
17 the -- what a lot of people want to hear, but we've
18 heard consistent information from our witnesses.
19 And unless you have something different, we may
20 have to move on to the next individual. So
21 let's --

22 MS. CARRASCO: I do hope I have something different.

23 MAYOR ANERALLA: Facts --

24 MS. CARRASCO: Facts.

25 MAYOR ANERALLA: -- not opinion. Let me swear you in.



1 MS. CARRASCO: Yes.

2 * * * * *

3 ESTHER CARRASCO, upon first being duly sworn,
4 testified as follows:

5 * * * * *

6 MAYOR ANERALLA: Thank you.

7 MS. CARRASCO: So first fact -- well, good evening and
8 thank you very much for having us here.

9 First fact, the current ordinance allow only
10 800-feet-long (sic) blocks. The Hills is asking
11 for a variation on that and ask for an approval of
12 2,000 feet block long, and we opposed to that. The
13 fact is, when you have a longer stretch of the
14 road, cars drive faster. And I don't think you
15 really need an expert on that. That is the fact.
16 So we really do oppose the allowing The Hills to
17 have a 2,000 feet block long.

18 We feel, well, developers should not be
19 granted exceptions under the guise of connectivity.
20 A longer block will translate into more speeding
21 cars. We need to avoid a situation like what is
22 happening in Skybrook where you just approved
23 calming measures, five speed bumps, precisely
24 because of connectivity was turning Skybrook with
25 very long blocks. So we really want to avoid that.



1 The situation now is that maybe the homeowners
2 in Skybrook have to be responsible for paying for
3 those traffic-calming measures.

4 The fact is that in our neighborhood, Oakwood
5 Forest, it only exits out of -- through other --
6 sorry. I have to change this now because of facts.
7 So the facts are that Oakwood Forest only exits
8 through Autumncrest Road or Hus McGinnis, which, as
9 it's been said before, both of them are single
10 lane, hilly and very curvy roads. The Hills will
11 build entrances on both those roads as well as on
12 Asbury Chapel Road and -- which will affect --
13 which will, in fact, strangle our neighborhood
14 because that's our only way out.

15 Our neighborhood does not have sidewalks. And
16 all of us take walks or ride their bicycles or run
17 on the streets. The two streets that I mentioned
18 have extremely limited visibility. As Hannah and
19 my husband said, you cannot see that on a piece of
20 paper on two dimension. You have to drive and see
21 which kind of roads we're talking about. So this
22 is potentially very dangerous for all of us who
23 walk and bike in that neighborhood because very
24 often the course will be speeding, and you cannot
25 see them until they are really on you.



1 There is a short track of sidewalk which is
2 protected to be built at the entrance of The Hills
3 on Autumncrest. And that sidewalk is not going to
4 continue into the rest of the road, so that is
5 going to create very dangerous, potentially,
6 situations where the cars that are coming and are
7 new to the neighborhood, they're going to see that
8 there is a sidewalk on one side, and then all of a
9 sudden the sidewalk ends where we pedestrians will
10 have to walk on the road as we do now.

11 The fact is that developments need -- or this
12 development needs a buffer zone of 80 feet of
13 undisturbed green area that has to be respected on
14 Autumncrest. If there is this projected sidewalk
15 that is going to be built inside this buffer, that
16 is going to disturb the canopy because it will mean
17 that trees will have to be cut. Therefore, the
18 sidewalk will have -- or the path will have to be
19 built beyond that 80-foot buffer but towards the
20 inside of The Hills, not -- obviously not on --

21 MAYOR ANERALLA: So, Ms. Carrasco --

22 MS. CARRASCO: Yes?

23 MAYOR ANERALLA: -- are you an expert landscape --

24 MS. CARRASCO: You don't need to be an --

25 MAYOR ANERALLA: Well, this -- I'm trying to get



1 everybody to just focus on the facts.

2 MS. CARRASCO: The fact is that --

3 MAYOR ANERALLA: Just because --

4 MS. CARRASCO: Yes.

5 MAYOR ANERALLA: Just because you say "facts" doesn't

6 mean necessarily you're the expert on that; okay?

7 So if you have something that is factual that you

8 would like to add at this time, then add it. But,

9 if -- unless you're an expert in a particular area,
10 we have to move on to the next person.

11 MS. CARRASCO: All right. So let me ask you a question.

12 So is it -- no, no, no. I just need to clarify

13 what you're telling me so that I know that I'm

14 doing the right thing.

15 So is it not a fact that the current ordinance
16 requires an 800-foot-long block?

17 MAYOR ANERALLA: Right, and you've stated that.

18 MS. CARRASCO: Yes, but you're telling me I'm saying --

19 I'm just adding the word "fact" to opinions, but

20 this is not an opinion. This is the truth. We

21 just saw earlier this evening there has been a

22 petition to change that into 2,000-foot-long block.

23 Is that correct?

24 MAYOR ANERALLA: That is a condition.

25 MS. CARRASCO: Yes. So we are opposing that.



1 MAYOR ANERALLA: Right. So you've stated that.

2 MS. CARRASCO: Okay.

3 MAYOR ANERALLA: That's the -- that's a fact. Do you
4 have anything else other than --

5 MS. CARRASCO: If you give me a half a second to review
6 my paper, I can tell you.

7 There is now -- we have a request. I don't
8 know whether it is part of this now. It has
9 relation to this, The Hills development. It's a
10 request. Can I just state that or --

11 MAYOR ANERALLA: No. We're -- this is like a trial;
12 okay? So we're talking about the facts --

13 MS. CARRASCO: Okay.

14 MAYOR ANERALLA: -- only. So thank you.

15 MS. CARRASCO: Just one quick question. This is just
16 for us to --

17 MAYOR ANERALLA: This is not a question time. I'm
18 sorry. I told you I'd be the least popular person
19 here tonight. If you're finished, then please sit
20 down, and we'll call our next witness.

21 MS. CARRASCO: So then I have a small statement, not a
22 question.

23 MAYOR ANERALLA: No. Thank you.

24 MS. CARRASCO: Okay. Thank you.

25 MAYOR ANERALLA: Our next speaker is Gail Croes.



1 I know it's going to get really hard as we go
2 down the list of people talking. Hold on one
3 second.

4 Ms. Saumenig, do you have something?

5 MS. SAUMENIG: I just wanted to clarify something. The
6 sidewalk on Autumncrest is no longer on the site
7 plan. It is not on this site plan. It is a
8 four-foot-wide paved shoulder to be more consistent
9 with Autumncrest.

10 MAYOR ANERALLA: Thank you.

11 Ms. Croes?

12 MS. CROES: Yes. My name is --

13 MAYOR ANERALLA: Yes, I have to swear you in.

14 MS. CROES: Oh, that's right.

15 * * * * *

16 GAIL CROES, upon first being duly sworn,
17 testified as follows:

18 * * * * *

19 MAYOR ANERALLA: Thank you.

20 MS. CROES: Okay. Hi. My name is Gail Croes. I live
21 at 15249 Hus McGinnis Road in Huntersville.

22 I also moved for the nature and the
23 tranquility and the large lot sizes. I feel that
24 the 50 lots at the first plan was acceptable, and I
25 don't think that the 80 is. And I do think it



1 would diminish our property values. We're all on
2 more than an acre each. I don't think there's any
3 one less than an acre and even on the other side of
4 Asbury Chapel.

5 MAYOR ANERALLA: So, Ms. Croes -- and I'm sorry.

6 MS. CROES: I know. I'm not an expert.

7 MAYOR ANERALLA: You're -- you're not an expert in
8 property values. And when you say -- for
9 everybody's clarification, when you say "feel,"
10 that is not going to be a fact. So unless you have
11 a particular fact that you would like to
12 introduce --

13 MS. CROES: Well, we won't know until we sell -- try to
14 sell our home. I can't, you know, say about the
15 diminishing property value until it happens, but it
16 should be considered just like traffic and the
17 rest.

18 MAYOR ANERALLA: But this is not that type -- this is a
19 quasi-judicial just like a jury. This is your
20 jury. I'm the -- unfortunately, the judge tonight.

21 MS. CROES: Thank you.

22 MAYOR ANERALLA: All right. Thank you.

23 Ms. Libby Gunter?

24 MS. GUNTER: Thank you.

25 MAYOR ANERALLA: Let me swear you in.



* * * * *

LIBBY GUNTER, upon first being duly sworn,
testified as follows:

* * * * *

MS. GUNTER: I live at 14613 Autumncrest Road. I've
lived there since 1988.

Autumncrest is a side road, but for me to
leave my neighborhood or come in, I have to go
Autumncrest to Asbury Chapel. And I've seen Asbury
Chapel become very crowded with cars, especially
before the pandemic. And I think it will go back
to that in the evenings. Making a turn from Asbury
Chapel onto Autumncrest, you have to wait for a
break, and you dash. And the idea that we're going
to have at least 150 more cars coming out there and
kids with bicycles, I just -- it's a concern.

But my driveway where it's located will be
right above one of these entrances in the
Autumncrest. And I do not back in to Autumncrest
Road. I turn around and go out because our --

MAYOR ANERALLA: So, Ms. Gunter --

MS. GUNTER: Yes.

MAYOR ANERALLA: And we personally know each other.

MS. GUNTER: Yes.

MAYOR ANERALLA: If you have some facts to add, please



1 do it at this time.

2 MS. GUNTER: It's a dangerous situation.

3 MAYOR ANERALLA: Okay. Thank you.

4 MS. GUNTER: Thank you.

5 MAYOR ANERALLA: I don't think y'all pay me enough to do
6 this, but our next speaker is Ms. Jessica Martin.

7 MR. MARTIN: I have nothing further to add. Thank you.

8 MAYOR ANERALLA: Okay. Next speaker is Ms. Sarah
9 Obermiller.

10 Let me swear you in.

11 * * * * *

12 SARAH OBERMILLER, upon first being duly sworn,
13 testified as follows:

14 * * * * *

15 MAYOR ANERALLA: Thank you.

16 MS. OBERMILLER: I do consider myself an expert in
17 judging whether or not my children are safe. And
18 it is true that they will not be safe on
19 Autumncrest Road when they ride their bikes, walk
20 the dog, go even to the end of my driveway to
21 collect the mail. Because of the sight lines that
22 are around -- and, again, my neighbors have
23 stated --

24 MAYOR ANERALLA: So, Ms. Obermiller --

25 MS. OBERMILLER: Sorry?



1 MAYOR ANERALLA: Ms. Obermiller --

2 MS. OBERMILLER: Yes?

3 MAYOR ANERALLA: -- you said -- you just said your
4 neighbors have already stated. So do you have a
5 particular fact that you would like to introduce as
6 evidence?

7 MS. OBERMILLER: We will not be safe when walking or
8 driving or walking the dog or doing anything on
9 Autumncrest Road with the increased traffic that
10 will be present.

11 MAYOR ANERALLA: Thank you.

12 As I said numerous times, the Board
13 appreciates your testimony. Other witnesses have
14 already introduced quite a bit of the same
15 information. Unless you have different evidence,
16 we will have to move on to the next witness.

17 Our next witness is Ms. Inga Ferreira.

18 MAYOR ANERALLA: Good evening.

19 MS. FERREIRA: Good evening.

20 * * * * *

21 INGA FERREIRA, upon first being duly sworn,
22 testified as follows:

23 * * * * *

24 MS. FERREIRA: It is a fact of Huntersville ordinance
25 does talk about the neighborhood not being approved



1 as zoned and to consider the surrounding
2 neighborhoods and surrounding environment. That is
3 in the Huntersville ordinance writings. So our
4 notes are relevant.

5 However, to focus on facts, traffic impact
6 analysis was not performed because peak hour
7 results were 95 cars. The requirement --

8 MAYOR ANERALLA: So, Ms. Ferreira --

9 MS. FERREIRA: Yes?

10 MAYOR ANERALLA: -- we had our town staff talk about the
11 TIA.

12 MS. FERREIRA: I am getting to the ordinance that also
13 tells that, if the same Bowman, LLC owns land
14 across the street with five more homes that were
15 not counted in the traffic ordinance that no one
16 mentioned -- they're not even marked on that
17 because they are not considered The Hills.
18 However, that land and five additional lots is the
19 Bowman Hills, LLC. I do believe that, if both of
20 them were presented at the same time as a part of
21 the neighborhood, they would not have been able to
22 meet the traffic impact analysis threshold, and
23 they would have had to do a traffic impact
24 analysis.

25 MAYOR ANERALLA: Okay.



1 MS. FERREIRA: That is a fact. He owns all those
2 parcels.

3 MAYOR ANERALLA: Correct. I believe Ms. Saumenig
4 addressed that.

5 MS. FERREIRA: Ms. Saumenig did not address. Ms.
6 Saumenig addressed the Hills Street, which is a
7 different area. I am addressing the five land --
8 the five lots that are owned by Bowman Hills, LLC
9 across and not marked in that map that we are
10 seeing.

11 MAYOR ANERALLA: Correct. Is there another fact that
12 you have to admit at this time?

13 MS. FERREIRA: Yes. I am opposing the block length.

14 MAYOR ANERALLA: Okay.

15 MS. FERREIRA: And it's 800. He is asking for 2,000.
16 It is my -- like factually you have a lot of
17 evidence in this town from the public hearings that
18 show that speeding will occur, so you do have -- it
19 is on Bowman, per town ordinance, to give us the
20 factual evidence that it will not cause safety
21 violations.

22 MAYOR ANERALLA: Do you have anything else? Thank you.

23 MS. FERREIRA: The buffer zone should not be disturbed.

24 Another fact is I've seen at least 10 of these
25 drawings with the latest one now having removed the



1 sidewalk, but we don't even know when that
2 occurred.

3 MAYOR ANERALLA: Thank you.

4 MS. FERREIRA: Thank you.

5 MAYOR ANERALLA: Ms. Saumenig, will you address the
6 additional five lots on Huntersville-Concord?

7 MS. SAUMENIG: Yes.

8 Mr. Bowman owns five lots on Autumncrest that
9 are across the street. Those are part of a minor
10 subdivision approved in October of last year. If
11 they were a part of this, it would total 93 lots,
12 and it would still be under the threshold. But
13 that is a minor subdivision. It is not a part of
14 The Hills.

15 MAYOR ANERALLA: Thank you.

16 MS. FERREIRA: Not originally, not originally.

17 MAYOR ANERALLA: No. Please, please, please.

18 Our next speaker is Ms. Mary Wilkins. Good
19 evening.

20 MS. WILKINS: Good evening.

21 * * * * *

22 MARY WILKINS, upon first being duly sworn,
23 testified as follows:

24 * * * * *

25 MS. WILKINS: Excuse me. It's a fact that Asbury Chapel



1 is a very windy, hilly road, and there are
2 line-of-sight issues. It's a fact that
3 Autumncrest, where I live, is a windy road with
4 line-of-sight issues. With the current proposed
5 right-in/right-out entrance off of Asbury Chapel,
6 it's going to push those people to exit
7 Autumncrest. There's going to be potentially a
8 hundred and -- let's see -- 176, assuming it's two
9 cars per house, vehicles entering at that
10 intersection, which we already have a major problem
11 with.

12 MAYOR ANERALLA: Thank you.

13 MS. WILKINS: Thank you.

14 MAYOR ANERALLA: Our next speaker is Ms. Sandy
15 Thornhill.

16 MS. THORNHILL: I have nothing new to contribute.

17 MAYOR ANERALLA: Okay. Thank you.

18 Next speaker is Mr. Mike Pickard.

19 Thank you. I will swear you in.

20 * * * * *

21 MIKE PICKARD, upon first being duly sworn,
22 testified as follows:

23 * * * * *

24 MAYOR ANERALLA: Thank you.

25 MR. PICKARD: Just quickly I'd like to state that the



1 line of sight and driving conditions, hilly, curvy
2 conditions, are presently a problem. And we have
3 young kids through there driving, and it'll enhance
4 the problem with the additional cars coming through
5 with the new neighborhood.

6 MAYOR ANERALLA: Thank you.

7 And then Mr. John Martin. Good evening.

8 * * * * *

9 JOHN MARTIN, upon first being duly sworn,
10 testified as follows:

11 * * * * *

12 MR. MARTIN: As I can tell everybody's patience is
13 pretty -- wearing thin right now --

14 MAYOR ANERALLA: We're just getting started.

15 MR. MARTIN: -- I have nothing further I want to add
16 that my other neighbors have not already stated as
17 far as facts or opinions, but I do want to just
18 point out that the sheer number of us that came out
19 today is evidence that we do not want this
20 development coming to our area. And we have a lot
21 of people here.

22 MAYOR ANERALLA: Thank you.

23 MR. MARTIN: Thank you.

24 MAYOR ANERALLA: All right. At this time, does the
25 Board have any questions of the applicant or staff?



1 COMMISSIONER PHILLIPS: Could we actually have somebody
2 from staff share the definition of what "by right"
3 means?

4 MS. SAUMENIG: Jack?

5 MR. SIMONEAU: So, when we talk about "by right," the
6 first question is: What is the zoning? This
7 particular map that has the hashed area, you notice
8 beneath it is brown. That means that it's zoned
9 TR, transitional residential. The ordinance says
10 that in the TR zone you are allowed 1.5 units an
11 acre of your development if you provide at least 40
12 percent open space. That is what would be called
13 "by right."

14 In Huntersville's case, we also go another
15 layer and say, when you do a subdivision, we also
16 are going to go through this special use -- or
17 through this process, judicial process, and look at
18 the facts and make sure everything matches up. We
19 do have some criteria that is not very specific.
20 And so the School of Government has said, when you
21 have subdivision criteria that's not very specific,
22 you need to go through a quasi-judicial process.

23 But the bottom line is in the brown area zoned
24 TR, by right developers can do 1.5 units an acre
25 with 40 percent open space around.



1 MAYOR ANERALLA: Commissioner Munger?

2 COMMISSIONER MUNGER: Follow-up question on that, Jack.

3 Do we take into consideration anything regarding
4 the 2030 plan in making this decision? Does that
5 have an effect on this?

6 MR. SIMONEAU: So -- so here is your decision statement.
7 So it must be -- so it says that, in considering to
8 approve an application for subdivision sketch plan,
9 the Planning Board and the Town Board must complete
10 the following sections. Is the application
11 complete? In other words, is it lacking any
12 particular requirement? Does the application
13 comply with all applicable requirements? That's
14 actually a Subdivision Ordinance standard. And,
15 lastly, the Board must make a motion to approve or
16 deny based on previous statements.

17 So what you don't see here is a requirement
18 that is it consistent with the 2030 plan or the
19 future 2040 plan. So these are the criteria that
20 you have to find the application either -- the
21 applicant either meets or does not meet.

22 MAYOR ANERALLA: Any other questions of staff at this
23 time?

24 Commissioner Bales?

25 COMMISSIONER BALES: So under TR, TR states that it's



1 1.5 units per acre with 40 percent open space;
2 correct?

3 MS. SAUMENIG: Correct.

4 COMMISSIONER BALES: This project comes in at 1.41 units
5 per acre. And the open space is again how much?

6 MS. SAUMENIG: It is 59.79 percent, and 39 percent is
7 required at 1.41 units per acre.

8 COMMISSIONER BALES: So under the zoning, if they were
9 not coming to us with a block waiver and the
10 entrance median, they would have already been able
11 to build, is that correct?

12 MS. SAUMENIG: No. It would still come before you.

13 COMMISSIONER BALES: Okay.

14 MS. SAUMENIG: Yes.

15 COMMISSIONER BALES: And going back to the questions in
16 regards to the block length, I have had questions
17 in the past as of late regarding block lengths and
18 whether or not they -- whether or not we are
19 looking at them through the lens of longevity and
20 safety. And I guess the question that I have for
21 staff is: If you are supporting this block length
22 modification, is staff comfortable with this length
23 extending going -- exceeding 800 linear feet to a
24 little over 2,000 --

25 MS. SAUMENIG: Yes, we --



1 COMMISSIONER BALES: -- and why?

2 MS. SAUMENIG: Yes, we are comfortable with it. And
3 reasons would be topographic constraints as well as
4 it's winding. If you look at -- I'm sorry. I
5 don't know where the laser is on this. If you look
6 at the longest stretch from here to here without a
7 wind, I think it's about 500 to 600 feet. So the
8 longest straight stretch does not meet 800 feet, so
9 staff is comfortable with the block length
10 modification request.

11 COMMISSIONER BALES: Okay. Thank you.

12 MAYOR ANERALLA: Commissioner Boone?

13 COMMISSIONER BOONE: Thank you, Mr. Mayor.

14 I have a question of staff. Can you tell me
15 where you put into evidence our policy T-6,
16 pedestrian connections, support the installation of
17 -- I'm going to skip to bikeways and greenway
18 trails. Have you put any of that into evidence?

19 MS. SAUMENIG: I'm sorry. Can you repeat that?

20 COMMISSIONER BOONE: Policy T-6, pedestrian connections.
21 "Support the installation of sidewalks, bikeways
22 and greenway trails connecting residential..." and
23 it goes on from there. Have you put any evidence
24 in for bikeways and greenway trails?

25 MS. SAUMENIG: Sorry. No. This looks like it was an



1 error on my part to not finish that.

2 COMMISSIONER BOONE: My second question is --

3 MS. SAUMENIG: Oh, sorry. I can tell you, though, there
4 -- they are installing sidewalks on both sides of
5 the entire subdivision as well as on Asbury Chapel.
6 Autumncrest we asked for a four-foot paved
7 shoulder. So, yes, we would say that it is meeting
8 policy T-6.

9 COMMISSIONER BOONE: That's just the first part of T-6.
10 The other one is bikeways and greenway trails. Is
11 there any evidence that that's going to be
12 installed? Have you put any evidence for that?

13 MS. SAUMENIG: I think that there's a proposed Clark
14 Creek Greenway that's on the other side. Well,
15 it's where the creek is. So the -- there are urban
16 open spaces of private greenway trail that will
17 link you up to Asbury Chapel.

18 COMMISSIONER BOONE: Okay. Let's go with bikeways next.
19 Any bikeways put into evidence?

20 MS. SAUMENIG: I don't believe so.

21 COMMISSIONER BOONE: Okay. My second question is policy
22 E-2, location of a new development. "Avoid
23 locating new development in areas of significant
24 environmental, scenic and cultural resources." And
25 you folks are good with this?



1 MS. SAUMENIG: I feel good with this plan, yes.

2 COMMISSIONER BOONE: And where did you put that in as
3 evidence at.

4 MS. SAUMENIG: I put that planning staff has no
5 indication that the request will adversely affect
6 known cultural, scenic or environmental resources.

7 COMMISSIONER BOONE: Thank you.

8 MAYOR ANERALLA: Okay. Any other questions of staff?
9 Mr. Bowman, do you have anything else you'd
10 like to add?

11 MR. NATE BOWMAN: I just wanted to make one quick
12 comment about the Clark Creek water runoff. We've
13 been developing along the Clark Creek, soon to be
14 Vermillion Village, all the way through Vermillion.
15 And we have protected that watershed with 300 to
16 900 feet of Greenway with single-loaded roads all
17 the way down to this property. So we have done
18 more to protect that greenway. In addition, we do
19 the same thing with East Rocky River up at
20 Davidson, but that's not factual here.

21 So we have actually -- and you'll see in
22 another presentation wetlands have actually
23 increased at the front of Vermillion from the time
24 we started development. And Rusty Rozzelle has
25 spoken numerous times, I think, in front of this



1 Board that, in the last 20-some years the water
2 quality standards have been posed by Huntersville,
3 that water quality has actually improved versus
4 where it was. And I think all of you have probably
5 heard Rusty say that.

6 As far as the block length, previously it was
7 approved at 2,140. And the road is much more
8 serpentine now. I've been doing this for 33 years,
9 and probably somebody can find a speed bump that
10 was put in one of my neighborhoods, but I don't
11 know of one. And the reason is because we actually
12 encourage on-street parking as a means to slow down
13 traffic in addition to the fact that this road is
14 much more designed to -- with the two curves to
15 slow traffic down. But we expect to have on-street
16 parking just like we do in Vermillion.

17 MAYOR ANERALLA: Commissioner Boone?

18 COMMISSIONER BOONE: I have another question for the --
19 I guess the transportation expert. Policy T-7,
20 traffic impact analysis. And my question is: When
21 -- do you have a date that the TIA was performed?

22 MR. TROTT: No TIA was completed for this development
23 because it was under the Town's threshold of 100
24 peak-hour trips or 1,000 daily trips.

25 COMMISSIONER BOONE: I guess my point would be here is



1 that, in the last six months, more people are
2 working at home -- and I think we could all be an
3 expert that that could be true -- versus a year ago
4 would have a lot more traffic on Autumncrest.
5 Would you -- you being an expert, would you agree
6 to that?

7 MR. TROTT: There could be. I don't -- I don't drive
8 daily on Autumncrest Road, so I wouldn't be able to
9 say whether traffic has gone up or down on that
10 road during the pandemic.

11 COMMISSIONER BOONE: But you would --

12 MR. TROTT: In general, on the roads I have driven on,
13 the traffic volume has been less during peak times
14 during the pandemic.

15 COMMISSIONER BOONE: Commissioner Boone, thank you.

16 There was no TIA done, so that's -- you're asking
17 him to speculate, so --

18 COMMISSIONER BOONE: No, it's not really speculation.

19 I mean, it's -- we have -- and I read a
20 comment before we started that a person does not --
21 can testify as to factual matters as to any element
22 that -- of the case that would not require
23 specialized training and specific academic degrees.
24 I think the lady that says she's an expert on her
25 child's safety -- and being a juror here, that



1 means a lot to me. And we've had everybody up here
2 concerned about traffic safety. And, again, we're
3 not experts; but, when you have that many people
4 telling you, you've got to -- you've got to -- and
5 I've just read it, that you have to take them at a
6 quasi-judicial fact.

7 And just to follow up --

8 MAYOR ANERALLA: Commissioner Boone, I'm going to
9 disagree with that, so I'm going to move that out
10 of order. So do you have any other questions to
11 ask at this time?

12 COMMISSIONER BOONE: Yes. I just have one more
13 statement to add to that.

14 The courts are becoming more generous and
15 allowing lay testimony on certain subjects.

16 MAYOR ANERALLA: Okay. Anybody else have any questions?
17 Commissioner Bales?

18 COMMISSIONER BALES: I do have a question.

19 In regards to NCDOT and what their
20 requirements will be on Asbury Chapel Road, can you
21 describe a little bit clearer because one of the
22 things that we've heard from witnesses this evening
23 is that they struggle to get in and out onto and
24 off of Asbury Chapel Road. Obviously, NCDOT is
25 making some requirements. What are those



1 requirements, and how will that impact this
2 development?

3 MS. SAUMENIG: Yes. So the first requirement at the
4 Asbury Chapel entrance up here, they are required
5 to put a median to restrict traffic to
6 right-in/right-out only. Down here they are
7 required to widen Autumncrest to 11-foot travel
8 lanes. And those were the only two requirements
9 from NCDOT for this proposed subdivision.

10 COMMISSIONER BALES: So there were no requirements for
11 turn lanes onto Autumncrest?

12 MS. SAUMENIG: There were not. And I don't want to be
13 incorrect when I speak about this, when I spoke to
14 NCDOT, but I believe that the plan did not trigger
15 their TIA, therefore they couldn't require a left
16 turn lane there.

17 COMMISSIONER BALES: Okay. Thank you.

18 Yes, sir, Mr. Bowman?

19 MR. NATE BOWMAN: They also required to make sure we
20 have good sight distance triangles at Autumncrest
21 and Asbury Chapel. And we're actually going to
22 look at -- we agreed to look at one across the
23 road, which we have nothing to do with, but we've
24 been in touch with the landowner to correct an
25 existing site triangle issue even if we weren't



1 there on the existing Asbury Chapel, having nothing
2 to do -- so we're working on that with NCDOT as
3 well.

4 COMMISSIONER BALES: So for laymen and women, can you
5 explain what a site triangle is?

6 MR. DREW BOWMAN: The area he's referring to -- the area
7 that DOT is asking for us to look at improving site
8 distance, it's from the car -- from the position of
9 the car at the stop sign, it's their view from that
10 point out. And where the -- partial across the
11 street right here around this curve. There's a few
12 trees on the corner here that they're asking us to
13 look at. The other two are the two corners on our
14 side here and the property we own here, making sure
15 there's a better clear sight from the car sitting
16 there so there's a longer distance they can view to
17 turn out.

18 COMMISSIONER BALES: But to be clear, Asbury Chapel Road
19 is an NCDOT road. And since it did not trigger our
20 TIA, and it did not trigger their TIA, the triang-
21 -- the site triangles are really the bigger, I
22 guess, piece that they can ask of you? Is that the
23 way this works?

24 MR. NATE BOWMAN: They can ask -- they can ask for the
25 one on our side of the property. We're



1 volunteering the one on the five-lot side of the
2 property that we bought previously. So those two,
3 we're telling them we've got that. And we're
4 working on getting the one that actually is a
5 problem for driving on Asbury Chapel now.

6 COMMISSIONER BALES: Okay, thank you.

7 MAYOR ANERALLA: Any other questions?

8 All right. Does any member, any Board member,
9 have personal knowledge of additional facts
10 relevant to this case that should be entered into
11 the record?

12 Hearing no additional questions or
13 presentation of relevant facts, the Board will now
14 begin deliberation. The evidentiary hearing
15 remains open so that the Board may ask clarifying
16 questions if needed. As a reminder, this Board is
17 tasked with deciding if, based on the evidence
18 presented at the hearings before -- at the hearing
19 before this Board, this proposal meets the
20 applicable standards. This decision cannot be
21 based on personal preference of Board members.
22 Rather, the decision must be based on competent,
23 material and substantial evidence in the record.

24 If the applicant meets their burden of
25 producing competent, material and substantial



1 evidence that the standards in the ordinance will
2 be met, the burden shifts to the other parties
3 opposing the application to show by competent,
4 material and substantial evidence that the
5 standards in the ordinance will not be met. If
6 both sides -- if both sides present conflicting
7 evidence as to the standard, the Board will have to
8 weigh the evidence and determine which side's
9 evidence is correct. As an example, the Board may
10 determine that one side's evidence is more credible
11 or more reliable.

12 If the applicant does not meet the burden of
13 producing competent, material and substantial
14 evidence that the standards in the ordinance will
15 be met, the Board must deny the applicant.

16 The application as originally submitted was
17 considered by the Planning Board, and the Planning
18 Board made a recommendation. Because this occurred
19 outside of the hearing before the Board, nothing
20 that occurred at the Planning Board level,
21 including the Planning Board's recommendation, is
22 considered evidence that you can base your decision
23 on. However, the Planning Board's recommendation
24 may be useful to the Board in identifying issues
25 that this Board may want to consider and evaluate,



1 based upon the evidence that was presented at the
2 hearing before this Board.

3 Board members are encouraged to reference the
4 applicable standards and specific evidence in their
5 deliberation so that staff and I will be -- will
6 have enough information to prepare the written
7 decision for the Board.

8 Is there a motion regarding this request? Is
9 there a motion?

10 COMMISSIONER WALSH: I can make a motion.

11 MAYOR ANERALLA: Commissioner Walsh?

12 COMMISSIONER WALSH: In considering the evidence
13 presented regarding The Hills subdivision sketch
14 plan, the Town Board finds the application is
15 complete, the sketch plan complies with all
16 applicable requirements, and there is consistency
17 with adopted public plans and policies of the 2030
18 Community Plan, including policy ED-2, E-3, T-5,
19 T-6, T-7, T-8 and TF-2. The application complies
20 with all requirements of the ordinances. This
21 decision is supported by the finding of facts set
22 forth by the staff in the staff report.

23 Town Board approves the following: The block
24 length modification request is approved finding
25 that it will reduce stream crossings and result in



1 an arrangement of lots and public space more
2 consistent with Articles 5 and 7. The landscaping
3 meeting -- landscape median modification request is
4 approved in the interest of public safety. Town
5 Board approves the subdivision sketch plan
6 contingent on all other plan comments are
7 addressed.

8 MAYOR ANERALLA: Okay. Is there a second?

9 COMMISSIONER HINES: Second.

10 MAYOR ANERALLA: Is that Commissioner Hines?

11 Is there any discussion?

12 Commissioner Munger?

13 COMMISSIONER MUNGER: Yeah. One of the things I'm
14 trying to understand here -- and I apologize for
15 this -- according to Policy E-2 we have to avoid
16 locating new development in areas of significant
17 environmental, scenic or cultural resources. I for
18 one -- and I know every other person up here has
19 been given this at the beginning of the meeting.
20 There's 40 to 50 pages of this that should answer
21 that specific question. We haven't been given
22 nearly enough time to review this factual evidence
23 that was presented by experts. I would ask that we
24 delay this. And I know we probably can't, but that
25 would be my opinion.



1 MAYOR ANERALLA: Well, you're welcome to make that
2 motion.

3 COMMISSIONER BOONE: Point of order, Mr. Mayor. We've
4 already voted to accept this as evidence.

5 MAYOR ANERALLA: Well, that's true. That's true. I
6 appreciate that. So, no, we can't. Thanks for
7 keeping me on my toes.

8 COMMISSIONER BALES: I guess the question, then, Mr.
9 Mayor, is: Are there questions that Commissioner
10 Munger has in regards to the plan that the wetlands
11 and environmental plan that was given to us and
12 entered into evidence -- if he has questions --

13 COMMISSIONER MUNGER: And for me the point would be --

14 COMMISSIONER BALES: -- I think that those are things we
15 probably should get some answers, too.

16 COMMISSIONER MUNGER: Right. And for me the point would
17 be, if I had the time to read a 40 to 50-page
18 document and go through it in detail and understand
19 every part of it, there may be questions I have
20 that are related to actual facts, but I don't
21 believe I've been given nor has anyone else up here
22 been given the appropriate amount of time to review
23 this document.

24 MAYOR ANERALLA: Okay. Mr. Simoneau and Ms. Saumenig,
25 can you tell us the procedure after this in terms



1 of the Army Corps of Engineers and where this might
2 be more relevant?

3 MS. SAUMENIG: Yes.

4 So typically it's not reviewed at sketch
5 level, but it will be reviewed at preliminary
6 construction. They would not get a grading permit
7 if the Army Corps had any hesitation. They have to
8 get a permit from the Army Corps before they get a
9 grading permit.

10 MAYOR ANERALLA: Commish- -- Mr. Bowman?

11 MR. NATE BOWMAN: That's why we included the previous
12 permit where we went directly through the wetlands.
13 Now we've avoided it. And so it's clear that we
14 have less impacts than we had before, and we had a
15 permit that is in that package.

16 COMMISSIONER BOONE: Point of order, Mr. Mayor. I think
17 the testimony part of this has been closed.

18 MAYOR ANERALLA: Uh-huh (yes).

19 COMMISSIONER BOONE: So is Mr. Bowman's --

20 MAYOR ANERALLA: No, no. We always can ask the
21 applicant. We're in the discussion phase, so we
22 can ask.

23 MS. WOLTER: You're in the discussion phase.

24 MAYOR ANERALLA: And we can bring an expert back or --

25 COMMISSIONER BOONE: All right. Thank you.



1 MAYOR ANERALLA: Any other discussion?

2 Mr. Sprague, do you have a question?

3 MR. SPRAGUE: I do. Thank you. Didn't we already
4 clarify that this is not a complete report? Was
5 that not verified by the expert?

6 MAYOR ANERALLA: Correct. But what I'm going to say is
7 that I believe this is not relevant in this
8 proceeding --

9 MR. SPRAGUE: Okay. Thank you.

10 MAYOR ANERALLA: -- this document.

11 COMMISSIONER MUNGER: I saw a nod. I just want to get a
12 confirmation from our attorney that -- is that
13 correct?

14 MS. WOLTER: The two questions that you all are required
15 to answer tonight is: Is the application complete,
16 and did it meet the requirements? And as you go
17 through the staff planning analysis, those are the
18 -- that's what you're looking for for these
19 requirements that staff has demonstrated in the --
20 in the staff report. So those are the two
21 questions we're answering tonight.

22 COMMISSIONER MUNGER: Thank you.

23 MAYOR ANERALLA: Any other questions? All right. All
24 those in favor of the motion?

25 COMMISSIONER PHILLIPS: (Votes via raised hand.)



1 COMMISSIONER WALSH: (Votes via raised hand.)

2 COMMISSIONER HINES: (Votes via raised hand.)

3 COMMISSIONER MUNGER: (Votes via raised hand.)

4 COMMISSIONER BALES: (Votes via raised hand.)

5 MAYOR ANERALLA: All those opposed?

6 COMMISSIONER BOONE: (Votes via raised hand.)

7 MAYOR ANERALLA: That passes. Still staff will draft

8 and I will authorize or sign the final written

9 decision to reflect the vote and reasoning for this

10 decision. That written decision will be provided

11 to the applicant and the other parties with right

12 to such notice.

13 Thank you everyone for attending. I know this

14 was somewhat frustrating, I'm sure, but we

15 appreciate you being in attendance. So thank you.

16 Do you want to take a two, three-minute break?

17 * * * * *



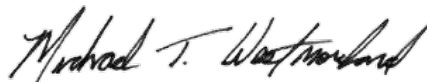
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

C E R T I F I C A T E

I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Town Board Meeting Excerpt was taken and transcribed under my supervision; and that the foregoing 85 pages are a true and accurate transcription.

I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 11th day of October 2020.



Michael T. Westmoreland,
Certified Verbatim Reporter
Notary Public No. 19971600081



TOWN of HUNTERSVILLE
REGULAR TOWN BOARD MEETING

IN RE: Agenda Item 9.F.

Conduct evidentiary hearing and consider decision on Hill Street Phase 2 Subdivision Sketch Plan, a request by Bowman Development to subdivide 0.629 acres located on Hill Street to create a 10-unit townhome subdivision (Parcel Ids 01905209 and 01905210)

Tuesday, September 8, 2020
At Huntersville, North Carolina
Reporter: Michael T. Westmoreland, CVR



A P P E A R I N G

Mayor: John Aneralla
Mayor Pro-Tem: Melinda Bales
Commissioners: Dan Boone
Brian Hines
Lance Munger
Stacy Phillips
Nich Walsh
Town Attorney: Karen Wolter, Esq.
Bringewatt, Wolter & Snover, PLLC
Town Manager: Anthony Roberts

* * * * *



I N D E X

STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA SAUMENIG	6
NATE BOWMAN and DREW BOWMAN	6

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1 MAYOR ANERALLA: So I'm going to open up 9.F. This is a
2 quasi-judicial hearing on the application submitted
3 for the Hill Street subdivision. This hearing is a
4 quasi-judicial evidentiary hearing. That means it
5 is like a court hearing. State law sets specific
6 procedures and rules concerning how the Board must
7 make its decision. These rules are different from
8 other types of land-use decisions like rezonings.

9 The Board's discretion is limited. The Board
10 must base its decisions -- decision upon competent,
11 relevant and substantial evidence in the record.
12 Evidence is substantial if it is relevant and
13 something that is reasonable -- that a reasonable
14 mind would regard as sufficient to support a
15 specific conclusion. Examples of evidence that is
16 not substantial includes mere speculation,
17 unsubstantiated fears of the community or vague
18 assertions.

19 Witnesses can be called, focus -- must focus
20 on the facts and standards, not personal
21 preferences or opinions.

22 Parties may present evidence, call witnesses,
23 make legal arguments. Parties are limited to the
24 applicant, the local government and individuals who
25 may -- who can show they will suffer special



1 damages.

2 Other individuals may speak as a witness.
3 However, they will not be allowed to participate
4 fully as a party such as questioning other
5 witnesses or calling other persons to testify.
6 General witness testimony is limited to facts, not
7 opinions.

8 Generally speaking, evidence that is presented
9 that is not objected to may be considered by the
10 Board. However, even if certain evidence is not
11 objected to, it may not be considered by the Board
12 unless presented by an expert witness. For one
13 example, the use of property in a particular way
14 would affect the value of another property; the
15 increase in vehicle traffic resulting from a
16 proposed development would pose a danger to the
17 public; matters about which only expert testimony
18 would generally be admissible under the Rules of
19 Evidence.

20 Witnesses must swear or affirm their
21 testimony. And tonight witnesses will be sworn or
22 affirmed. However, they will be sworn or affirmed
23 as they come up to testify rather than as a group.

24 The Board will recognize the applicant as the
25 -- as a party. Are there other persons who believe



1 they have standing to fully participate as a party?
2 Okay. Usually it's an adjacent landowner.

3 Otherwise we will -- otherwise they must
4 provide reason that the proposed subdivision will
5 affect them differently.

6 Do I have to swear in for this additional --

7 MS. WOLTER: Yes.

8 MAYOR ANERALLA: Okay. So let's swear in staff. I
9 should have this memorized, but I want to make sure
10 I do this.

11 * * * * *

12 STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA
13 SAUMENIG, upon first being duly sworn, testified as
14 follows:

15 * * * * *

16 MAYOR ANERALLA: And please introduce yourselves.

17 MS. SAUMENIG: Sierra Saumenig.

18 MR. SIMONEAU: Jack Simoneau.

19 MR. TROTT: Stephen Trott.

20 MAYOR ANERALLA: And can we have the applicant?

21 MR. NATE BOWMAN: Nate Bowman.

22 MAYOR ANERALLA: I'm sorry. I'll swear you in.

23 * * * * *

24 NATE BOWMAN and DREW BOWMAN, upon first being
25 duly sworn, testified as follows:



1 * * * * *

2 MAYOR ANERALLA: Please state your name again.

3 MR. DREW BOWMAN: Drew Bowman.

4 MAYOR ANERALLA: Okay, thank you.

5 All right. Evidence is considered -- I'm
6 reading the first page. Sorry. Oh, I have to do
7 this three more times.

8 All right. So any disclosures that -- do we
9 have to redo our disclosures?

10 Okay. I will disclose that I've known Mr.
11 Bowman for a number of years, and he contributed to
12 last year's campaign, I believe 75, \$100, but it
13 will not affect my impartiality.

14 COMMISSIONER PHILLIPS: I have nothing.

15 COMMISSIONER WALSH: Same, I know Mr. Bowman. No
16 campaign contributions, but I will be impartial.

17 COMMISSIONER BOONE: I know Drew and Nate Bowman. It
18 will have no effect on my decision.

19 COMMISSIONER HINES: I've known the Bowmans for years.
20 It'll have no impact on my decision.

21 COMMISSIONER MUNGER: I know Mr. Bowman. It will have
22 no impact on my decision.

23 COMMISSIONER BALES: I also know Mr. Bowman and both
24 Bowmans, and it will not impact my decision.

25 MAYOR ANERALLA: Okay. Ms. Saumenig?



1 MS. SAUMENIG: Thank you.

2 I would like to enter the staff report into
3 the record. Hill Street Phase 2 is a request by
4 Bowman Development Group for a sketch plan
5 approval. The site is located off of Hill Street
6 east of Huntersville-Concord Road.

7 So in 2014 a sketch plan was approved for this
8 site for 12 apartment units. The proposed is for
9 10 townhome units. So this chart shows that both
10 sketch plans are similar in nature.

11 Again, this is for 10 townhome units. This
12 site is part of the original Vermillion rezoning,
13 therefore it's vested from requirements such as
14 tree save, APFO, TIA and so forth.

15 So a detailed staff recommendation can be
16 found on Page 4 of the staff report. The Planning
17 Board also recommended approval with conditions by
18 a 9-0 vote in July. And I'm here if you have any
19 questions.

20 MAYOR ANERALLA: Any questions of the applicant or staff
21 at this time?

22 Commissioner Munger?

23 COMMISSIONER MUNGER: I'll run this through you first so
24 you can tell me no. There is something in our
25 packet regarding CMS. Am I allowed to ask the



1 applicant a question related to that?

2 MAYOR ANERALLA: You mean Charlotte-Mecklenburg Schools?

3 COMMISSIONER MUNGER: Correct.

4 MS. WOLTER: Is it in the staff report?

5 MAYOR ANERALLA: Is there something that's --

6 MS. SAUMENIG: We do -- yes, we mention it in the staff
7 report, and it's also an attachment. So the -- but
8 what it says in the staff report -- hold on one
9 second. "While this section of the ordinance does
10 not call for a specific consideration of school
11 impact, staff has historically contacted
12 Charlotte-Mecklenburg Schools for an enrollment
13 evaluation of all major subdivision requests."

14 MS. WOLTER: Yes, you are free to answer -- or ask a
15 question regarding what's in the staff report.

16 COMMISSIONER MUNGER: This is for applicant, then. It's
17 applicant or for staff; correct?

18 MAYOR ANERALLA: Sure.

19 COMMISSIONER MUNGER: On this particular sheet that's
20 given to us by CMS, it indicates that two schools,
21 Blythe Elementary and North Mecklenburg High
22 utilization rate will exceed 100 percent. At the
23 bottom of the recommendation, the applicants are
24 encouraged to contact us in advance of the project
25 submittals to inform CMS of the prospective impacts



1 and discuss mitigation alternatives. Did you
2 contact CMS?

3 MR. NATE BOWMAN: No, I've never had to contact CMS
4 before, so this is new to me. Haven't been
5 required to by the Town Board or staff.

6 COMMISSIONER MUNGER: All right.

7 MAYOR ANERALLA: Any other questions of staff?

8 COMMISSIONER BALES: Can I just piggyback --

9 MAYOR ANERALLA: Commissioner Bales?

10 COMMISSIONER BALES: -- off of that really quick?

11 In regards to the CMS plan, there was a
12 proposal for the original approved in 2014, I'm
13 sure. Does that reflect a lesser number since it's
14 going to be 12 apartment units to 10 townhomes, or
15 is it basically equal?

16 MR. SIMONEAU: There are two fewer units. There were 12
17 apartments approved.

18 But let me state this about CMS. What you
19 saw, the letter from CMS, is boilerplate. We
20 always notify them of development so that they can
21 be prepared. What -- the email that you saw is
22 their boilerplate, and it is more related to
23 rezonings, when people are trying to rezone
24 property to have more dense development.
25 Obviously, this is not the case.



1 The other thing I would just like to say is,
2 when Vermillion was approved in late 1990s, I
3 believe it was over 1,400 units total. Is that --
4 and how many do you think were built?

5 MR. SIMONEAU: I believe --

6 MR. NATE BOWMAN: I think it was approximately 2,100
7 units, and we're probably at 1,450 now, although we
8 did keep adding property.

9 MR. SIMONEAU: My point simply is the project that was
10 approved back in the '90s is vested for a lot of
11 units. And so actually as development has
12 occurred, it's not been as many units. And at full
13 buildout it will be well under what was vested.

14 I'm just getting that on the record because I
15 just wanted to be clear, one, that there is a
16 difference between the approved apartments --
17 they've lost two units -- and, two, this is
18 typically a boilerplate letter that we get from
19 CMS; and, three, that the development that was
20 originally approved in rezoning had many, many more
21 units than were ultimately built.

22 Thank you.

23 COMMISSIONER BALES: So, Mr. Simoneau --

24 MAYOR ANERALLA: Commissioner Bales?

25 COMMISSIONER BALES: -- can I just ask another quick



1 follow-up question for you? So if you're saying
2 that Vermillion was initially in the '90s approved
3 for over 2,100 units, that means, then, that CMS
4 was aware that Vermillion was going to grow to that
5 size; is that correct?

6 MR. SIMONEAU: I don't think back in the '90s there was
7 any kind of dialogue between the Town and CMS.
8 That's something that's really been happening since
9 probably 2002, 2003. So I doubt very seriously
10 there was ever any kind of dialogue with CMS on
11 that.

12 COMMISSIONER BALES: However, when -- every time any
13 addition at Vermillion comes before us, they have
14 been notified since the early 2000s?

15 MR. SIMONEAU: Yes, yes. We always will tell them
16 whenever there's a subdivision sketch approved in
17 Vermillion that this is coming down the pike, yeah,
18 yeah.

19 COMMISSIONER BALES: I just want to make sure that
20 they're not caught off guard.

21 MR. SIMONEAU: Yeah. So just to --

22 MAYOR ANERALLA: That's a whole nother discussion.

23 MR. SIMONEAU: Sierra did have these numbers that -- it
24 was approved at 1,972 lots. And at buildout we
25 expect a little over 1,000.



1 MAYOR ANERALLA: Okay. I'm going to bring you all back
2 to the relevant questions here so we don't get off
3 to -- the topic.

4 Any other questions of staff or the applicant?

5 COMMISSIONER PHILLIPS: I have one for the --

6 MAYOR ANERALLA: Commissioner Phillips?

7 COMMISSIONER PHILLIPS: -- for the applicant. And this
8 is more just an FYI thing for myself.

9 On June 17th you guys had the Zoom meeting,
10 and it says that you logged in five minutes early
11 and logged out after waiting, you know, 15 minutes.
12 Did you guys put an end time to the meeting, or was
13 it just a "come as you are" thing?

14 MS. SAUMENIG: We all logged on at the start of the
15 meeting, and we waited 15 minutes to see if anybody
16 popped on, and they did not.

17 COMMISSIONER PHILLIPS: But it didn't have like an
18 ending time?

19 MS. SAUMENIG: No. It had a start time.

20 MAYOR ANERALLA: Okay.

21 MR. NATE BOWMAN: Should we have an ending time from now
22 on?

23 COMMISSIONER PHILLIPS: Wouldn't we all like one.

24 MAYOR ANERALLA: Any other questions? Mr. Bowman, do
25 you have any other comments before --



1 MR. NATE BOWMAN: No.

2 MAYOR ANERALLA: Does any Board member have personal
3 knowledge of additional facts relevant to this case
4 that should be entered into the record?

5 As a reminder, this Board is tasked with
6 deciding if, based on the evidence presented at the
7 hearing before this Board, this proposal meets the
8 applicable standards. This decision cannot be
9 based on the personal preference of Board members.
10 Rather, the decision must be based on competent,
11 material and substantial evidence.

12 If the applicant does not meet their burden of
13 producing competent, material and substantial
14 evidence that the standards in the ordinance will
15 be met, the Board must deny the application.

16 The application as originally submitted was
17 considered by the Planning Board, and the Planning
18 Board made a recommendation. Because this occurred
19 outside of this hearing before the Board, nothing
20 that occurred at the Planning Board level,
21 including the Planning Board's recommendation, is
22 considered evidence that you can base your decision
23 on. However, the Planning Board's recommendation
24 may be useful to the Board in identifying issues
25 that this Board may want to consider and evaluate,



1 based upon the evidence that was presented at the
2 hearing before this Board.

3 Board members are encouraged to reference the
4 applicable standards and specific evidence in their
5 deliberation so that staff and I will have enough
6 information to prepare the written decision for the
7 Board.

8 Is there a motion regarding this request?

9 Commissioner Boone?

10 COMMISSIONER BOONE: Mr. Mayor, a motion to approve the
11 Town Board approval as based on the application
12 being complete with a condition that all minor site
13 plan comments be addressed, the sketch plan
14 complies with all applicable requirements,
15 including the 2030 Community Plan and Policies H-1
16 and H-9, development pattern focusing on
17 high-density development generally within two miles
18 of the I-77 and NC-115 corridor.

19 MAYOR ANERALLA: Is there a second?

20 COMMISSIONER HINES: Second.

21 MAYOR ANERALLA: I'm sorry. Was that Commissioner
22 Hines?

23 COMMISSIONER HINES: Second.

24 MAYOR ANERALLA: Okay. Is there any additional
25 discussion?



1 All those in favor of the motion?

2 COMMISSIONER PHILLIPS: (Votes via raised hand.)

3 COMMISSIONER WALSH: (Votes via raised hand.)

4 COMMISSIONER BOONE: (Votes via raised hand.)

5 COMMISSIONER HINES: (Votes via raised hand.)

6 COMMISSIONER MUNGER: (Votes via raised hand.)

7 COMMISSIONER BALES: (Votes via raised hand.)

8 MAYOR ANERALLA: Any opposed?

9 The motion passes unanimously. Thank you.

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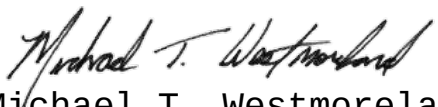
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

C E R T I F I C A T E

I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Town Board Meeting Excerpt was taken and transcribed under my supervision; and that the foregoing 16 pages are a true and accurate transcription.

I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 11th day of October 2020.


Michael T. Westmoreland,
Certified Verbatim Reporter
Notary Public No. 19971600081



TOWN of HUNTERSVILLE
REGULAR TOWN BOARD MEETING

IN RE: Agenda Item 9.G.

Conduct evidentiary hearing and consider decision on Vermillion Front Subdivision Sketch Plan, a request by Bowman Development to subdivide 14.04 acres of land located on the east side of Huntersville-Concord Road to create a 99-unit townhome subdivision (Parcel IDs 01905212, 01905424, 01905301, 01905403, 01905304, 01905305, 01905325, 01905326, 01905303 and 01905324).

Tuesday, September 8, 2020
At Huntersville, North Carolina
Reporter: Michael T. Westmoreland, CVR



A P P E A R I N G

Mayor: John Aneralla
Mayor Pro-Tem: Melinda Bales
Commissioners: Dan Boone
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Stacy Phillips
Nich Walsh
Town Attorney: Karen Wolter, Esq.
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Town Manager: Anthony Roberts

* * * * *

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I N D E X

STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA SAUMENIG	5
NATE BOWMAN and DREW BOWMAN	6

* * * * *

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1 MAYOR ANERALLA: All right. Our next item is 9.G.,
2 which is to conduct an evidentiary hearing and
3 consider decision on Vermillion Front subdivision
4 sketch plan. This is a quasi-judicial hearing --
5 excuse me -- quasi-judicial evidentiary hearing.
6 That means it is like a court hearing. State law
7 states -- sets specific procedures and rules
8 concerning how the Board must make its decision.
9 These rules are different from other types of
10 land-use decisions like rezoning.

11 The Board's discretion is limited. The Board
12 must base its decision upon competent, relevant and
13 substantial evidence in the record. Evidence is
14 substantial if it is relevant and something that a
15 reasonable mind would regard as sufficient to
16 support the specific conclusion.

17 A quasi-judicial hearing is not a popularity
18 contest. If you will be speaking as a witness,
19 please focus on the facts and the standards, not
20 personal preference or opinion.

21 Parties may present evidence, call witnesses
22 and make legal arguments. Parties are limited to
23 the applicant, the local government and individuals
24 who can show they will suffer special damages.

25 General witness testimony is limited to facts,



1 not opinions. However, even if certain evidence is
2 not objected to, it may not be considered by the
3 Board unless presented by an expert witness.
4 Examples are the use of property in a particular
5 way would affect the value of the property, other
6 property; the increase in vehicular traffic
7 resulting from proposed development would pose a
8 danger to the public safety; matters about which
9 only expert testimony would generally be admissible
10 under the Rules of Evidence.

11 Witnesses must be -- must swear or affirm
12 their testimony. Tonight all witnesses will be
13 sworn or affirmed. However, they will be sworn or
14 affirmed as they come up to testify rather than a
15 group.

16 Can we swear in our staff at this time?

17 I feel like I we're on the Zoom calls again
18 where everybody has got to do the roll call.

19 * * * * *

20 STEPHEN TROTT, PE; JACK SIMONEAU; and SIERRA
21 SAUMENIG, upon first being duly sworn, testified as
22 follows:

23 * * * * *

24 MAYOR ANERALLA: And please introduce yourselves.

25 MS. SAUMENIG: Sierra Saumenig.



1 MR. SIMONEAU: Jack Simoneau.

2 MR. TROTT: Stephen Trott.

3 MAYOR ANERALLA: And may the applicant be -- come up and
4 be sworn in?

5 * * * * *

6 NATE BOWMAN and DREW BOWMAN, upon first being
7 duly sworn, testified as follows:

8 * * * * *

9 MAYOR ANERALLA: And please introduce yourselves again.

10 MR. NATE BOWMAN: Nate Bowman.

11 MR. DREW BOWMAN: Drew Bowman.

12 MAYOR ANERALLA: Is there anyone else that feels they
13 are a party to this?

14 Okay. Ms. Saumenig?

15 MS. SAUMENIG: Thank you.

16 I'd like to enter the staff report into the
17 record.

18 COMMISSIONER HINES: Mr. Mayor?

19 MAYOR ANERALLA: Yeah.

20 COMMISSIONER HINES: We need to do the disclosures?

21 MAYOR ANERALLA: Oh. I'll get this right about the
22 fifth time.

23 I've known Nate Bowman, and he contributed to
24 my campaign 75 or \$100, and it will not affect my
25 impartiality.



1 COMMISSIONER PHILLIPS: I've got nothing.

2 COMMISSIONER WALSH: I do know Nate Bowman, and I
3 slighted Drew Bowman a couple of times, but I know
4 Drew Bowman also. And it won't affect my decision.

5 COMMISSIONER BOONE: I know Nate and Drew Bowman. And
6 my political contributions are public records
7 through Mecklenburg County Board of Elections.

8 COMMISSIONER HINES: I've know the Bowman for many
9 years, and I own a piece of property across the
10 street from this, but none of that will impact my
11 decision.

12 COMMISSIONER MUNGER: I know Nate Bowman for a couple of
13 years, and this will not affect my impartiality.

14 COMMISSIONER BALES: I also know the Bowmans. It will
15 not affect my impartiality.

16 MS. WOLTER: Mr. Hines, this may have a financial impact
17 on property you own, so I would recommend that you
18 do recuse from this particular hearing.

19 COMMISSIONER BOONE: Sorry. Would you say that one more
20 time?

21 MS. WOLTER: The -- he owns property across the street
22 from this, and this may --

23 MAYOR ANERALLA: So I would say, based on the advice of
24 attorney, you should recuse yourself from this
25 hearing.



1 COMMISSIONER WALSH: So I'll make a motion to recuse
2 Commissioner Hines.

3 COMMISSIONER PHILLIPS: I'll second.

4 MAYOR ANERALLA: Take your time.

5 Any discussion? All those in favor?

6 COMMISSIONER PHILLIPS: (Votes via raised hand.)

7 COMMISSIONER WALSH: (Votes via raised hand.)

8 COMMISSIONER BOONE: (Votes via raised hand.)

9 COMMISSIONER MUNGER: (Votes via raised hand.)

10 COMMISSIONER BALES: (Votes via raised hand.)

11 MAYOR ANERALLA: And you better come back. Don't leave.

12 COMMISSIONER HINES: Depends on how long you are.

13 MAYOR ANERALLA: All yours.

14 MS. SAUMENIG: I would like to enter the staff report
15 into the record again. Vermillion Front is a
16 request by Bowman Development Group for a sketch
17 plan approval. The site is located on the east
18 side of Huntersville-Concord Road.

19 Here on this slide, if you see the parcels
20 that are highlighted in yellow, those are zoned
21 neighborhood residential, and the remaining parcels
22 are zoned residential traditional neighborhood
23 development overlay.

24 The applicant is proposing 99 townhome units
25 on approximately 14 acres. Additional details can



1 be found in your staff report. No TIA was
2 required, but NCDOT is requiring a left turn lane
3 and a right turn lane on Huntersville-Concord Road.
4 Here is just another image of the site plan.

5 And a detailed staff recommendation can be
6 found on Pages 6 and 7 of your staff report.
7 Planning Board also recommended approval with
8 conditions by a 9-0 vote in July.

9 Thank you, and I'm here if you have any
10 questions.

11 MAYOR ANERALLA: Okay. Are there any questions of staff
12 or the applicant at this time?

13 Commissioner Munger?

14 COMMISSIONER MUNGER: Yeah. Again on this application I
15 see another note from CMS. And my apologies for
16 not bringing it up in the first, but the collective
17 question, I guess, is, when I'm looking at three
18 different CMS reports that has the percentage, is
19 that calculated based on if all three of them
20 happen, or is it each individual one? And, if so,
21 if it's each individual one, how can it possibly be
22 considered accurate?

23 And I apologize --

24 MS. SAUMENIG: I -- yeah, I can tell you what our
25 process is. Essentially we email CMS. We send



1 them a site plan. And what they do, I'm not sure.
2 I would assume it's some calculations. But they
3 spit out the boilerplate document, and then that
4 goes in the staff report. So I'm not exactly sure
5 how they determine that. But it is each separate
6 subdivision, they are sent the site plan for it.

7 COMMISSIONER MUNGER: And I also just wanted to say I'm
8 very sorry to staff. Normally I like to get these
9 questions out to you beforehand. Given this is a
10 quasi-judicial, I didn't have that opportunity. So
11 I'm putting you on the spot, and I'm sorry about
12 that.

13 The other question I have is with regards to
14 the TIA. Additionally I know each one of these has
15 to be given individual consideration, but if I'm
16 looking at -- I have 88 on one, 10 on one and 99 on
17 the other, collectively there's -- in my head
18 there's no way that would not trigger a TIA. Is
19 there a reason why we can't look at it that way,
20 given its proximity to each other?

21 MS. SAUMENIG: Well, so they're both part of Vermillion.
22 So Hill Street that we just looked at, that's
23 vested from TIA. If you look at this map, all the
24 parcels that are not highlighted in yellow are
25 vested from TIA requirements. They're under the



1 original Vermillion. So tree save and all of that
2 was done for the entire site, but it's vested. So
3 while they didn't -- so they submitted a TIA form,
4 and it did come back that no TIA was required. So
5 they did it anyways, but, yes, there --

6 COMMISSIONER MUNGER: Thank you.

7 MAYOR ANERALLA: And since the master plan was
8 approved --

9 MS. SAUMENIG: Yes.

10 COMMISSIONER PHILLIPS: So in our exhibit it says that
11 this was done in 1999, so we're honoring something
12 from that far back?

13 MS. SAUMENIG: Yes. But the five highlighted parcels
14 are zoned NR that weren't part of it. So I don't
15 know that they technically needed to submit a TIA
16 form, but they did so anyways. There are also tree
17 save -- everything was just counted as this -- you
18 know, the subdivision as a whole, not parcel by
19 parcel.

20 COMMISSIONER MUNGER: I guess the main thing is we're
21 putting in 197 new residents without a TIA. And I
22 know that some of it had been previously covered in
23 a 1999, which is prior to us having TAI; is that
24 correct? So --

25 MS. SAUMENIG: Yes, so it's vested, yeah.



1 COMMISSIONER MUNGER: Right. So none of this would've
2 been given consideration for a TIA?

3 MS. SAUMENIG: No.

4 COMMISSIONER MUNGER: Okay.

5 MS. SAUMENIG: The whole -- the subdivision we just
6 looked at, the entire site, no. It was 100 percent
7 vested.

8 COMMISSIONER MUNGER: Thank you.

9 MAYOR ANERALLA: Any other questions of staff or the
10 applicant?

11 Is there a motion?

12 COMMISSIONER WALSH: Mr. Mayor, I'd make a motion.
13 Considering the evidence presented regarding
14 Vermillion Front subdivision sketch plan, Town
15 Board finds the application is complete, the sketch
16 plan complies with all applicable requirements, and
17 there is consistency with the adopted public plans
18 and policies of the 2030 Community Plan, including
19 Policy H-1, H-9, E-2, T-5, T-6, T-8, CD-5 and PF-2.
20 The application complies with all requirements of
21 the ordinances. These decisions are supported by
22 the finding of fact set forth by staff in the staff
23 report. The Town Board approves the subdivision
24 sketch plan contingent on all minor site comments
25 are addressed.



1 COMMISSIONER BALES: Second.

2 MAYOR ANERALLA: Commissioner Bales.

3 Any further discussion?

4 All those in favor?

5 COMMISSIONER PHILLIPS: (Votes via raised hand.)

6 COMMISSIONER WALSH: (Votes via raised hand.)

7 COMMISSIONER BOONE: (Votes via raised hand.)

8 COMMISSIONER MUNGER: (Votes via raised hand.)

9 COMMISSIONER BALES: (Votes via raised hand.)

10 MAYOR ANERALLA: Seeing none opposed, the motion passes.

11 Anybody want Commissioner Hines to come back,
12 or is he --

13 COMMISSIONER BOONE: No.

14 MAYOR ANERALLA: -- napping back there?

15 COMMISSIONER PHILLIPS: I'll make a motion to bring
16 Brian Hines back ASAP.

17 MAYOR ANERALLA: Is there a second?

18 COMMISSIONER MUNGER: Second.

19 MAYOR ANERALLA: Commissioner Munger.

20 Any discussion?

21 All those in favor?

22 COMMISSIONER PHILLIPS: (Votes via raised hand.)

23 COMMISSIONER WALSH: (Votes via raised hand.)

24 COMMISSIONER BOONE: (Votes via raised hand.)

25 COMMISSIONER MUNGER: (Votes via raised hand.)



1 COMMISSIONER BALES: (Votes via raised hand.)
2 COMMISSIONER HINES: I know who my friends are.
3 COMMISSIONER WALSH: You just wish it was me out there.

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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

C E R T I F I C A T E

I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Town Board Meeting Excerpt was taken and transcribed under my supervision; and that the foregoing 14 pages are a true and accurate transcription.

I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 11th day of October 2020.



Michael T. Westmoreland,
Certified Verbatim Reporter
Notary Public No. 19971600081



TOWN of HUNTERSVILLE
REGULAR TOWN BOARD MEETING

IN RE: Agenda Item 9.H.

Conduct special use permit hearing and
consider decision on Petition #SUP20-01, an
application for a special use permit to
operate a banquet facility at 14418 NC 73 HWY
in the Rural Zoning District.

Tuesday, September 8, 2020
At Huntersville, North Carolina
Reporter: Michael T. Westmoreland, CVR



A P P E A R I N G

Mayor: John Aneralla
Mayor Pro-Tem: Melinda Bales
Commissioners: Dan Boone
Brian Hines
Lance Munger
Stacy Phillips
Nich Walsh
Town Attorney: Karen Wolter, Esq.
Bringewatt, Wolter & Snover, PLLC
Town Manager: Anthony Roberts

* * * * *



I N D E X

BRAD PRIEST	5
GAYLE ALLEN and JAY HENSON	6

* * * * *

1 MAYOR ANERALLA: We'll open up 9.H., which is conduct a
2 special use permit hearing and consider decision on
3 Petition SUP20-01, the application for a special
4 use permit to operate a banquet facility at 14418,
5 North Carolina 73 Highway in the rural zoning
6 district.

7 This is also a quasi-judicial hearing. This
8 hearing is -- that means it is like a court
9 hearing. State law sets the specific procedures
10 and rules concerning how the Board must make its
11 decision. The -- excuse me. The Board must base
12 its decision upon competent, relevant and
13 substantial evidence. Evidence is substantial if
14 it is relevant and something that a reasonable mind
15 would regard as sufficient to support a specific
16 conclusion.

17 If you -- we will be speaking -- if you will
18 be speaking as a witness, please focus on the facts
19 and standards, not personal preferences. Parties
20 may present evidence, call witnesses and make legal
21 arguments. Parties are limited to the applicant,
22 the local government and the individuals who can
23 show they will suffer special damages. General
24 witness testimony is limited to the facts, not
25 opinions.



1 Witnesses must swear or affirm their
2 testimony. Tonight all witnesses will be sworn or
3 affirmed. However, they will be sworn or affirmed
4 as they come to -- up to testify rather than as a
5 group.

6 Mr. Priest, are you the only staff that will
7 be testifying today?

8 MR. PRIEST: It looks that way, Mr. Mayor.

9 MAYOR ANERALLA: They're running for the hills, huh?
10 Let me swear you in.

11 * * * * *

12 BRAD PRIEST, upon first being duly sworn,
13 testified as follows:

14 * * * * *

15 MAYOR ANERALLA: Sorry. Does anybody have anything to
16 disclose at this time?

17 Commissioner Phillips?

18 COMMISSIONER PHILLIPS: I live near where the applicants
19 are applying, but it will not financially impact
20 us. But I -- this is the craziest thing I'm ever
21 going to say on the dais. A couple of years ago
22 applicants gave me a bed for a homeless family.
23 And I just want to be completely transparent in
24 that. But that won't impact how I feel or think.

25 MAYOR ANERALLA: Does the Board have any -- any other



1 disclosures?

2 Does the Board have any issue with
3 Commissioner Phillips staying on?

4 Okay. The applicant is here. Come on up, and
5 we'll swear you in.

6 * * * * *

7 GAYLE ALLEN and JAY HENSON, upon first being
8 duly sworn, testified as follows:

9 * * * * *

10 MS. ALLEN: My name is Gayle Allen.

11 MAYOR ANERALLA: Please go ahead. There's like six
12 people here, so --

13 MS. ALLEN: My name is Gayle Allen, and we live at 15550
14 Stumptown Road, Huntersville.

15 MAYOR ANERALLA: Did I coach your son in soccer?

16 MS. ALLEN: You did.

17 MAYOR ANERALLA: Well, I'll disclose I coached your son
18 in soccer, so -- I knew the name sounded familiar a
19 long time ago. So it's not going to affect me. He
20 was a good kid, though, so --

21 MR. HENSON: Jay Henson with HensonFoley. We are the
22 land planning, landscape architecture, civil
23 engineering firm. Address, 8926 Lizzie Lane,
24 Huntersville.

25 MAYOR ANERALLA: Okay, all right. Mr. Priest?



1 MR. PRIEST: All right. Well, I would like to put the
2 staff report into the record, please. And so again
3 the application is a special use permit. And here
4 is a picture of a piece of property on Sam -- well,
5 it's not Sam Furr Road. It's Highway 73 just west
6 of Brown Mill Road and Beatties Ford Road. The
7 property is zoned rural and residential there. So
8 just a couple shots of the air photography, the
9 natural area, and the shots of the existing trees
10 that are proposed to remain on the site that you
11 can see there on the street view.

12 So the rural zoning district allows various
13 uses by right with conditions and with special use
14 permits. One of the uses that is allowed per the
15 special use permit is a banquet facility. And
16 that's what the application is here today, for a
17 banquet facility in the rural district.

18 Just a note that the site plan that was
19 submitted, the NC-73 widening is accommodated for
20 on the site plan. There were some questions on
21 that early on in the process, but that is being
22 accommodated for.

23 Just a few facts about the special use permit
24 plan. It's 10.77 acres on the property, 9.49 acres
25 minus the 73 right-of-way. The proposal, as you



1 see in the site plan, is to have a new
2 5,000-square-foot event barn, 94 gravel/paved
3 parking spaces, which the ordinance allows
4 specifically for these facilities, and then a spot
5 near the existing trees for grass overflow parking.
6 Maximum 175 guests.

7 The perimeter buffers that are required by the
8 ordinance will remain and will be adhered to and
9 unique to the site. No specimen trees will be
10 removed, so that's a very nice aspect of this.

11 The proposed architecture of the building, it
12 says that it will be very rural, the barn design as
13 mentioned there in Article 9.59. Rural
14 architecture is a type of requirement there in the
15 ordinance, and so that's going to certainly meet
16 that theme. That along with the existing
17 vegetation, it will be very rural and fit into the
18 character of the neighborhood very nicely.

19 TA-2003, the text amendment that came through
20 the Town Board just a little while ago there July
21 20th, it was to allow catering trucks or food
22 trucks, mobile trucks, to be used in these types of
23 facilities. That was approved in July. And after
24 the text amendment was approved by the Town Board,
25 the applicant updated their special use permit plan



1 to accommodate that to be able to use the food
2 trucks in their facility. And you can see clouded
3 there they added some notes that it would meet the
4 requirements in the ordinance, and then so that
5 would comply.

6 The Planning Board relooked at this item.
7 They met and recommended approval in April and then
8 relooked at the application with the food truck
9 modification and again recommended approval on July
10 28th, 2020. So staff recommendation is to approve,
11 based on the findings of fact that are included in
12 your staff report.

13 Be happy to answer any questions that you
14 might have.

15 MAYOR ANERALLA: Any questions of staff or the applicant
16 at this time?

17 Commissioner Munger, nothing on CMS?

18 COMMISSIONER MUNGER: I'd just like to say, as a matter
19 of fact, this building design is wonderful.

20 MAYOR ANERALLA: Is that an opinion?

21 COMMISSIONER MUNGER: That's a fact.

22 MAYOR ANERALLA: Okay, no questions of staff or the
23 applicant at this time.

24 Does any Board member have any personal
25 knowledge of additional facts relevant to the case



1 that should be entered into public record?

2 As a reminder, this Board is tasked with
3 deciding if, based on the evidence presented at the
4 hearing before the Board, this proposal meets the
5 applicable standards. The application was
6 originally submitted to the Planning Board.
7 Planning Board made a recommendation. Because this
8 occurred outside of the hearing before the Board,
9 nothing that occurred at the Planning Board level,
10 including the Planning Board's recommendation, is
11 considered evidence that you can base your decision
12 on. However, the Planning Board's recommendation
13 may be useful to the Board in identifying issues
14 that this Board may want to consider and evaluate
15 based upon the evidence that was presented.

16 All right. Is there a motion regarding this
17 request?

18 Commissioner Walsh?

19 COMMISSIONER WALSH: In considering the Petition
20 SUP20-01, NC-73 event venue, we the Town Board find
21 that the request meets all required conditions and
22 specification, is reasonable and does not pose an
23 injurious effect on adjoining properties and finds
24 that the character of the neighborhood or health,
25 safety and general welfare of the community will be



1 minimized. The decision is supported by the
2 following findings: the request meets the Zoning
3 Ordinance criteria of Article 3.2.1 and Articles
4 9.59.1 through 9.59.11 as described in the staff
5 findings of fact included in the staff report.
6 Town Board approves the petition contingent upon
7 approval of the stormwater plan by the Huntersville
8 Engineering Department and approval of the driveway
9 connection to 73 -- NC-73 highway by NCDOT.

10 COMMISSIONER PHILLIPS: Second.

11 COMMISSIONER BOONE: Second.

12 MAYOR ANERALLA: Is that Commissioner Phillips?

13 Any other discussion?

14 All those in favor of the motion?

15 COMMISSIONER PHILLIPS: (Votes via raised hand.)

16 COMMISSIONER WALSH: (Votes via raised hand.)

17 COMMISSIONER BOONE: (Votes via raised hand.)

18 COMMISSIONER HINES: (Votes via raised hand.)

19 COMMISSIONER MUNGER: (Votes via raised hand.)

20 COMMISSIONER BALES: (Votes via raised hand.)

21 MAYOR ANERALLA: And none opposed, so motion passes.

22 Well, look forward to seeing you at the event.

23 MS. ALLEN: Thank you.

24 COMMISSIONER BOONE: Mr. Mayor, I'd like to say that Ms.

25 Allen -- this has been a long process, and you guys



1 have stayed with us every step of the way, a job
2 well done.

3 MAYOR ANERALLA: Just as a point of personal privilege,
4 what's your son doing? He must be in college.

5 MS. ALLEN: He's at Clemson.

6 MAYOR ANERALLA: Oh. My Georgia Bulldog mask, I didn't
7 do a good enough job.

8 Don't put that on the record.

9 * * * * *

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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

C E R T I F I C A T E

I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Town Board Meeting Excerpt was taken and transcribed under my supervision; and that the foregoing 12 pages are a true and accurate transcription.

I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 11th day of October 2020.



Michael T. Westmoreland,
Certified Verbatim Reporter
Notary Public No. 19971600081



TOWN of HUNTERSVILLE
REGULAR TOWN BOARD MEETING

IN RE: Agenda Item 9.I.

Conduct evidentiary hearing and consider
decision on Petition #MBS20-01, an application
from the Hope House for a multi-building site
at 15604 Northcross Drive.

Tuesday, September 8, 2020
At Huntersville, North Carolina
Reporter: Michael T. Westmoreland, CVR



A P P E A R I N G

Mayor: John Aneralla
Mayor Pro-Tem: Melinda Bales
Commissioners: Dan Boone
Brian Hines
Lance Munger
Stacy Phillips
Nich Walsh
Town Attorney: Karen Wolter, Esq.
Bringewatt, Wolter & Snover, PLLC
Town Manager: Anthony Roberts

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I N D E X

BRAD PRIEST	5
DEBBIE O'HANDLEY and JAY HENSON	5

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1 MAYOR ANERALLA: All right. I've just got to pause,
2 read this thing again.

3 COMMISSIONER WALSH: Can't you just say ditto?

4 MAYOR ANERALLA: No.

5 On our final quasi-judicial evidentiary
6 hearing, 9.I., is conduct an evidentiary hearing
7 and consider decision on Petition MBS20-01, an
8 application from the Hope House for a
9 multi-building site on 15604 Northcross Drive.

10 The Board must base its decision upon
11 competent, relevant and substantial evidence.
12 Evidence is substantial if it's relevant and
13 something that a reasonable mind would regard as
14 sufficient.

15 We will be calling witnesses, and focus on
16 facts and standards, not personal preferences.
17 Parties may present evidence, call witnesses, make
18 legal arguments. Parties are limited to the
19 applicant, the local government and individuals who
20 can show they would suffer special damages.
21 General witness testimony is limited to the facts,
22 not opinions.

23 Witnesses must swear or affirm their
24 testimony. Tonight all witnesses will be sworn or
25 affirmed. However, they will be sworn or affirmed



1 as they come up to testify rather than in a group.

2 Can we identify the parties?

3 Mr. Priest, can I swear you in?

4 MR. PRIEST: Yes, sir.

5 * * * * *

6 BRAD PRIEST, upon first being duly sworn,
7 testified as follows:

8 * * * * *

9 MAYOR ANERALLA: And the applicant is here?

10 COMMISSIONER MUNGER: Mr. Mayor, point of clarification.

11 Do we do disclosures now or --

12 MAYOR ANERALLA: Yeah. I'm sorry. I've got to
13 disclose, too, so -- go ahead and -- oh, let me
14 swear you in.

15 * * * * *

16 DEBBIE O'HANDLEY and JAY HENSON, upon first
17 being duly sworn, testified as follows:

18 * * * * *

19 MAYOR ANERALLA: And please introduce yourselves.

20 MS. O'HANDLEY: Debbie O'Handley, executive director to
21 the Hope House Foundation located at 15604
22 Northcross Drive.

23 MR. HENSON: Jay Henson with HensonFoley, 8926 Lizzie
24 Lane, Huntersville. We are the planning, design,
25 engineering.



1 MAYOR ANERALLA: Are there any disclosures or ex parte
2 communications that have occurred?

3 Commissioner Munger?

4 COMMISSIONER MUNGER: I've made various donations to
5 Hope House and participated in at least one event
6 related to Hope House, but I do not believe that
7 will have any effect on my bearing, outcome.

8 MAYOR ANERALLA: Commissioner Walsh?

9 COMMISSIONER WALSH: I also known Debbie O'Handley for
10 number of years. We've attended events as well as
11 we've contributed money to the Hope House. But
12 that won't affect my impartiality.

13 MAYOR ANERALLA: Commissioner Hines?

14 COMMISSIONER HINES: I volunteered time through my
15 church years ago at the Hope House, so that's it.

16 MAYOR ANERALLA: Commissioner Phillips?

17 COMMISSIONER PHILLIPS: I've donated money to Hope
18 House. I'm an advocate for the homeless community
19 and worked with them over the years. I don't think
20 that it will impact how I -- how I handle things,
21 but I wanted to verify with our attorney that
22 that's okay.

23 MAYOR ANERALLA: Well, it's up to the Board; right?

24 COMMISSIONER PHILLIPS: Or the Board, whoever. I just
25 want to make sure, I mean --



1 MS. WOLTER: It's up to the Board, but you do -- if you
2 have any doubt that you can be impartial in this
3 matter, then you must recuse yourself.

4 COMMISSIONER PHILLIPS: I need to recuse myself.

5 COMMISSIONER BOONE: Motion to recuse Commissioner
6 Phillips.

7 COMMISSIONER WALSH: Second.

8 MAYOR ANERALLA: Any discussion?
9 All those in favor?

10 COMMISSIONER WALSH: (Votes via raised hand.)

11 COMMISSIONER BOONE: (Votes via raised hand.)

12 COMMISSIONER HINES: (Votes via raised hand.)

13 COMMISSIONER MUNGER: (Votes via raised hand.)

14 COMMISSIONER BALES: (Votes via raised hand.)

15 MAYOR ANERALLA: So my disclosure is I also have helped
16 out at Hope House. I've made baked ziti for the
17 people that live there. And I did have numerous
18 discussions before I was aware that it was
19 quasi-judicial, including not following the houses
20 tiny homes and coming up with either carriage or
21 cottage homes. So I don't believe that would hurt
22 my way of being impartial. But, if you do, then I
23 will recuse myself as well.

24 COMMISSIONER WALSH: I'm fine.

25 MAYOR ANERALLA: Thank you.



1 Mr. Priest?

2 MR. PRIEST: All right. At this time, we'll put the
3 staff report into the record. And so a
4 multi-building site at 20001 Hope House is what
5 we're discussing here tonight. So here's a zoning
6 map of the property in question. And it seems like
7 we're all familiar with where the Hope House is.
8 It's just to the north of Grand Oak Elementary
9 School there on Stumptown Road around the bend
10 where it turns into Northcross. It's zoned
11 neighborhood residential at this time, and that
12 zoning is not proposed to change.

13 And just some aerial views of the property.
14 The property is tree lined. Not many trees are
15 proposed to be taken down with this application to
16 put the cottages in.

17 So the multi-building site plan. The existing
18 site was changed into a congregate living facility
19 in 2009. The applicants came, went through the
20 change of use process and changed the detached
21 home, a single-family residential unit, to that
22 type of facility. And that facility, the
23 congregate care, is permitted in neighborhood
24 residential.

25 So what the proposal is -- nothing in regard



1 to the congregate living facility is proposed to
2 change, but what is proposed is three single-family
3 residential units, cottages, small homes, in the
4 rear.

5 So what the ordinance says when you have two
6 different uses on a single parcel, that becomes a
7 multi-building site. And, when you have a
8 multi-building site, Article 6.800 of the
9 Subdivision Ordinance then applies. And according
10 to the review criteria, which is very nonspecific
11 in that section of the ordinance, that becomes,
12 from the legal perspective, a quasi-judicial
13 action. And that's why we're going through this
14 process, because of the multi-building site
15 quasi-judicial stipulations from Article 6.800.

16 So the three cottages will be in the back of
17 the facility away from Northcross Drive, as you see
18 there in the red. Also, the requirement is in the
19 Huntersville ordinance that everything fronts on a
20 public street or an urban open space. So the
21 cottages in the rear are designed in kind of a mini
22 green there in the center to front on an urban open
23 space in conformance to the ordinance standards.
24 The building elevations for the cottages were
25 included in the application, so they're there just



1 to see that.

2 So in Article 6.800, there's two sections that
3 apply to multi-building sites, 6.820 and 6.830.
4 6.820 is essentially the direction of what needs to
5 be submitted with the multi-building site plan.
6 It's the preliminary plan requirements. And those
7 are listed in your staff report. And staff also
8 included staff findings of what was included in the
9 plan to show that those requirements were adhered
10 to.

11 6.830 is the multi-building site review
12 criteria. Now, those are the very nonspecific
13 guidelines that talk about making sure the open
14 space that is proposed is well maintained and is
15 going to be sufficient for what the purpose is. So
16 staff doesn't review that. That is the Town
17 Board's task to make sure that that's the case and
18 to rule on that in this quasi-judicial matter.

19 Also one of the requirements from 6.830 is a
20 protection of adverse influences, adjacent
21 neighborhood and the actual use itself. So as a
22 finding of fact the staff included was there is
23 screening required, and that's being adhered to
24 from the ordinance standards, both vegetation and a
25 fence screening that is not required but is also



1 being proposed. So that meets the criteria.

2 So staff recommendation. There aren't really
3 any site plan elements that remain. We've gone
4 through several cycles of the actual preliminary
5 plan, the construction documents, as it's adhered
6 to. And we've reviewed it, and it's actually ready
7 for approval. So we recommend approval based on
8 the findings of fact outlined in the staff report.

9 Now, the new site plan came in, so we do
10 recommend that we tag just conditions for
11 stormwater and minor comments that remain will be
12 adhered to.

13 The Planning Board looked at the -- the site
14 and the multi-building site application last month
15 on August 25th and, again, recommended approval
16 based on the finding of fact described in this
17 staff report and then also added that it was a -- a
18 very beneficial use to the community as opposed to
19 one that would degrade the community. They wanted
20 to point that out. So staff recommends approval.

21 And with that I'd be happy to entertain any
22 questions.

23 MAYOR ANERALLA: Commissioner Hines?

24 COMMISSIONER HINES: Is urban open space considered
25 public space, or is it just public to -- just



1 common open space to that specific site?

2 MR. PRIEST: It's going to -- it has to be open and
3 usable for all the residents and users of that
4 facility. It does not have to be dedicated and
5 open to public who wants to come by, that's
6 correct.

7 COMMISSIONER HINES: Okay. Thank you.

8 So the reason this is quasi-judicial is
9 because there's two different uses on the same
10 parcel?

11 MR. PRIEST: That's correct.

12 COMMISSIONER HINES: Thank you.

13 MAYOR ANERALLA: Any other questions of staff or the
14 applicant?

15 Is there a -- does any Board member have
16 personal knowledge of additional facts relevant to
17 this case that should be entered into the record?

18 As a reminder, this Board is tasked with
19 deciding if, based on the evidence presented at the
20 hearing before this Board, this proposal meets the
21 applicable standards. This decision cannot be
22 based on personal preference of the Board members.
23 The application, as originally submitted, was
24 considered by the Planning Board, and the Planning
25 Board made a recommendation. Because this occurred



1 outside of the hearing before this Board, nothing
2 that occurred at the Planning Board level,
3 including the Planning Board's recommendation, is
4 considered evidence that you should base your
5 decision on. Board members are encouraged to
6 reference the applicable standards and specific
7 evidence in their deliberation so that staff and I
8 will have enough information to prepare the written
9 decision for the Board.

10 Is there a motion regarding this request?

11 Commissioner Walsh?

12 COMMISSIONER WALSH: Mr. Mayor, in considering Petition
13 MBS20-01, the Hope House multi-building site, we
14 the Board find that the request meets all required
15 conditions and specifications as reasonable and
16 does not impose an injurious effect on adjoining
17 properties and finds that the effect on the
18 character of the neighborhood or the health, safety
19 and general welfare of the community will be
20 minimized. The decision is supported by the
21 following findings: the application meets the
22 submittal requirements and review process for
23 multi-building sites within the Huntersville zoning
24 jurisdiction as outlined in Section 6.800 of the
25 Huntersville ordinance -- Subdivision Ordinance.



1 Specifically, the application has met the
2 preliminary plan requirements of Section 8 --
3 6.820, elevation standards as stated in Section
4 6.830, as described in the findings of facts
5 included in the staff report. The Town Board
6 approves the petition contingent on all minor
7 recommendations being addressed following a formal
8 staff review of the submitted site plans.

9 COMMISSIONER HINES: Second.

10 MAYOR ANERALLA: Commissioner Hines.

11 Any further discussion?

12 All those in favor of the motion?

13 COMMISSIONER WALSH: (Votes via raised hand.)

14 COMMISSIONER BOONE: (Votes via raised hand.)

15 COMMISSIONER HINES: (Votes via raised hand.)

16 COMMISSIONER MUNGER: (Votes via raised hand.)

17 COMMISSIONER BALES: (Votes via raised hand.)

18 MAYOR ANERALLA: Seeing none opposed, the motion passes.

19 Congratulations. We look forward to seeing
20 additional housing options in Huntersville.

21 The staff will draft and I will authorize or
22 sign the final decision to reflect the vote and
23 reasoning for this decision. That written decision
24 will be provided to the applicant and the other
25 parties with right to such notice.



1 COMMISSIONER HINES: I'd like to make a motion to bring
2 Commissioner Phillips back.

3 MAYOR ANERALLA: Do we have -- is there a second?

4 COMMISSIONER HINES: I guess we have to.

5 COMMISSIONER BALES: Second.

6 MAYOR ANERALLA: Second Commissioner Phillips --
7 Commissioner Bales?

8 COMMISSIONER BALES: Yes.

9 MAYOR ANERALLA: All those in favor?

10 COMMISSIONER WALSH: (Votes via raised hand.)

11 COMMISSIONER BOONE: (Votes via raised hand.)

12 COMMISSIONER HINES: (Votes via raised hand.)

13 COMMISSIONER MUNGER: (Votes via raised hand.)

14 COMMISSIONER BALES: (Votes via raised hand.)

15 MAYOR ANERALLA: Come on back.

16 * * * * *

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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

C E R T I F I C A T E

I, MICHAEL T. WESTMORELAND, CVR, Certified Verbatim Reporter and Notary Public, do hereby certify that said Town Board Meeting Excerpt was taken and transcribed under my supervision; and that the foregoing 15 pages are a true and accurate transcription.

I further certify that I am not related to, of counsel for or in the employment of any of the parties to this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 11th day of October 2020.



Michael T. Westmoreland,
Certified Verbatim Reporter
Notary Public No. 19971600081



**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: November 2, 2020

Subject: Adopt Resolution Authorizing the McCoy Rd at Hambright Rd and McCoy Rd at McIlwaine Rd Engineering Services Contract.

EXPLAIN REQUEST:

Adopt McCoy Rd at Hambright Rd and McCoy Rd at McIlwaine Rd Engineering Services Contract

ACTION RECOMMENDED:

Adopt Resolution Authorizing the McCoy Rd at Hambright Rd and McCoy Rd at McIlwaine Rd Engineering Services Contract.

FINANCIAL IMPLICATIONS:

General Funds

ATTACHMENTS:

1. Resolution Packet- STV-10.26.2020



**RESOLUTION OF THE TOWN OF HUNTERSVILLE TO ACCEPT THE MCCOY RD AT HAMBRIGHT RD
AND MCCOY RD AT MCILWAINE RD ENGINEERING SERVICES CONTRACT**

Whereas the Town of Huntersville proposes to enter into an agreement for professional engineering services for the McCoy at Hambright Rd and McCoy at McIlwaine Rd Project;

Whereas G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying and alternative construction delivery services (collectively "design services") to be based on qualifications and without regard to fee; and

Whereas design services required were put out for proposals and scored based on qualifications. Scoring summary is attached for reference; and

Whereas the most qualified proposer selected was STV Engineers Inc. Contract for Professional engineering Services attached as Exhibit A;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners approves and authorizes Contract for Professional Engineering Services attached herein as Exhibit A is approved.
2. The Board authorizes the Town Manager to execute any amendment(s) for additional services, up to \$20,000, for this contract;
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution;
4. This Resolution shall be effective as of the date its adoption.

Adopted this 2nd day of November, 2020.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney



101 Huntersville-Concord Rd
Huntersville, NC 28078
(704) 875-6541

CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

FIRM: STV Engineers, Inc.

900 W. Trade Street, Suite 715

Charlotte, NC 28202 | 704-372-1885

Attn: Nikki Honeycutt, PE

PROJECT: McCoy Rd at Hambright Rd & at McIlwaine Rd

**PROJECT ADDRESS: McCoy at Hambright & McIlwaine
Huntersville, NC**

This Contract for Professional Services, and all exhibits, (collectively this "Contract") is entered into this ____ day of _____, 20____ by and between, the Town of Huntersville, a municipal corporation of the

State of North Carolina, (the "Town") and STV Engineers, Inc. (the "Firm") located at 900 West Trade Street, Suite 715 Charlotte, North Carolina.

For and in consideration of the mutual promises set forth in this Contract, the parties do mutually agree as follows:

1. Scope of Services. The Firm agrees to perform for the Town the following services according to the following requirements:

The Firm agrees to provide professional engineering services needed to complete the project. Such professional engineering services shall constitute the "Work." The Scope of Services and Firm's Fee Schedule are attached as Exhibits B and C, which are incorporated herein by reference. Additional (extra) services are defined as any work not included in the Scope of Services in Exhibit B that are requested by the Town or any review agencies ("Additional Services"). Additional Services will be billed at the Firm's billing rates as shown on the attached Exhibit D, which is incorporated herein by reference. The Firm represents to the Town that the hourly billing rates are the Firm's standard billing rates. The Firm may adjust the hourly rates shown on the attached Exhibit D only if and to the extent that the Firm's standard billing rates are adjusted. The Firm shall provide thirty (30) days advanced notice to the Town in writing of any increases to the Firm's standard billing rates. Upon receipt of such notice, the Town shall have the option of terminating this Agreement within the thirty (30) day notice period given by the Firm. Any meetings not included in the Scope of Services in Exhibit B will be considered Additional Services. Additional Services will be identified either in writing or by verbal communication but must be approved in writing by Town before proceeding to perform such Additional Services.

The Firm will be responsible for providing properly licensed engineers to complete the Work in accordance with the standard of care ordinarily used by members of the Firm's engineering profession practicing under similar circumstances and at the same time in Mecklenburg County ("Standard of Care"). In addition to the indemnification obligations contained in the STANDARD TERMS AND CONDITIONS attached to this Contract, the Firm further agrees to indemnify and save harmless the Town from claims and liabilities to the extent caused by the negligent errors or omissions of the Firm, including its engineers, technicians or subcontractors.

The Firm agrees to coordinate its Work with the work of any other separate professional services, contractors or with the work of the Town's own forces to avoid delaying or interfering with their work.

The Firm must be properly registered with the North Carolina Board of Examiners for Engineers and Surveyors

and must be properly authorized to conduct business in the state of North Carolina. The engineers performing the Work, and in responsible charge of the Work, must be a licensed Engineer in the State of North Carolina and must have a good ethical and professional standing.

The Town reserves the right to terminate the professional service contract of the Firm based on the Firm's breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.) after giving written notice and opportunity for the Firm to cure the allegations of breach of this Contract. The Town reserves the right to modify the Scope of Work described in Exhibit B Scope of Services, and in such event the Town and Firm shall negotiate in good faith to make corresponding modifications to the Fee Schedule in Exhibit C.

2. Contract Insurance. Firm shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit A, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the Town, naming the Town as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the Town.
3. Standard Terms and Conditions. The attached Standard Terms and Conditions shall be a part of this Contract. Such Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
4. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the Town.
5. Payment for Services. In consideration of the above services, the Town will pay the Firm, in accordance with the submitted fee schedule in Exhibit C, attached hereto and incorporated by reference, plus reimbursable expenses at the Firm's actual cost up to, but not exceeding, the lump sum stated in the Fee Schedule in Exhibit C. Firm will submit monthly invoices for Work performed based upon the Firm's estimate of the percentage of the total Work completed during the billing period which shall be paid thirty (30) days after receipt of undisputed invoices delivered. Additional Services will be billed as provided in Paragraph 1 above in accordance with the hourly fee schedule shown on Exhibit D, attached hereto and incorporated by reference. If any invoice is disputed by the Town, in whole or in part, it shall provide a written explanation for such dispute to Firm within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at

Huntersville, North Carolina, this _____ day of _____, 20_____.

Private Engineering Firm

STV Engineers, Inc.

Name of Firm (print)



Signature

Senior Vice President

Title

Town of Huntersville

Anthony Roberts- Town Manager

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

Pattie McGinnis- Finance Director

STANDARD TERMS & CONDITIONS

1. **Acceptance.** Firm's acknowledgment of the terms of this Contract constitutes an agreement to (i) all terms and conditions set forth or referenced herein, (ii) Exhibits A and B hereto, and (iii) any other terms and conditions of a written agreement signed by Firm and the Town that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Firm and the Town with respect to the performance of the Work as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." Except as provided herein, no additional or supplemental provision or provisions in variance herewith that may appear in Firm's quotation, acknowledgment, invoice or in any other communication from Firm to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.
2. **Entire Agreement.** The Contract Documents constitute and represent the complete and entire agreement between the Town and Firm and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town. However, Firm will not be liable for delays caused by circumstances beyond its control including without limitation, delays caused by acts of God, the Town or its other consultants/contractors, federal, state, and local government authorities, strikes, riots, civil unrest, war, or unknown or concealed conditions, and if such delays occur, Firm will be entitled to an equitable adjustment in the time for the performance of the Work and compensation.
4. **Relationship of the Parties.** The Firm is an independent Professional Engineering Company and not an affiliate of the Town. The conduct and control of the work will lie solely with the Firm. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the Firm and the Town. Employees of the Firm shall remain subject to the exclusive control and supervision of the Firm, which is solely responsible for their compensation.
5. **Prices.** In no event shall Firm's price be higher than the price contained in the Firm's Fee Schedule attached as Exhibit C unless otherwise agreed in writing.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
8. **Indemnification.** Firm shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees and liability to the extent caused by (a) the Firm's negligent performance of the Work; (b) the Firm's failure to comply with any applicable law, code, ordinance, regulation, or industry standard or (c) the Firm's breach of this Contract. In the event that any portion of the Work performed under the Contract do not conform with the professional Standard of Care, Firm shall indemnify and save harmless the Town, its officers, agents, employees and assigns from all loss or the payment of all sums of money by reason of all accidents, injuries or damages to persons or property that shall happen or occur in connection with the use of such Work to the extent caused by said non-conforming services. Notwithstanding any other provisions of this Agreement, and to the fullest extent permitted by law, neither Party shall be liable to the other for any incidental, special, indirect or other consequential damages.
9. **Invoices and Payment Terms.** Invoice and Payment Terms are set forth in Section 5 in the Contract for Professional Engineering Services. All invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina 28070.
10. **Anti-Discrimination.** During the performance of the Contract, Firm shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
11. **Insurance.** The Firm shall provide the insurance coverages shown on Exhibit A, attached hereto and incorporated herein by reference. The Firm shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents PRIOR to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance

shall be considered part of the Contract.

12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, the Firm certifies that their proposal was made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts.** This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Firm represents and warrants that it shall comply with all applicable federal, state and local laws, regulations and orders.
14. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
15. **Assignment.** The Firm shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of the Town.
16. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
17. **Warranties.** The Firm warrants it shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville in the performance of the Work outlined in this Contract and any attached specifications. Firm warrants that any finished Work completed hereunder shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville. Firm warrants that all Work will be performed in accordance with this Contract and the standard of care ordinarily used by members of the Firm's engineering profession practicing under similar circumstances and at the same time in Mecklenburg County. Firm makes no additional warranties, express or implied, in connection with the Work. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
18. **Quality and Workmanship.** All Work shall be performed in accordance with this Contract and the applicable standard of care
19. **Default.** Either Party may terminate the Contract, in whole or in part, upon thirty (30) days written notice upon breach of the other Party. In the event of a breach by Firm, addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, professional engineering services substantially similar to those so terminated, in which case the Firm shall be liable to the Town for any excess costs for such similar services and any expenses incurred in connection therewith. This Contract shall not terminate if the alleged default is cured with the thirty-day notice period. In the event this Contract is terminated by the Town for the default of the Engineer, the Town shall be entitled to keep and use all design work provided by the Engineer for use in finishing the design and construction of the Project.
20. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing 10 days notice in writing from the Town to Firm. If the Contract is terminated by the Town in accordance with this paragraph, the Firm will be paid for all Work performed and reimbursable expenses incurred up to the effective date of the termination. The Town will not be liable to the Firm for any costs for materials acquired or contracted for, if such costs were incurred prior to the date of this Contract.
21. **Assignment.** Firm may not assign, pledge, or in any manner encumber Firm's rights under this Contract, or delegate the performance of any of its obligations hereunder, without the Town's prior, express written consent.
22. **No Third Party Beneficiaries.** There shall be no intended nor incidental third party beneficiaries of this Contract. Firm shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party beneficiaries.
23. **Valid Contract.** In order for this Contract for Professional Engineering Services to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be preaudited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.

24. **Verification of Work Authorization.** Firm shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
25. **Iran Divestment List.** With the execution hereof, Firm, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
26. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
27. **Companies that Boycott Israel List.** With the execution hereof, Firm, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder

EXHIBIT A

MINIMUM INSURANCE REQUIREMENTS

The Work under this Contract shall not commence until the Firm has obtained all required insurance and verifying certificates of insurance have been approved in writing by the Town. The Town shall be named as additional insured on all policies, except Worker's Compensation and Professional Liability policies. These certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. Worker's Compensation and Employer's Liability

The Firm shall provide and maintain, until final acceptance, workmen's compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000.

b. Comprehensive General Liability Insurance

The Firm shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Firm or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury: \$1,000,000 per occurrence / \$2,000,000 aggregate

Property Damage: \$100,000 per occurrence / \$300,000 aggregate

Or,

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

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. Deductible

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

d. Other Insurance

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

e. Proof of Carriage

The Firm shall furnish the Town with satisfactory proof of carriage of the insurance required before written approval is granted by the Town

EXHIBIT B

FIRM'S SCOPE OF SERVICES

[Attach a copy]

SCOPE OF SERVICES

for

McCOY/HAMBRIGHT/McILWAINE ROADWAY IMPROVEMENTS

Located in

HUNTERSVILLE, NC

October 23, 2020

PROJECT DESCRIPTION

The Town of Huntersville (TOWN) desires to make roadway improvements to the intersections of McCoy and Hambright and McCoy and McIlwaine. This scope of services covers Task 1 which includes traffic analysis, concept development, and preparation of feasibility level cost estimates. The project will be wholly funded with TOWN funds.

A. PROJECT MANAGEMENT

- (1) Invoices – Prepare monthly invoices to the TOWN
- (2) Coordination Meetings - bi-weekly conference call with the consultant team
- (3) Monthly progress reports
- (4) Facilitate meetings with the TOWN as further defined in the scope
- (5) Coordination with various disciplines and sub-consultants to drive project to completion
- (6) QA/QC Documentation – Perform regular on-going review of QA/QC activities on the project

Assumptions/Exclusions:

The project schedule from Notice to Proceed to final deliverable is approximately 3 months.

B. TRAFFIC ANALYSIS

(1) Traffic Volume Development

STV will request any existing traffic counts from the Town for the following locations:

- McCoy Road at Hambright Road
- McCoy Road at McIlwaine Road
- Hambright Road at Kerns Road

The existing turning movement counts provided will be used along with NCDOT AADT data and information from nearby approved developments to establish 2020 baseline volumes for the use in analysis of multiple improvement concepts for the

study intersections. The baseline volume estimates will include design data (design hour, directional, and heavy vehicle) factors for AM and PM peak hours. Development of the design data will primarily be based on field data (provided by the Town) and will consider “typical” ranges of values and judgment. The baseline estimates will then be projected to a 2045 horizon year forecast scenario. The volume forecast will be based off research of the following data sources:

- Historical AADT Data
- The Metrolina Regional Model
- Approved development TIAs

Upon review of the various data sources, a draft traffic forecast memorandum will be developed. The forecast will include a narrative regarding methodology as well as appropriate figures/forecast diagrams. The report will generally follow the NCDOT templates for the diagrams and associated tables. STV will provide draft documentation for client review. Upon client acceptance, STV will incorporate the forecast within the Traffic Operations Analysis memorandum detailed in the following section.

Deliverables: Draft Traffic Forecast Memorandum

(2) Traffic Operations Analysis

Using the information as concluded as a part of the traffic forecast, a traffic operations analysis will be performed for the following scenarios during AM and PM peak hours:

- 2020 Base Year No-Build Conditions
- 2045 Future Year No-Build Conditions
- 2045 Future Year Build Conditions

STV will analyze the intersections of:

- McCoy Road at Hambright Road
- McCoy Road at McIlwaine Road
- Hambright Road at Kerns Road (if necessary)

Multiple improvement scenarios including traditional intersection improvements as well as a roundabout scenario will be analyzed at each location. The traditional improvement scenario will analyze the study intersections to determine if the intersection volumes will satisfy MUTCD signal warrants. Should improvement recommendations from the McCoy Road at Hambright Road intersection require additional laneage affecting adjacent intersections (e.g. Hambright Road at Kerns Road), the analysis results for the affected intersection will also be included.

The analysis will be conducted using TransModeler microsimulation software. Measures of Effectiveness (MOEs) for the study intersections will include ICU percentages, level of service (LOS), delay, as well as average and maximum queue lengths by lane group. Additionally, SIDRA analysis will be performed at the study intersections to further examine the results reported from the microsimulation analysis. A Traffic Operations Analysis memorandum will be drafted to summarize the results and recommendations.

Deliverables: Traffic Operations Memorandum

(3) **Crash Analysis**

STV will perform a crash analysis using NCDOT TEAAS software for the study intersections. Available crash data from the most recent five-year history will be compiled. It is assumed that the intersection analysis report will be provided to include an area for up to 150 feet along each approach of the study intersections. To account for the segment along McCoy Road between McIlwaine Road and Hambright Road, a strip analysis will be conducted to document any crashes that occurred within the segment.

STV will review and summarize the crash data within the traffic operations memorandum and will identify any noted crash patterns that necessitate mitigation efforts to be included within the overall study recommendations.

Deliverables: *Crash Analysis to be included in Traffic Operations Memorandum*

(4) **Meetings**

One (1) STV traffic staff member will attend up to three (3) meetings with Town staff. These meetings are anticipated to be held virtually. In addition, STV traffic staff will be represented in internal coordination meetings as the project progresses. STV will also provide one (1) staff member to attend a public information session (if necessary).

Traffic Analysis Exclusions:

- *No additional intersections, peaks, or scenarios to be analyzed beyond what is referenced herein*
- *No additional traffic counts are anticipated to be necessary*

C. PLANNING - ROADWAY

(1) STV will develop concepts for up to three alternatives. It is anticipated that STV will:

- (a) Prepare design criteria and preliminary typical sections for review by the TOWN
- (b) Study the intersection configurations and discuss findings with the TOWN
- (c) Develop 3 feasibility level cost estimates.

(2) For the Concepts, the following applies:

- (a) Concepts will include horizontal alignment, vertical profile, and cross sections. Concepts will be developed using existing NCDOT lidar, aerial, and GIS mapping.
- (b) Concepts will indicate centerline, edge of pavement, curb and gutter, sidewalk, existing ground line, proposed ground line, and preliminary slope stake lines.
- (c) Concept will be presented on a 50 scale color roll plot.

(3) Deliverables include

- (a) Design criteria and typical sections
- (b) Roll plot of the Concepts at 50 scale (pdf)
- (c) Feasibility level cost estimates for 3 alternatives

Assumptions:

The study area will be as shown in Appendix A.

D. PLANNING – HYDRO

- (1) STV will perform a desktop and in-person site evaluation of the existing hydraulic conditions of the study area.
- (2) This information will aid in the development of the feasibility construction estimates.

E. ENVIRONMENTAL

Preliminary Wetlands Determination & Environmental Screening

- (1) A preliminary determination of the approximate boundaries of jurisdictional waters of the U.S., including wetlands and streams, will be performed in the project corridor. Potential wetland areas will be defined using the Routine On-Site Determination method as described in the 1987 "Corps of Engineers Wetlands Delineation Manual" and corresponding Regional Supplement.
- (2) Prior to the field visit, a literature review will be completed including but not limited to the following sources & databases: National Wetlands Inventory mapping, Natural Resources Conservation Service hydric soils, USGS, National Hydrography Dataset, and various aerial mapping and digital elevation models.
- (3) During field review efforts, a Global Positioning System (GPS) capable of subfoot accuracy will be utilized to obtain reference points for potential wetlands, streams, and/or other notable natural resources features on site. A brief memo of findings will be prepared. Based on a cursory literature review, wetlands and streams are not anticipated in the project corridor.
- (4) Deliverables:
 - (a) Map depicting the findings of the literature and field review.
 - (b) GPS data file of reference points.
- (5) In the event potential waters of the U.S. are in the project corridor and may be impacted by the proposed improvements, then additional services for wetland delineations and Section 404 permitting may be required.

F. PLANNING - UTILITY COORDINATION

- (1) Utility Analysis
 - (a) Review concepts, profiles, cross sections and other information provided and mark up plans to indicate all known utilities to help determine potential utility conflicts.

- (b) Contact all known utility owners in the project area and obtain copies of any available utility as-built drawings.
- (c) Determine which utility companies, if any, have prior rights of way/compensable interest and who is financially responsible for the relocation of utilities that are in conflict.
- (d) Provide a conceptual estimate of relocation costs.
- (e) Provide a utility summary memorandum for concepts.

*Deliverables: Utility Relocation Cost Estimate
 Utility Tech Memo, identifying planning level utility relocation impacts*

G. TECHNICAL SPECIFICATIONS, QUANTITIES, COST ESTIMATE

- (1) Design will conform to the following:
 - (a) TOWN Standards
 - (b) NCDOT 2018 Standard Specifications
 - (c) NCDOT 2018 Roadway Standard Drawings
 - (d) NCDOT Roadway Design Manual
 - (e) 2018 AASHTO's A Policy on Geometric Design of Highways and Streets (Green Book)
 - (f) NCDOT's "Guidelines for Drainage Studies and Hydraulic Design"

H. REGULATORY REVIEWS AND PERMITS

<u>Agency</u>	<u>Type of Review/Permit</u>
TOWN	All design plans

I. SUPPLEMENTAL

- (1) Community Engagement - Up to 24 manhours has been included for this service which could include providing materials for an online meeting, attendance at an online meeting, and meeting minutes.

Appendix A

Approximate Study Area

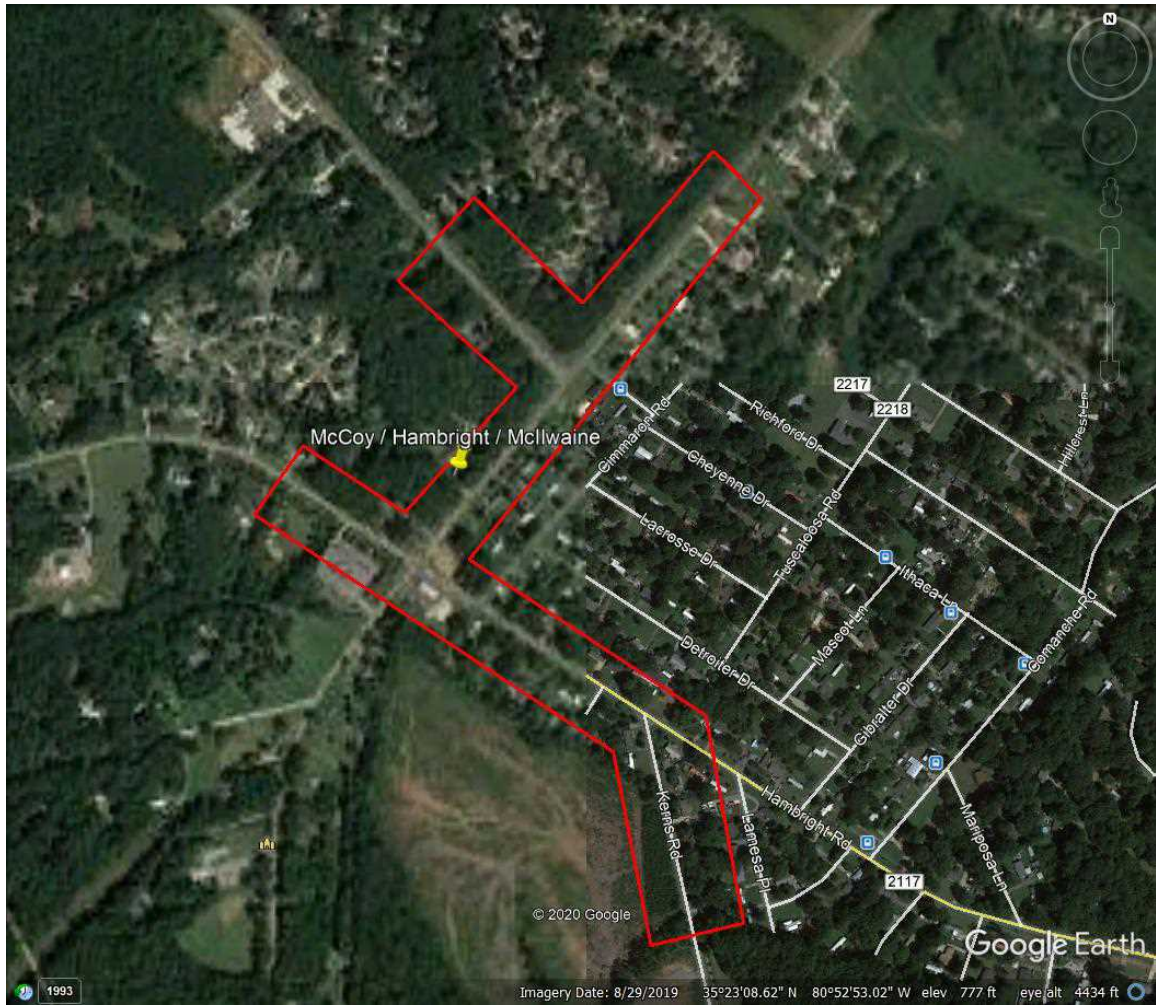


EXHIBIT C

FIRM'S FEE SCHEDULE

[Attach a copy]



ESTIMATE OF PROFESSIONAL SERVICES
SUMMARY PAGE

STV Proposal or Job Number: 0066978

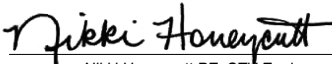
Client Job Number:

Project Description/Location: McCoy/Hambright/McIlwaine Intersections

Client: Town of Huntersville

Client Project Manager: Lora Mastrofrancesco

Item	Budgeted Costs	Budgeted Effort	Other Dir. Costs	Subconsult.	Grand Total
Project Management	\$ 8,520.00	\$ 8,520.00	\$ 48.25	\$ -	\$ 8,568.25
Traffic Analysis	31,700.82	31,700.82	106.50	-	31,807.32
Planning - Roadway	46,520.00	46,520.00	98.25	-	46,618.25
Planning - Hydro	5,370.00	5,370.00	29.25	-	5,399.25
Environmental	5,370.00	5,370.00	29.25	-	5,399.25
Planning - Utility Coordination	6,370.00	6,370.00	-	-	6,370.00
Supplemental	5,040.00	5,040.00	-	-	5,040.00
	\$ 108,890.82	\$ 108,890.82	\$ 311.50	\$ -	109,202.32
				GRAND TOTAL	\$ 109,300.00


Nikki Honeycutt PE, STV Engineers, Inc.

[McCoyHambrightMcIlwaine_Fee_V1.xlsx]SUMMARY

Not to Exceed = \$129,300.00

EXHIBIT D

FIRM'S HOURLY RATES FOR ADDITIONAL SERVICES

[Attach a copy]



Exhibit D

**STV FEE SCHEDULE
BILLING RATES**

POSITION	RATE*
Senior Project Manager	\$225
Project Manager	\$210
Senior Engineer	\$165
Project Design Engineer	\$110
Design Engineer	\$90
Technician	\$75
Administrative	\$60

**Note: Rates are subject to change at the beginning of each calendar year with Town's approval.*

Scoring Chart for RFLOI

McCoy Rd at Hambright and McIlwaine					Due: 7/17/2020			Date Posted: 6/18/2020						
#:	Firm Name	Contact	Electronic:	1 Copy of Letter of Interest: *	1 Letter of Interest Loose Leaf: *	Cover Letter 2 page max:	Eval Factors 7 page max:	Supportive Info 6 page max:	Small/ Minority Business (Main, Sub, Both, None)	HUB (Main, Sub, Both, None)	15 page max:	Signed RS2 Form:	Total Score:	Avg. Total Score:
1	Weston & Sampson	Chip Hutchens	Y	N	N	Y	Y	Y	Sub	None	Y	Y	112.50	28.13
2	Thompson Engineering	Mohammed Mulla	Y	N	N	Y	Y	Y	Sub	None	Y	Y	85.50	21.38
3	AMT	Nick Ramirez	Y	N	N	Y	Y	Y	Sub	None	Y	Y	110.00	27.50
4	Stewart	Doug Taylor	Y	N	N	Y	Y	Y	None	Main	Y	Y	102.50	25.63
5	Wetherill	Greg Purvis	Y	N	N	Y	Y	Y	Both	Main	Y	Y	104.00	26.00
6	STV	Nikki Honeycutt	Y	N	N	Y	Y	Y	None	None	Y	Y	126.00	31.50
7	AECOM	Chris Petterson	Y	N	N	Y	Y	Y	Sub	Sub	Y	Y	123.00	30.75
8	Ramey Kemp	Alan Morrison	Y	N	N	Y	Y	Y	Main	None	Y	Y	108.50	27.13
9	SEPI	Jake Carpenter	Y	N	N	Y	Y	Y	None	Main	Y	Y	106.50	26.63
10	RK&K	Roman Prokopoych	Y	N	N	Y	Y	Y	None	None	Y	Y	106.50	26.63
11	Timmons	Paul Trapp	Y	N	N	Y	Y	Y	Sub	None	Y	Y	100.50	25.13
12	Dewberry	Nathan Chapman	Y	N	N	Y	Y	Y	Sub	None	N	Y	0.00	0.00
13	Kimley-Horn	Frank Masterson	Y	N	N	Y	Y	Y	Sub	None	Y	Y	111.50	27.88
14	Vaughn & Melton	Jon Ford	Y	Y	N	Y	Y	Y	None	None	Y	Y	111.50	27.88
15	American	Chris Johnson	Y	N	N	Y	Y	Y	Both	Sub	Y	Y	118.00	29.50
16	DRMP	Mike Hage	Y	N	N	Y	Y	Y	Sub	Sub	Y	Y	113.50	28.38
17	Summit	Brandon Johnson	Y	N	N	Y	Y	Y	Sub	None	Y	Y	106.00	26.50
18	Parrish and Partners	Chad Rogers	Y	N	N	Y	Y	Y	Both	Sub	Y	Y	107.50	26.88
19	(Firm Name) 19	(Name) 19											0.00	0.00
20	(Firm Name) 20	(Name) 20											0.00	0.00
21	(Firm Name) 21	(Name) 21											0.00	0.00
22	(Firm Name) 22	(Name) 22											0.00	0.00
23	(Firm Name) 23	(Name) 23											0.00	0.00
24	(Firm Name) 24	(Name) 24											0.00	0.00
25	(Firm Name) 25	(Name) 25											0.00	0.00
26	(Firm Name) 26	(Name) 26											0.00	0.00

*= Due to COVID-19 Digital Copies are being accepted in lieu of loose leaf/hard copies.

	1st
	2nd
	3rd
	4th
	5th

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Pattie Ellis

Date: November 2, 2020

Subject: Approve budget amendment appropriating Downtown Revitalization revenue of \$10,000 to Downtown Revitalization expense of which \$5,000 will be allocated to the Ice House Reimagined art piece and the remaining \$5,000 will be allocated to the public art bench.

EXPLAIN REQUEST:

Appropriate Downtown Revitalization revenue (403477.9999.19004) of \$10,000 to Downtown Revitalization expense (404100.0280.19004) of which \$5,000 will be allocated to the Ice House reimagined art piece and the remaining \$5,000 will be allocated to the public art bench.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Sierra Saumenig, Senior Planner

Date: November 2, 2020

Subject: Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-05 Vermillion Village, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 29.58-acre Vermillion Village Rezoning at 404 N. Church Street (PARCEL IDs 01902201 and 01902202) from Town Center - Conditional District to Town Center - Conditional District to include 374 attached residential units (townhomes and apartments) and 22,000 sq. ft. of commercial. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.

EXPLAIN REQUEST:

Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-05 Vermillion Village, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 29.58-acre Vermillion Village Rezoning at 404 N. Church Street (PARCEL IDs 01902201 and 01902202) from Town Center - Conditional District to Town Center - Conditional District to include 374 attached residential units (townhomes and apartments) and 22,000 sq. ft. of commercial. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.

ACTION RECOMMENDED:

Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-05 Vermillion Village, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 29.58-acre Vermillion Village Rezoning at 404 N. Church Street (PARCEL IDs 01902201 and 01902202) from Town Center - Conditional District to Town Center-Conditional District to include 374 attached residential units (townhomes and apartments) and 22,000 sq. ft. of commercial. This public hearing will be held both in

person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 2, 2020**

To: Town Board

From: Brian Richards, Assistant Director

Date: November 2, 2020

Subject: Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-04 Statesville Road Mixed Use, a request by Palillo Holdings, LLC to Rezone +/- 37.19 acres as the Southwest corner of Hambright Rd and Statesville Rd (Parcels: 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409) from Corporate Business to Corporate Business Conditional District, Transit-Oriented Development Residential Conditional District, Highway Commercial Conditional District. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.

EXPLAIN REQUEST:

Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-04 Statesville Road Mixed Use, a request by Palillo Holdings, LLC to Rezone +/- 37.19 acres as the Southwest corner of Hambright Rd and Statesville Rd (Parcels: 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409) from Corporate Business (CB) to Corporate Business Conditional District (CB-CD), Transit-Oriented Development Residential Conditional District (TOD-R CD), Highway Commercial Conditional District (HC-CD). This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.

ACTION RECOMMENDED:

Call a Public Hearing for December 7, 2020

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None