



## **AGENDA**

### **Regular Town Board Meeting**

**January 6, 2020 - 6:00 PM**

**TOWN HALL (101 Huntersville-Concord Road)**

- 1. Pre-meeting** - *Pre-meeting will begin at 5:00 p.m.*
  - 1.A. Closed Session to consult with the Town Attorney, including but not limited to consulting regarding the lawsuit captioned Town of Huntersville v. Runyan, Mecklenburg Co. Superior Court File No. 19 CVS 4827.
- 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.*
  - 6.A. Recognition of Bill Coxe
  - 6.B. Check presentation from Lake Norman Tennis Association and USTA.
  - 6.C. Livable Meck Presentation. (Dena Diorio, Mecklenburg County Manager)
  - 6.D. Transportation Projects Update. (Stephen Trott)
- 7. Agenda Changes**
- 8. Public Hearings**
  - 8.A. Conduct public hearing on Petition #R18-06, a request by Ellen and Frank Loncz to modify their Neighborhood Center - Conditional District existing rezoning plan for 412 S. Old Statesville Road and to rezone the property located at 116 Watkins Street from General Residential to Neighborhood Center - Conditional District. (Sierra Saumenig)

- 8.B. Conduct public hearing on Petition #R19-16, a request by Drew Bowman on behalf of the property owners, to remove the conditional rezoning and revert back to the Rural Zoning District on Parcels 02107199, 02106106, 02106103, 02106104, 02106101, 02106102, 02106105, 02105101, 02105198, 02105102, 02105112, 02105115, 02120106, and 02122107 (split R/TR) and to remove the conditional rezoning and revert back to Transitional Residential on Parcels 02122107 (split R/TR), 02122106, 02122105, 02122104, 02122108, 02122102. (Jack Simoneau/Sierra Saumenig).
- 8.C. Conduct public hearing on Petition #TA19-07, a request by Ryan McDaniels to amend Article 10.7.1 to allow buildings greater than 100,000 sq. ft. located in Corporate Business and Special Purpose Zoning Districts to have wall sign(s) not to exceed 384 sq. ft. (Sierra Saumenig)

## **9. Other Business**

- 9.A. Consider decision on Petition #R18-10A, a request by Bowman Development Group to rezone +/- 45.18 acres located near Mt. Holly-Huntersville Road, Beatties-Ford Road and Carver Avenue (Parcel #s: 01526443, 01526504, 01526506, 01526432 & 01526460) from Rural to Neighborhood Residential - Conditional District. (David Peete).
- 9.B. Consider decision on Petition #TA 19-10, a request by KBR Bowman, LLC to amend Article 8.11.6 Permitted Accessory Uses in All Districts to reduce the side and rear setback for swimming pools from 15' to 5'. (David Peete)
- 9.C. Consider adopting amendment to Huntersville Ordinance Advisory Board Bylaws. (Angela Beeker)
- 9.D. Consider approving Ranson/Rosedale Park Master Plan. (Michael Jaycocks)
- 9.E. Consider appointments to the Greenway, Trail and Bikeway Commission. (Michael Jaycocks)
- 9.F. Consider appointments to the Public Art Commission. (Michael Jaycocks)
- 9.G. Consider appointments to the Parks & Recreation Commission. (Michael Jaycocks)

## **10. Consent**

- 10.A. Approve Amended Capital Project Ordinance and approve budget amendment for interest income. (Pattie Ellis)
- 10.B. Approve budget amendment appropriating Electric Fund retained earnings of \$650,000 to Electric capital projects due to several capital projects tracking ahead of schedule than were budgeted. (Pattie Ellis)



- 10.C. Approve Property Tax Refund Report. (Pattie Ellis)
- 10.D. Approve Surveying, Construction and Engineering Services Contract for Downtown Greenway. (Tracy Houk)
- 10.E. Adopt Resolution Authorizing Funding for Huntington Green Sidewalk Project (Reimbursable through CDBG Grant) . (Bobby Williams)
- 10.F. Adopt the Town of Huntersville Uniform Guidance Procurement Policy. (Angela Beeker)
- 10.G. Call a public hearing for Monday, February 3, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-13, a request by Investments LP Howard Louise G Family to rezone approximately 65.5 acres from Corporate Business to Corporate Business Conditional District. (Brad Priest)
- 10.H. Call a public hearing for Monday, February 3, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-17, a request by the South Creek Construction to rezone 35.8 acres from TR to NR-CD for a 320 unit congregate housing development; Parcel 01123104. (Brian Richards)

**11. Closing Comments**

**12. Adjourn**

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Sierra Saumenig, Planning

**Date:** 1/6/20

**Subject:** R18-06 Hunter House & Gardens

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**EXPLAIN REQUEST:**

#R18-06, a request by Ellen and Frank Loncz to modify their NC(CD) existing rezoning plan for 412 S. Old Statesville Road and to rezone the property located at 116 Watkins Street from General Residential (GR) to Neighborhood Center - Conditional District. (Sierra Saumenig)

**ACTION RECOMMENDED:**

Conduct public hearing on Petition #R18-06, a request by Ellen and Frank Loncz to modify their Neighborhood Center - Conditional District existing rezoning plan for 412 S. Old Statesville Road and to rezone the property located at 116 Watkins Street from General Residential to Neighborhood Center - Conditional District. (Sierra Saumenig)

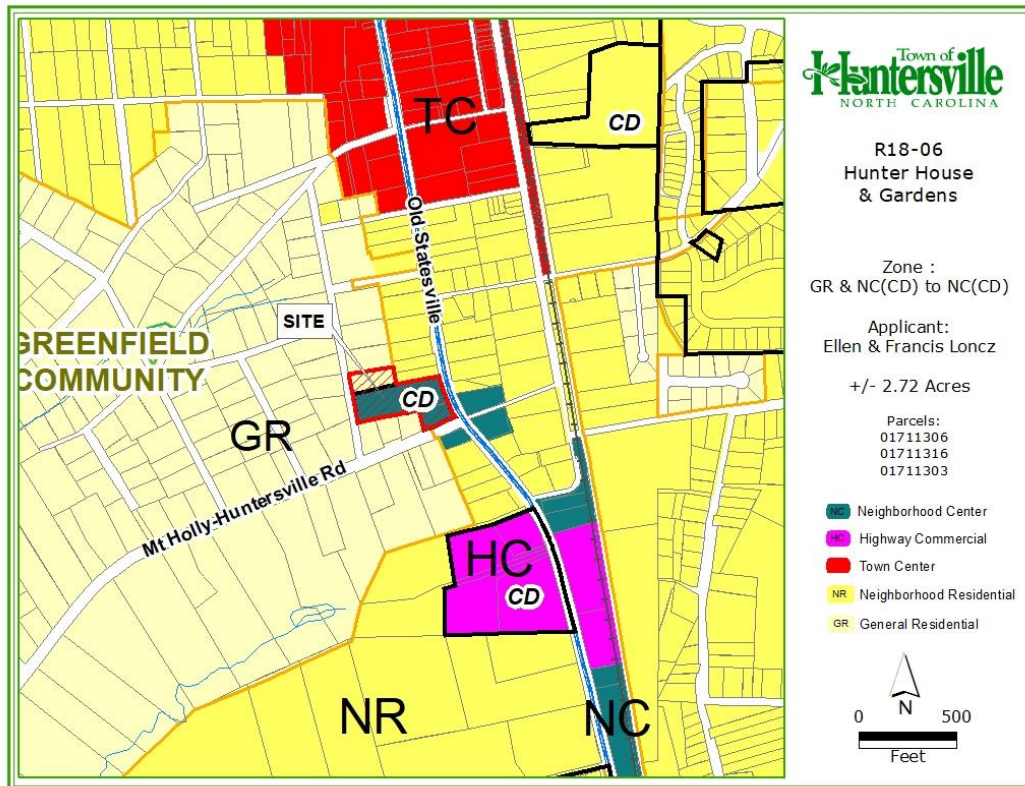
**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

- [R18-06 - Hunter House and Gardens Public Hearing Analysis - 10620.pdf](#)
- [Site Plan.pdf](#)
- [Zoning Determination - 7 3 18.pdf](#)
- [HH&G Neighborhood Meeting .pdf](#)
- [Email from Sgt. Matt Dunker.pdf](#)
- [TIA Determination 11-25-19.pdf](#)
- [Application.pdf](#)

## Petition R18-06: Hunter House & Gardens

### PART 1: PROJECT SUMMARY



**Applicant:** Ellen and Frank Loncz

**Property Owners:**  
Hunter House & Gardens, LLC

**Property Address:** 412 S. Old Statesville Road (Parcels 01711316 and 01711306) and 116 Watkins Street (Parcel 01711303).

**Project Size:** +/- 2.458

**Parcel Numbers:**  
01711316, 01711306, and 01711303

#### Existing Zoning:

Neighborhood Center – Conditional District (NR(CD)) and General Residential (GR)

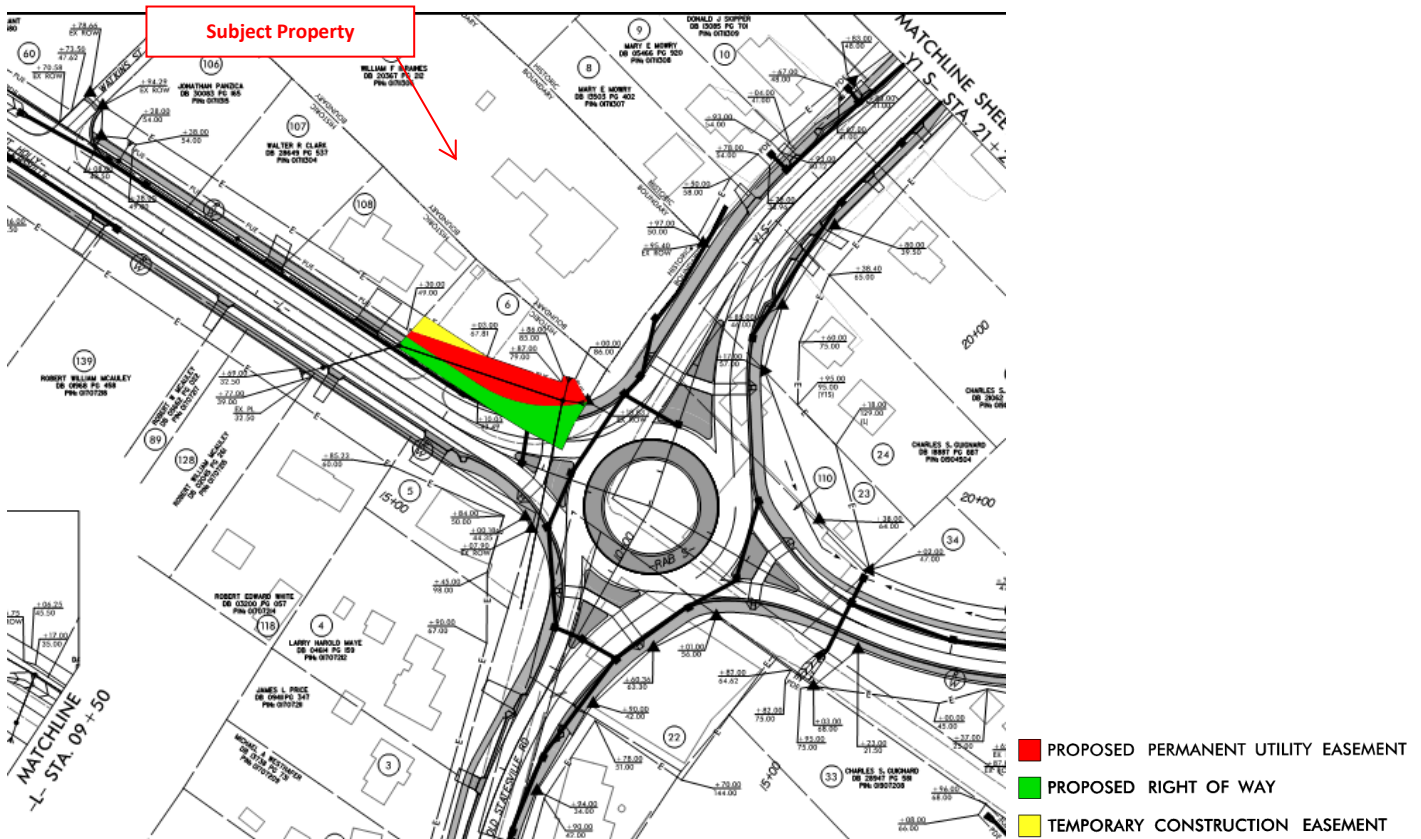
#### Proposed Zoning:

Neighborhood Center – Conditional District (NR(CD))

#### Application Summary:

- R18-06 is a request by Ellen and Frank Loncz (property owners), to modify their Neighborhood Center – Conditional District existing rezoning plan for Parcels 01711306 and 01711316 (412 S. Old Statesville Road) and rezone Parcel 01711303 (116 Watkins Street) from General Residential to Neighborhood Center – Conditional District
- Adjoining Zoning and Land Uses
  - North: General Residential (GR), single-family residential.
  - South: General Residential (GR), single-family residential.
  - East: Neighborhood Center (NC), Automotive dealer to be demolished
  - West: General Residential (GR), single-family residential.
- This site was formerly Ranson House, which was rezoned in 2006 (R06-08). The Ranson House NC-CD rezoning plan was approved on October 16, 2006 for a banquet facility and residential use. Today, this site is now Hunter House & Gardens. The purpose of this rezoning is to include additional uses permitted in the Neighborhood Center zoning district that fall under the operations of Hunter House & Gardens and to rezone the site on Watkins Street from General Residential to Neighborhood Center – Conditional District. Staff sent the property owners a zoning determination on July 3, 2018 that emphasized the necessity to adjust the current Neighborhood Center – Conditional rezoning plan (*please see letter attached*).

4. The subject properties are located in the Protected Area 2 of the Mountain Island Lake Overlay District (MIL-O).
5. The rezoning plan is for a low-density project (built-upon area less than or equal to 12%). If the applicants go over 12% (high-density project) then water quality measures (BMP's) will have to be installed.
6. Per DOT's Main Street Upgrades project, a proposed roundabout (TIP Project U-5908) is located at the corner of Old Statesville Road and Mt Holly-Huntersville Road. This proposed roundabout will encroach at the corner of the property. The driveway located on Mt-Holly Huntersville Road will not need to be relocated per the roundabout plans (please see below). Currently, it is unclear on the site plan if the permanent utility easement and proposed right of way will conflict with the current parking.
7. A neighborhood meeting for this application was advertised for and held on May 29, 2019. An attendance list and summary report for the meeting are included in the agenda packet.

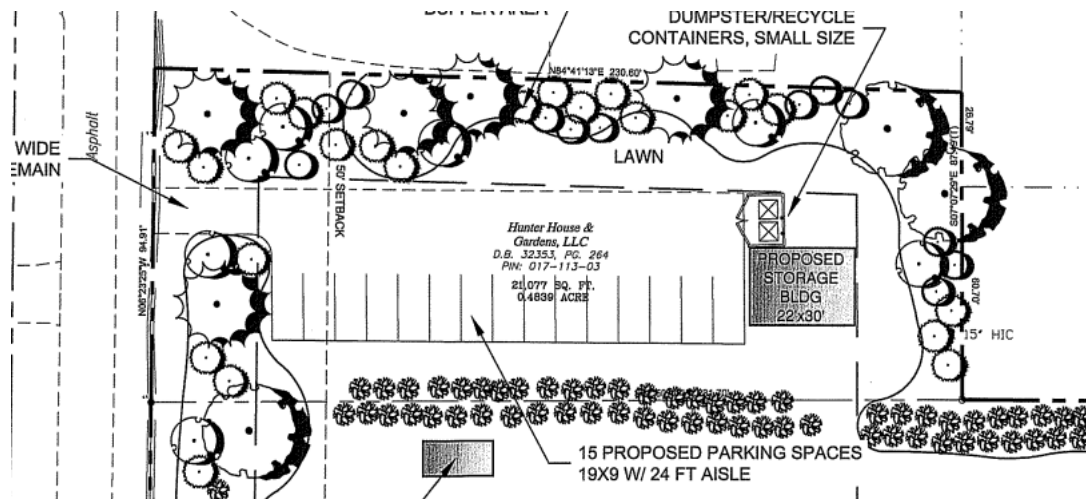






parking space is required per 500 square feet of building area. The applicant is meeting the required parking (14 required based on 1 parking space/ 500 square feet).

- Although the amount of parking proposed is over the minimum required in the ordinance, staff is concerned if that is adequate given a capacity of 150 persons per event. Staff would recommend language on the plan identifying where overflow parking could be located.
- There is a note stating, "Overflow parking for events may be on grassed areas, or on future gravel areas." Article 6 permits grass or mulch but not gravel. It is also unclear to staff as to where the overflow parking would be located. Staff recommends clarifying where overflow parking is proposed and what material would be used.
- Staff has concerns about the 15 proposed parking spaces shown on the plan (see below). It is unclear if this is the overflow parking or this is meant to be asphalt/concrete parking. If proposed to be permanent every day parking, then the Ordinance requires it to be asphalt or concrete. Another uncertainty is if this is permanent, would the square footage cause the applicant's to be over the 12% threshold and require water quality improvements.



- Stormwater Engineering has concerns regarding the impervious area data table located on the plan. It is not certain to staff what was removed in Phase 1 and generally, more information needs to be added to determine if the applicant will remain under the 12% threshold.
  - The parking lot material remains an issue as it is unclear if that is overflow or permanent asphalt/concrete and if it was taken into account in the impervious data.
- The plans calls out the vegetative buffer as 30' but the actual buffer shown on the plan is not 30'. Article 7.5 requires a 30' buffer for non-residential uses but allows a 10' buffer if evergreen shrubs are used that will reach a minimum height of 8'.
  - It is uncertain to staff which option (30' or 10' with 8' evergreen trees) the applicants are proposing to install around their site.
- Miscellaneous clean up on notes still needs to be addressed on the plan.

### PART 3: TRANSPORTATION ISSUES

#### Traffic Impact Analysis (TIA)

- A TIA was submitted by the Applicant for the development on November 7, 2019. Engineering staff reviewed the TIA and determined that based on the use and intensity proposed, a TIA for the Town is not required.
- Huntersville Engineering had the following concerns:
  - The site plan is not showing the overlay of the Town's Main Street project.
  - The parking lot in the back, off Watkins Street, does not have a wide enough drive aisle for two-way traffic. They are showing a 12' and the Town's standard is 26'. If the parking lot were to be overflow and used infrequently, staff would allow a reduced width but 12' is too small for both overflow and permanent parking.

### 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** – Staff finds the proposed use consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The proposed development is appropriately located inside the 2 mile radius and is close to Interstate 77.
- **Policy CD-3 Commercial Development Principles.** While the site is not located in an activity node, it is near the downtown and provides an adaptive reuse of a historic structure and adds a commercial use to the downtown area.

**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 property is located near Huntersville's downtown and provides a good example of an adaptive reuse of a historic structure. While staff supports a commercial use on NC-115, staff's goal is to continue to work with the applicant on designing a plan along with the appropriate conditions that mitigate the effects of their use on adjoining single-family residential properties.

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

**STAFF COMMENT:**

- Please see Part 3 above for transportation comments in regard to the Traffic Impact Analysis (TIA).
- The Adequate Public Facility Ordinance (APFO) does not apply to the proposed development as the total size of the commercial uses will not exceed 10,000 sq. ft. The size of the building and use however will be cataloged and added to the Town's reserved capacity for fire vehicles, fire facilities, police facilities, and police vehicles.

**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 resources.

<b>PART 7: PUBLIC HEARING</b>
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The Public Hearing is scheduled for Monday January 6, 2020.

<b>PART 6: STAFF RECOMMENDATION</b>
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Staff currently supports the fundamental principles of the rezoning; the added commercial uses to the site and the parking area in the rear. Staff also supports the rezoning application as being consistent with CD-2 and CD-3 of the Huntersville 2030 Community Plan. However, there are site plan and neighborhood consistency concerns that are still outstanding. Staff recommends approval of the rezoning with the following conditions:

- 1) The plan is amended to show that the applicants are meeting the Code of Ordinances (*Article 93 Nuisances, Article III Noise, Sec. 93.41*) by prohibiting amplified sound at a distance of 100 feet from the point of broadcast.
- 2) Parking is adequately addressed on the plan by showing permanent parking and/or overflow parking locations with permitted materials. Also, a note providing clarification of where guests would park if parking is at capacity.
- 3) The plan provides a clear understanding of the size of the buffer the applicants propose to install.
- 4) All transportation comments to be addressed, including overlaying the proposed roundabout and increasing the width of the drive aisle on the back parking lot.
- 5) Stormwater engineer comments to be addressed, including clarifying impervious counts and including additional information.
- 6) All minor site plan comments from staff be addressed on the plan.

<b>PART 7: PLANNING BOARD RECOMMENDATION</b>
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The Planning Board is scheduled to review the application on January 28, 2020.



<b>PART 8: CONSISTENCY STATEMENT – R18-06 Hunter House &amp; Gardens</b>
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**Planning Board**

<b>Approve (Consistent w/ Plans)</b>	<b>Approve (Inconsistent w/ Plans and Plans Change___?)</b>	<b>Deny (Inconsistent w/ Plans)</b>
<p>In considering the proposed rezoning petition R18-06, the Hunter House &amp; Gardens, the <b>Planning Board</b> recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R18-06, the Hunter House &amp; Gardens, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s) AND detail the ways the policy or reference is to be amended]</u>.</p> <p>The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u></p> <p>It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R18-06, the Hunter House &amp; Gardens, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>

**Town Board**

<b>Approve (Consistent w/ Plans)</b>	<b>Approve (Inconsistent w/ Plans and Plans Change___?)</b>	<b>Deny (Inconsistent w/ Plans)</b>
<p>In considering the proposed rezoning Petition R18-06, the Hunter House &amp; Gardens, the <b>Town Board</b> recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R18-06, the Hunter House &amp; Gardens, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s) AND detail the ways the policy or reference is to be amended]</u>.</p> <p>The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u></p>	<p>In considering the proposed rezoning petition R18-06, the Hunter House &amp; Gardens, the Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>

	It is reasonable and in the public interest to amend the approve the rezoning because... <u><i>[Explain]</i></u>	
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POST CONSTRUCTION

LOW DENSITY OPTION IS BEING UTILIZED, 12% MAX IMPERVIOUS. FUTURE IMPROVEMENTS SUCH AS DRIVEWAYS, COVERED SHELTERS OR BUILDINGS, ETC, MAY BE ADDED AS NEEDED UP TO THE IMPERVIOUS LIMIT. FUTURE ADDITIONS WILL BE SUBJECT TO APPROVALS ON THESE ADDITIONS AND CONTROL MEASURES. ADDITIONAL IMPERVIOUS AREA ADDED IN THE FUTURE ABOVE THE 12% LIMIT WILL BE SUBJECT TO PEAK CONTROLS AS WELL AS OTHER BMP DEVICES, PER ORDINANCE, AND ARE SUBJECT TO REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

IMPERVIOUS AREA DATA

LOT SIZE: 118,308.96/2,716 SQ. FT./ACRES  
EXISTING IMPERVIOUS REMOVED PHASE-1: 4,497/0.10 "CREDIT" SQ. FT./ACRES  
EXISTING IMPERVIOUS PRIOR TO PHASE-1: 6281/0.14 SQ. FT./ACRES  
TOTAL EXISTING IMPERVIOUS: 10933/0.25 SQ. FT./ACRES  
NET LOT SIZE FOR IMP CALCS 118,308.96-10778=107,530.96/2.47 SQ. FT./ACRES  
PHASE-1 ADDED IMPERVIOUS: 9166-4497=4669/0.11 SQ. FT./ACRES  
NEW IMPERVIOUS COVERAGE SHOWN: 8237/0.19 SQ. FT./ACRES  
TOTAL NEW IMPERVIOUS AREA 4669+8237=12,906 SF  
NEW % IMPERVIOUS 12,906/107,530.96=12.00%

TREE SAVE/PRESERVATION:

- 0% TREE CANOPY PRESERVATION IS REQUIRED
- 100% HERITAGE TREE SAVE REQUIRED
- 30% SPECIMEN TREE SAVE REQUIRED
- NO TREES ARE TO BE REMOVED AS A PART OF THIS APPLICATION

EXISTING TREES: 6-SPECIMEN TREES EXISTED AT PRIOR CONDITIONAL ZONING

PROPOSED TREES: NONE TO BE REMOVED IN THIS APPLICATION, HOWEVER 4 SPECIMEN TREES HAVE BEEN REMOVED DUE TO DEATH OF THE TREE, OR TO THE TREE BEING EXTENSIVELY DAMAGED FROM LIGHTNING. THE 2 REMAINING SPECIMEN TREES ARE NOT TO BE REMOVED BY THIS APPLICATION AND CONSTITUTE 33% REMAINING.

NEW TREES SHALL BE PLANTED, SHOWN ILLUSTRATIVELY, WHICH WILL BE IN ACCORDANCE WITH THE BUFFER AND LANDSCAPE ORDINANCE. SPECIFIC TREE TYPES AND LOCATIONS WILL BE SHOWN ON THE CONSTRUCTION DOCUMENTS.

PARKING INFORMATION

ITEM#	ITEM	REQUIREMENTS	PROVIDED
1	PARKING REQUIRED	1 SPACE/500 SF BUILDING AREA = 8708-SF X 0.002 = 18-SPACES	EXISTING 21 SPACES
2	MIN. PARKING DIM.	19 FT X 9 FT	19 FT X 9 FT
3	MIN. AISLE WIDTH	24 FT	24 FT
4	MAX. 2-WAY DRIVEWAY WIDTH	24 FT	24 FT
5	BICYCLE SPACE	1 RACK	1 RACK
6	HANDICAP SPACES	1 SPACES	2 SPACES

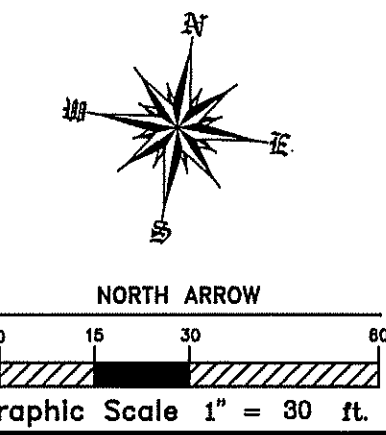
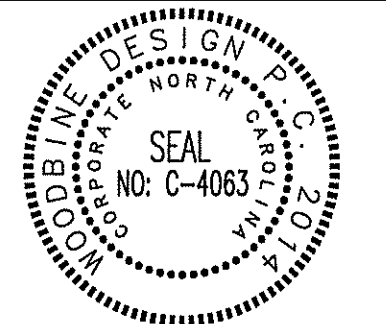
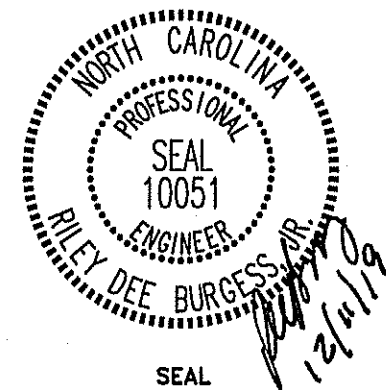
SITE DATA

LOCATION: 412 S. OLD STATESVILLE RD. (Tax Parcel# 01711306, 01711303, 01711316)  
HUNTERVILLE, MECKLENBURG COUNTY  
ZONE: NC-CD  
USE: COMMERCIAL USES, INCLUDING BUT NOT LIMITED TO EVENTS, PARTIES, COFFEE/PASTRY BARS, AND OTHER SIMILAR COMMERCIAL EVENTS WITHOUT EXCLUDING USES NORMALLY ALLOWED IN NC ZONING SUCH AS OFFICE, BANQUET HALL, BED & BREAKFAST, BAR WITH FOOD SERVICE, PERFORMANCE SPACE, GENERAL MERCHANTILE, HERB AND ORGANIC FOOD PRODUCTS, ETC.  
ITEM VALUE  
LOT AREA 118,308.96 S.F. (2,716 AC)  
LOT FRONTAGE 235 ± FT  
FRONT SETBACK: COMMERCIAL 15 FT CORNER=15-FT  
SIDE SETBACK: COMMERCIAL  
REAR SETBACK: COMMERCIAL 50 FT  
FEMA MAP NUMBER 3710465000J  
FEMA EFFECTIVE DATE 3-2-2009  
SOIL TYPE Mkb  
PROJECT IS NOT WITHIN A DESIGNATED FLOOD ZONE.  
ROLL OUT GARBAGE COLLECTION, RECEPTACLES SHALL BE STORED BEHIND THE STRUCTURE HIDDEN FROM PUBLIC VIEW, AND/OR DUMPSTERS AS USE INCREASES.  
REFERENCE IS MADE TO THE TOWN OF HUNTERVILLE ZONING ORDINANCE  
WATERSHED: MCDOWELL "STREAM", MOUNTAIN ISLAND (PA-2) "DRINKING"  
<=12% BUA = LOW DENSITY,  
PCCO DISTRICT: HUNTERVILLE BUFFERS: NONE

GENERAL NOTES:

1. North Arrow, and bearing based on the survey provided by RB-PHARR, DATED 1-27-2018.
2. All Building dimensions are referenced to the outside face of structure.
3. Overflow parking for events may be on grassed areas.
4. Future structures may consist of a greenhouse, support buildings for equipment or supply storage, walk-in cooler, or other uses as may be applicable to the primary use of the site. No additions will be made that increase the referenced impervious area limits.
5. No general site lighting is proposed. Some lighting in the form of wall mounted fixtures may be included on the open pavilion building, and those will be specified on the construction documents for that facility. If lighting is to be used for the overflow parking area, the usage will be limited to those times when the overflow parking area is in use, and will be extinguished when the event is vacated. All permanent site lighting will be in accordance with Town of Huntersville standards.
6. Amplified sound at outdoor events will be limited to no later than 10PM.
7. All landscaping in the required buffers is illustrative. Final plant selection will be from the Town of Huntersville approved lists of materials, and will be planted at the density and spacing specified by the respective buffer. Other interior plantings are not regulated.
8. Locations of future facilities such as pavilion, storage, greenhouse, etc, is illustrative. The final location of these structures will be generally as shown but may shift slightly as desired for overall site circulation and convenience. Similarly, the dimensions may vary slightly.
9. The pavilion is to be an open air facility with temporary side panels that may be in place during inclement weather. One end of the pavilion may be enclosed for storage, restrooms, etc.
10. Outdoor events will be contained to the areas west of the rear of the existing house. This does not preclude access to the other areas for patrons that wish to walk the grounds, but will not allow seating or tented areas outside the specified zone.

Woodbine Design, P.C.  
Land planning & civil engineering  
banding nature & man  
www.woodbinedesign.com 980.722.2669 20816 N. Main Street, Suite 204  
pweady@woodbinedesign.com 704.315.8367 Cornelius, NC 28031

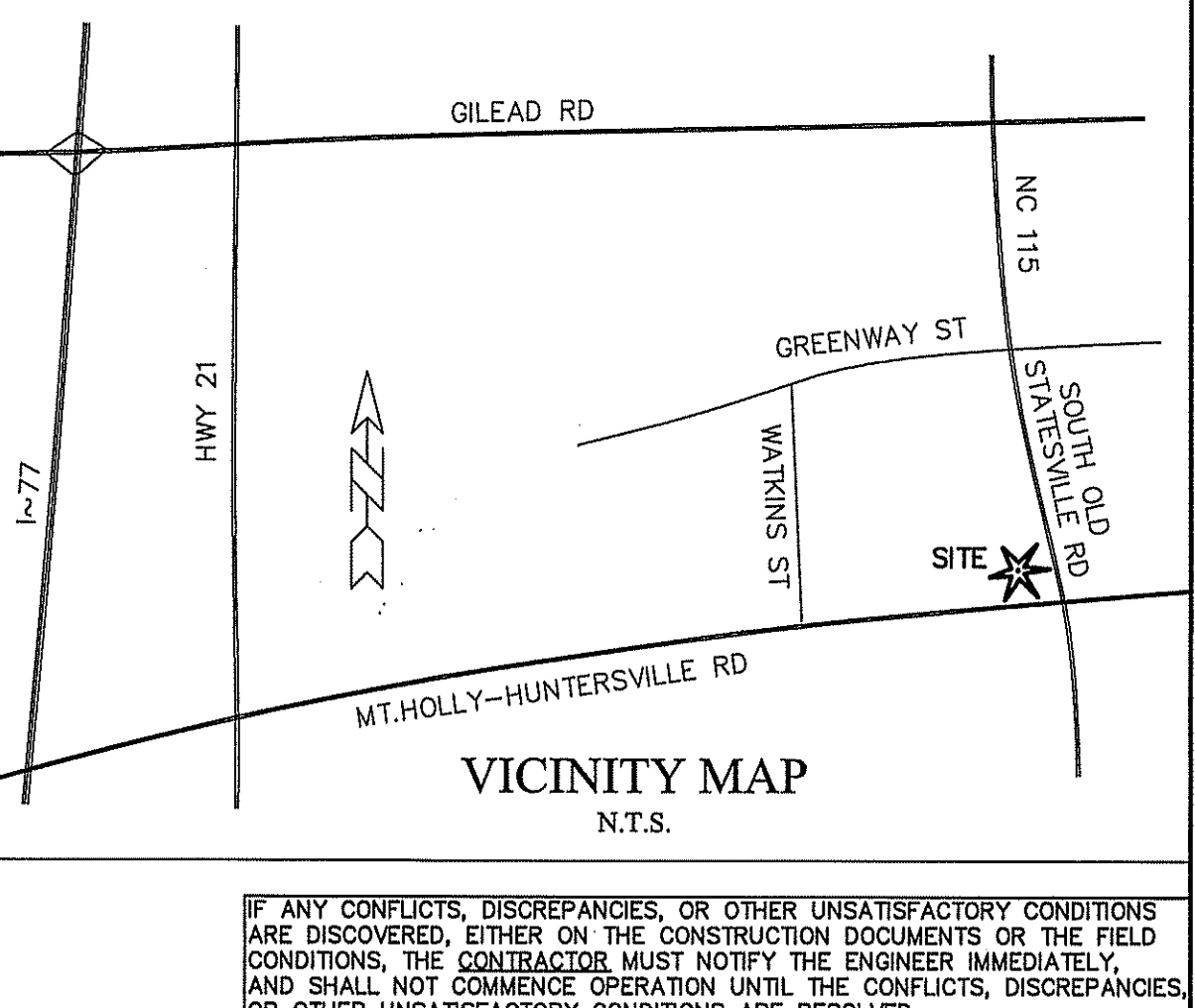
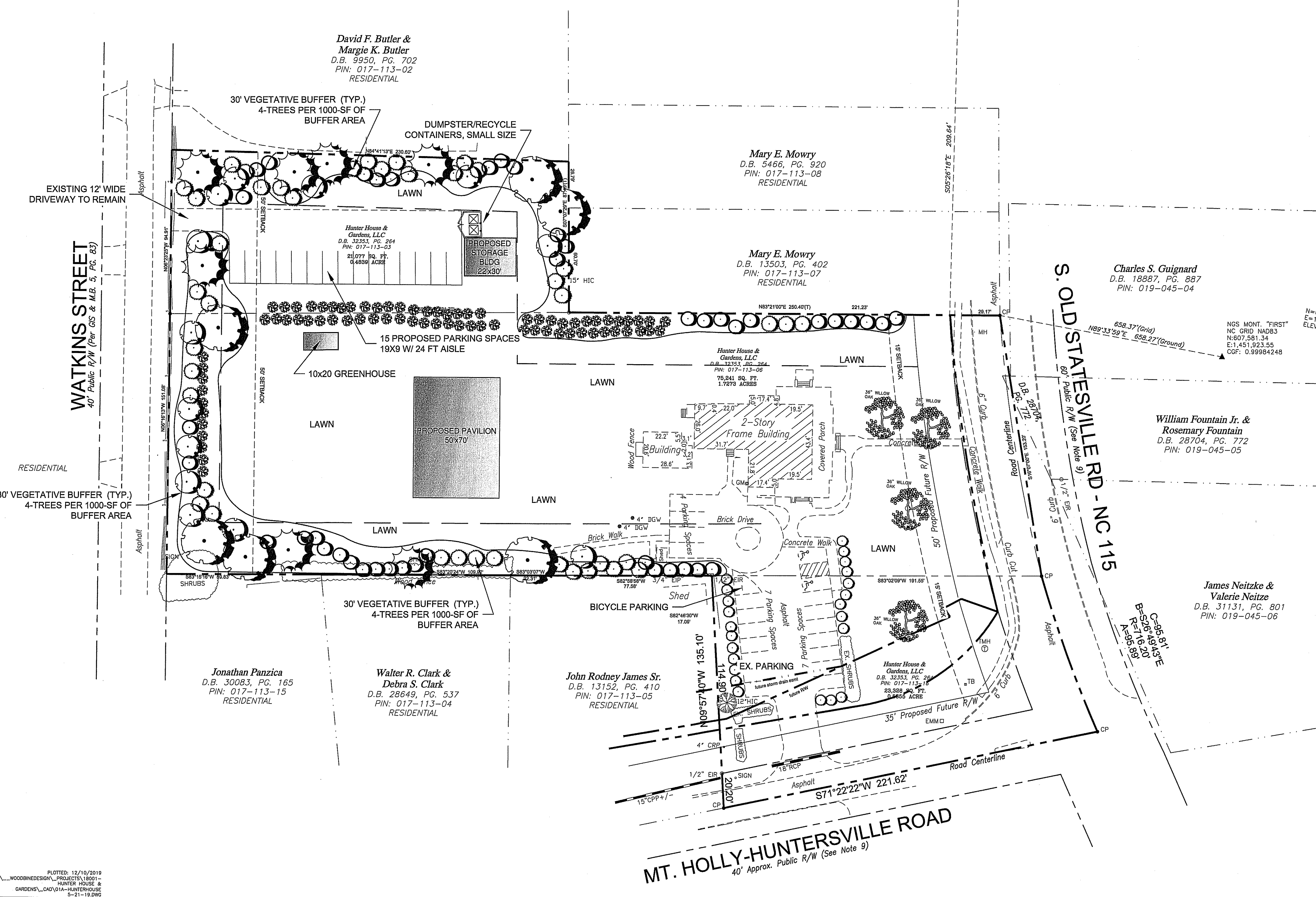


HUNTER HOUSE & GARDENS  
412 S. OLD STATESVILLE RD., HUNTERVILLE, NC 28078  
MECKLENBURG CO.  
ZONING PLAN  
Project Location Street Title

DEVELOPER/OWNER  
HUNTER HOUSE & GARDENS, LLC  
412 S. OLD STATESVILLE RD., HUNTERVILLE, NC 28078

Designed By Woodbine Design  
Drawn By PW  
Date 4/24/18  
Revisions 5/21/19- Review Com.

Sheet Z1 of 1  
Project Number 18001







July 3, 2018

Ellen Loncz  
412 S. Old Statesville Road  
Huntersville, NC 28078

Ellen,

Thank you for taking the time with staff to discuss the Hunter House and Gardens. The meeting helped us understand if the operation of Hunter House and Garden would require any adjustment to the Neighborhood Center-Conditional District (NC-CD) zoning designation approved on October 16, 2006 for a residence and banquet facility. After careful consideration, the Huntersville Planning Department has determined an adjustment to the Neighborhood Commercial-Conditional District uses is necessary. That said, as has been our past practice, we will allow the continued operation of Hunter House and Garden as it exists today provided there is an active application filed with the Town of Huntersville to address the issue.

#### **The Determination Rational**

Our understanding of the Hunter House and Gardens operations are as follows:

1. Persons attending any function at the Hunter House and Gardens must be members at a cost of \$1 per year. That will allow the sale of alcohol on premise as a private club. Members must adhere to rules of Hunter House and Gardens.
2. Members may rent the facility for various functions such as weddings, luncheons, corporate outings, etc.
3. Members are able to attend events held at Hunter House and Gardens such as live music and food truck, movie screenings, poptails, family fun night, etc. (Attachment 1).
4. Anyone from the public may stop by during events, sign up at the kiosk, become a member and patronize the establishment. There is no need for prior invitation.
5. The operation differs from the previous Ranson House operation as previously Ranson House had no ABC permit and could not serve alcohol directly to guests. Hunter House and Garden does serve directly to the public through the membership option.
6. It is anticipated there could be 2 or 3 events per week at the site.

Our determination that a modification of land use to the NC-CD rezoning is based on #3-5 above. Whereas the banquet facility approved in 2006 provides for a 3<sup>rd</sup> party to rent the site to hold their function, the new operation would also allow the property owners to hold an event that the public, once they sign up as members could attend. That involves activities associated with the Commercial Use category and hence our determination of the need to adjust the land use portion of the NC-CD rezoning plan.

## **Planning**

Post Office Box 664 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.875.7000 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)



## Commercial Use is defined below.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in [Article 9, Conditions for Certain Uses](#). Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

As was also discussed at our meeting, a rezoning is already necessary to include property that will be added to Hunter House and Gardens (below in green).



## Available Options

We have identified several options to take at this point.

1. If you disagree with the Planning Department that the land use has changed from the banquet facility approved in 2006 therefore necessitating an amendment to the conditional rezoning plan, you may appeal that determination to the Huntersville Board of Adjustment. The link to the appeals process can be found here: <https://www.huntersville.org/533/Appeal>
2. If you agree with the Planning Department's determination and wish to add modification of the allowed land use (and perhaps other uses) to the rezoning needed to enlarge the Hunter House and Gardens area, you can submit a rezoning request. Information on General Rezoning can be found here: <https://www.huntersville.org/584/General-Rezoning> . Information on Conditional Rezoning can be found here: <https://www.huntersville.org/547/Conditional-District-Rezoning> . Please note we have an option to get "no cost" early feedback on potential conditional rezoning requests by going to the Pre-Development Group. Information on the Pre-Development Group can be found here: <https://www.huntersville.org/1148/Pre-Development-Group> . Also, please note that you can phase any site improvements

*Please be aware that for us to hold-off on enforcement action, movement towards option 1 or 2 needs to be initiated expeditiously. Therefore we ask that occur by July 23, 2018.*

## Other Considerations.

Food trucks are permitted in the Highway Commercial, Town Center, and Corporate Business zoning districts subject to the conditions of Section 9.37 (2) which can be found here: <https://www.huntersville.org/1037/Article-937---Temp-UsesStructuresSeasona> . However, at this time food trucks are not allowed in the Neighborhood Commercial District. In order have food trucks at the Hunter House and Gardens, the property would need to be one of the three zones food trucks are

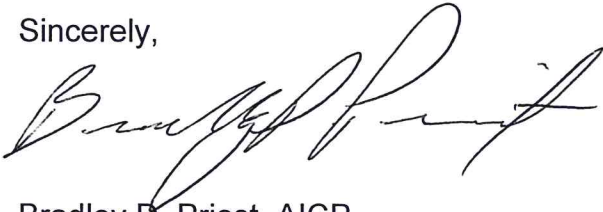
currently allowed in or that use would have to be added to the Neighborhood Commercial zoning district.

Through the rezoning process, there are other matters that we would need to discuss such as parking, building code, and traffic impact. However those matters can be clarified through the rezoning process.

**In Closing**

We recognize the information outlined in this letter can be overwhelming, particularly as you start a new business. Please know that we will assist you through the process and stand ready to meet with you or members of your team as needed. It is understood that preservation of the Hunter House is in the best interest of Huntersville and requires innovation. Therefore we stand ready to help you navigate through the various available options.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley D. Priest', written in a cursive style.

Bradley D. Priest, AICP  
Senior Planner  
Town of Huntersville



## TOWN OF HUNTERSVILLE ZONING MEETING

Hal Bankirer-Planning Board Representative

### **MANDATORY NEIGHBORHOOD MEETING May 29, 2019**

*Hunter House and Garden Proposed Rezoning for event pavilion*

Location: HUNTER HOUSE AND GARDENS

412 Old Statesville Rd

Huntersville, NC 28078

Frank and Ellen Loncz-Owners of Hunter House and Gardens

Huntersville Citizens In Attendance:

NAME	ADDRESS	PHONE
Sierra Saumenig	TOH	704-764-2212
Dorothy Florentine	3035 Statesville Rd	980-254-5796
Vance Little	109 Watkins St	704-875-2625
Mike Jolly	101 Watkins St	704-875-1554
Margie Butler	124 Watkins St	704-875-6081
Mary Kay Eberle	101 Dallas St	336-414-9439
Von Wilborn	301 Greenway St	704-875-2570
Janet Pierson	104 Dallas St	704-453-6121
Bob McAuley	109 MT Holly-Huntersville Rd	704-763-3859
Rick Ranson	214 Greenway Dr	704-875-6573
Jo Jolly	101 Watkins St	704-875-6081
Jeannette Cross	304 MT Holly Huntersville Rd	704-825-6866
Emily and Travis Richardson	117 Watkins St	704-241-7063
Hal Bankirer	Planning Board	704-224-9680
Gayle Allen	104 A&B Gibson Park	704-728-9685
Jim and Sue Price	5045 Old Statesville Rd	704-825-6251
Thresa Howard	104 Muller St	704-875-2851
Jennifer Davis	7530 McIlwaine Rd	704-918-9357
Catherine Graffy	15120 Pavilion Loop Dr	860-805-1196
Gayland Sherrill	4500 Cecilia Lane, Charlotte NC 28273	704-588-9093

Owners discussed their plans for building an outdoor event pavilion:

- The event pavilion will have closed sides which will buffer noise levels
- Owners will share architectural drawings and ground plans with neighbors prior to breaking ground

Audience responses include:

- Questions regarding the size and location of pavilion
- Water run off
- Construction equipment time limit
- Timeline and construction phases
- Recently planted trees and future growth towards power lines
- Design of pavilion with historical consideration



Additional concerns:

- The level of noise from bands playing during the hours of 7-10 pm. There was a suggestion about establishing noise curfew times of 8pm or 10pm
- HHG private club bar and customer overconsumption of alcohol potential impact on neighbors
- Social Media Events with increased noise levels from customers attending events
- HHG Landscapers parking their equipment on Watkins street when cutting the grass

Owners discussed their efforts to keep noise to a minimum:

- Owners do not schedule bands every weekend and hire mostly acoustic bands for their events
- Owners and their staff monitor noise levels throughout the night and adjust accordingly.
- Music and amplified sound stops at 10pm
- Owners and bartenders carefully monitor customers alcohol intake

In addition:

- Owners stated that they would be happy to speak with their landscaping firm about off-street parking

**From:** Matt Dunker  
**Sent:** Friday, December 13, 2019 6:37 AM  
**To:** Sierra Saumenig  
**Subject:** RE: Question About 412 S. Old Statesville Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We have had 5 calls for service of noise at this location since 09/20/2019. Please let me know if you need anything else. Just FYI, I have tried to set up a meeting with them to go over things, however they have not responded to me to set up a meeting.

Sgt. Dunker

---

**From:** Sierra Saumenig <[ssaumenig@huntersville.org](mailto:ssaumenig@huntersville.org)>  
**Sent:** Thursday, December 12, 2019 1:03 PM  
**To:** Matt Dunker <[mdunker@huntersville.org](mailto:mdunker@huntersville.org)>  
**Subject:** Question About 412 S. Old Statesville Road

Good Afternoon Officer Dunker,

As you know Hunter House and Gardens are in the process of bringing their rezoning up to date to reflect their uses.

With that being said, can you give me an approximate number of how many times the police have gone to the property to follow-up on a noise complaint?

Thank you!

**Sierra L. Saumenig, AICP Candidate**

Senior Planner

PH: (704)766-2212

105 Gilead Road – 3<sup>rd</sup> Floor

Huntersville, NC 28070

[www.huntersville.org](http://www.huntersville.org)







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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily trips.

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

**Applicant:** HUNTER HOUSE & GARDENS, LLC

**Project Name:** HUNTER HOUSE & GARDENS

**Location:** 412 SOUTH OLD STATESVILLE RD, HUNTERSVILLE 28078

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

APPROX 6100 SF OF BUILDINGS, INCLUDING THE EXIST HOUSE RENOVATED  
TO OFFICE & EVENT FACILITY PLUS NEW PAVILION IN THE REAR FOR EVENTS,  
WITH APPROPRIATE GARDENS, PATHWAYS, PARKING, AND OUTDOOR GAME/  
ENTERTAINMENT AREAS.

[Signature]  
Applicant's Signature

8/26/18  
Date

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

**Project file#:** \_\_\_\_\_

**Date Submitted:** Additional Data on 11-7-19

**Daily Trips Anticipated:** 130 based on 0.869 trips per person

**Peak Hour Trips Anticipated:** Peak Hour Trips of 61 based on 0.304 trips per person

**TIA Required (Yes/No):** No

**Date of Determination:** 11-25-19

Data based on an event capacity size of 150 people. Data provided by Applicant.





# General Application

***Incomplete submissions will not be accepted. Please check all items carefully.***

## 1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

<http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☒ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to \_\_\_\_\_
- ☐ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

## 2. Project Data

Date of Application May 1, 2018

Name of Project Hunter House and Gardens Phase # (if subdivision) \_\_\_\_\_

Location 412 S. Statesville Road, Huntersville

Parcel Identification Number(s) (PIN) 017-113-06, 017-113-16, 017-113-03

Current Zoning District NC-CD, NC-CD, GR Proposed District (for rezonings only) NC-CD

Property Size (acres) 2.72 AC (total) Street Frontage (feet) 235 (Statesville Rd)

Current Land Use Events & Banquets/vacant

Proposed Land Use(s) Events and Banquets

Is the project within Huntersville's corporate limits?

Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? \_\_\_\_\_

## 3. Description of Request

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

This request is to bring the newly added parcel into the use plan, and to modify the previously approved CD plan for the existing Events and

Banquet use facility.

## 4. Site Plan Submittals


Consult the particular type of *Review Process* for the application type selected above. These can be found at <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>.

## 5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies.

For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

## 6. Signatures

\*Applicant's Signature  Printed Name Ellen McGuire Lopez  
Address of Applicant 412 S. Old Statesville Rd, Huntersville NC 28078  
Email ellen@m3-studios.com, fran@hhgevents.com

Property Owner's Signature (if different than applicant) \_\_\_\_\_

Printed Name Ellen + Frank Lopez

Property Owner's Address \_\_\_\_\_ Email \_\_\_\_\_

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

Development Firm	Name of contact	Phone	Email
Woodbine Design, PC	Riley Burgess, PE	704-892-5479	rburgess@woodbinedesign.com
Design Firm	Name of contact	Phone	Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	<a href="http://www.huntersville.org/Departments/Planning.aspx">http://www.huntersville.org/Departments/Planning.aspx</a>

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Sierra Saumenig, Planning

**Date:** 1/6/20

**Subject:** R19-16 Bradbury

---

**EXPLAIN REQUEST:**

Petition R19-16, a request by Drew Bowman on behalf of the property owners, to remove the conditional rezoning and revert back to the Rural (R) Zoning District on Parcels 02107199, 02106106, 02106103, 02106104, 02106101, 02106102, 02106105, 02105101, 02105198, 02105102, 02105112, 02105115, 02120106, and 02122107 (split R/TR). In addition, to remove the conditional rezoning and revert back to Transitional Residential (TR) on Parcels 02122107 (split R/TR), 02122106, 02122105, 02122104, 02122108, 02122102. (Jack Simoneau/Sierra Saumenig).

**ACTION RECOMMENDED:**

Conduct public hearing on Petition #R19-16, a request by Drew Bowman on behalf of the property owners, to remove the conditional rezoning and revert back to the Rural Zoning District on Parcels 02107199, 02106106, 02106103, 02106104, 02106101, 02106102, 02106105, 02105101, 02105198, 02105102, 02105112, 02105115, 02120106, and 02122107 (split R/TR) and to remove the conditional rezoning and revert back to Transitional Residential on Parcels 02122107 (split R/TR), 02122106, 02122105, 02122104, 02122108, 02122102. (Jack Simoneau/Sierra Saumenig).

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

- [R19-16 Staff Report.pdf](#)
- [Application](#)
- [R18-05 Bradbury \(Current Zoning\).pdf](#)

## Petition R19-16: Bradbury General Rezoning

### PART 1: PROJECT SUMMARY

#### Application Summary:

Petition #R19-16, a request by Drew Bowman on behalf of the property owners, to remove the conditional rezoning and revert back to the Rural (R) Zoning District on Parcels 02107199, 02106106, 02106103, 02106104, 02106101, 02106102, 02106105, 02105101, 02105198, 02105102, 02105112, 02105115, 02120106, and 02122107 (split R/TR). In addition, to remove the conditional rezoning and revert back to Transitional Residential (TR) on Parcels 02122107 (split R/TR), 02122106, 02122105, 02122104, 02122108, 02122102.

**Applicant:** Drew Bowman on behalf of BF Holding I, LLC; Ross McCoy Bradford; William Bradford Jr.; John and Marguree Fite; Melanie Frear; Barbara Washam

**Property Owner:** Same

**Property Address:** South of Huntersville-Concord Road and east of Metrolina Greenhouses

**Project Size:** 9.34 acres

#### Parcel Numbers:

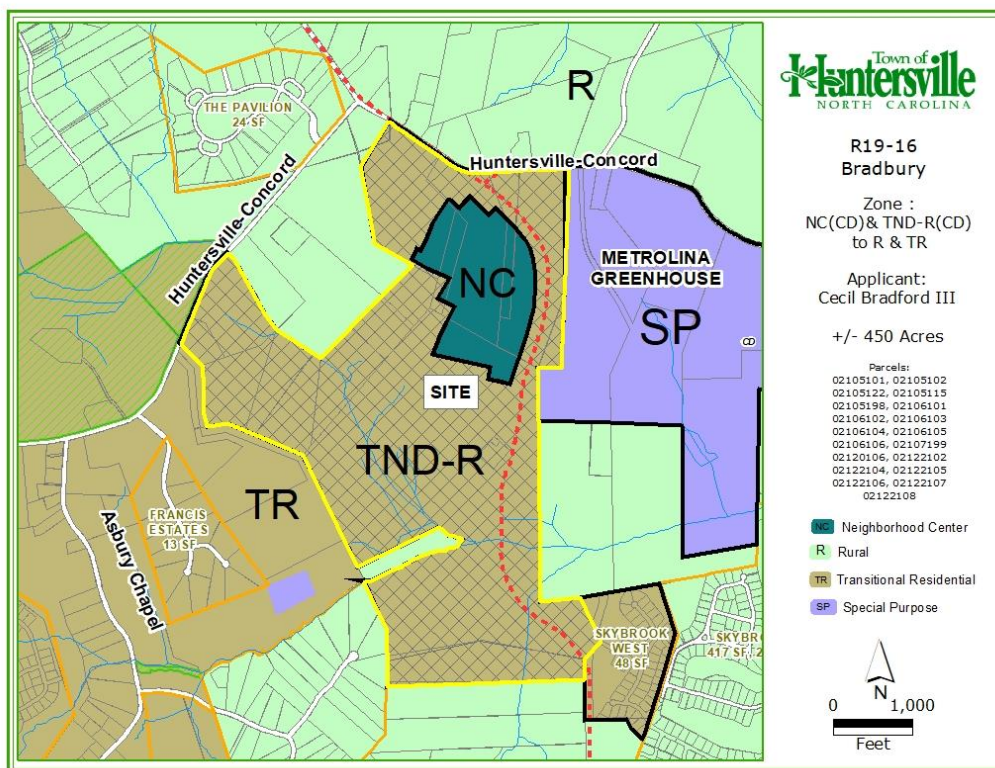
02107199, 02106106, 02106103, 02106104, 02106101, 02106102, 02106105, 02105101, 02105198, 02105102, 02105112, 02105115, 02120106, 02122107, 02122106, 02122105, 02122104, 02122108, 02122102.

#### Existing Zoning:

Neighborhood Center (CD) & Rural Transitional Neighborhood Development (CD)

#### Proposed Zoning:

Transitional Residential (TR) & Rural (R)



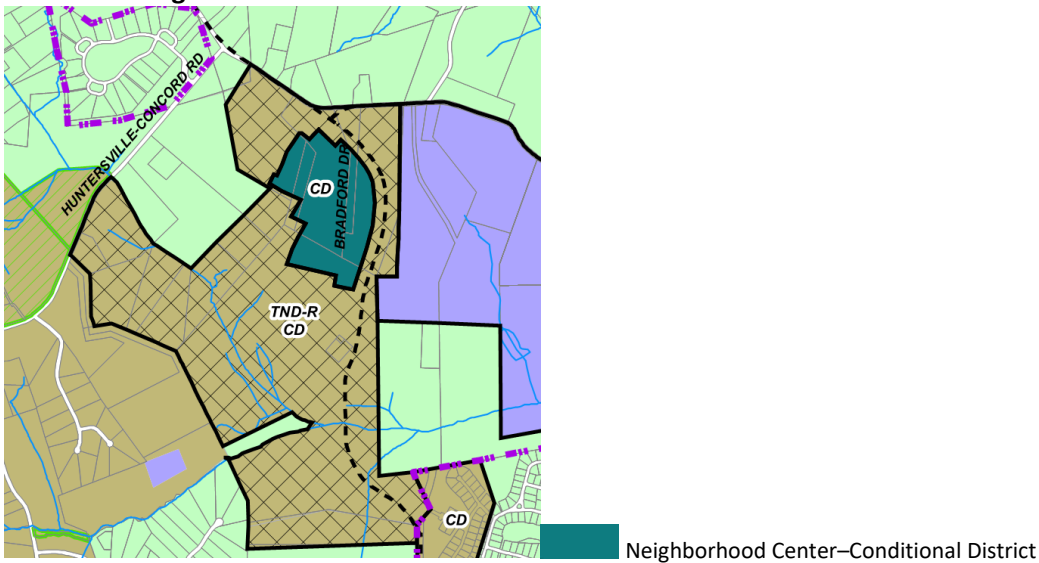
#### 1. Adjoining Zoning and Land Uses

- North: Rural (R) – single-family lots (large lot residential).
- South: Rural (R) – single-family lots (large lot residential).
- East: Special Purpose Conditional District (SP-CD) – Metrolina Greenhouses
- West: Transitional Residential (TR) – single-family lots (large lot residential).

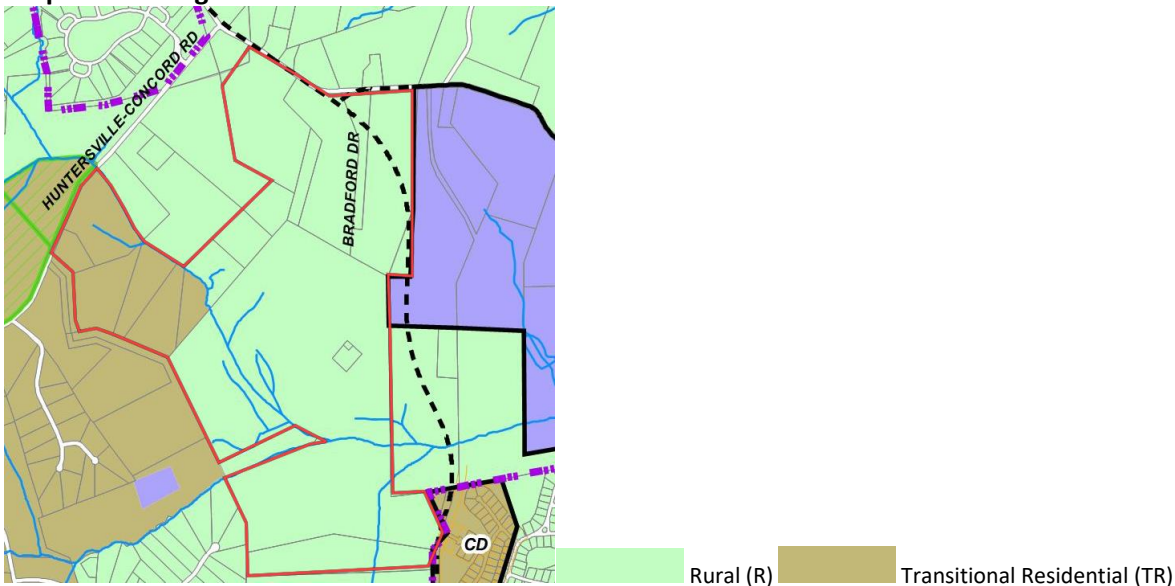


2. The applicant is proposing a general rezoning and not a conditional district rezoning. Therefore the application does not have a site plan or any conditions associated with the request. If approved, all uses allowed in the Rural (R) and Transitional Residential (TR) districts will be permitted as described in the ordinance.
3. The area in question is currently “split zoned” and has two different zoning designations on the property; Neighborhood Center – Conditional Rezoning and Rural Transitional Neighborhood Development – Conditional District. The applicants intend to revert the property back to the original zoning of Rural (R) and Transitional Residential (TR).
4. Notifications to adjacent property owners were sent out by way of first class mail and a notification sign erected on the site per state statute. No neighborhood meeting is required for a general rezoning.

#### Current Zoning:



#### Proposed Zoning:





## PART 2: REZONING/SITE PLAN ISSUES

- Since this is a general rezoning, there are no site specific issues with this rezoning application as there is no site plan associated to the request.

## PART 3: TRANSPORTATION ISSUES

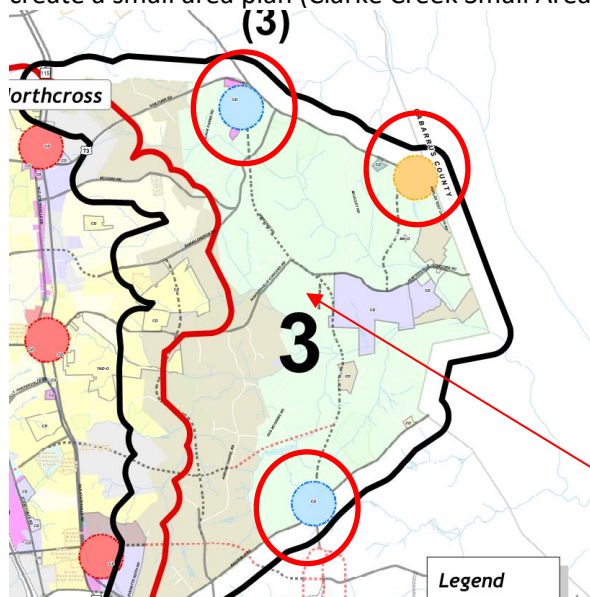
- Since a general rezoning is proposed, there are no transportation issues with changing the current zoning districts back to the original zoning districts.

## PART 4: REZONING CRITERIA

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

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2030 Huntersville Community Plan:

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The properties in question are located in the low intensity zone. It is consistent to revert back to Rural and Transitional Residential as it is within keeping of the surrounding area.
- In 2011, when the Huntersville 2030 Community Plan was adopted, it stated that eastern and western areas of Huntersville should not be rezoned for speculative purposes but instead be established to meet an existing need after significant public input is received following the development of an area plan. See below to identify the nodes established with adopted Small Area Plans in the eastern area of Huntersville. In 2011, the Bradbury property was not located in an activity node and therefore, staff followed the steps to include public input and create a small area plan (Clarke Creek Small Area Plan).



Bradbury Area

**Clarke Creek Small Area Plan**

- This area falls within the Clarke Creek Small Area Plan (CCSAP), which was adopted on March 5, 2018 in reaction to the original request to rezone this area to Neighborhood Center – Conditional Rezoning and Rural Transitional Neighborhood Development – Conditional District. The CCSAP recommended a mixed-use activity node with the stipulation that the future Prosperity Church Road thoroughfare would be built through the study area to support the mixed-use node. The original rezoning called for this thoroughfare to be built. Since, at this time the road will not be built, reverting this area back to the original rezoning is consistent with the CCSAP.

**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 overall character of existing development in the immediate vicinity of the subject property is low density and rural in nature. The uses around the properties include Metrolina Greenhouses, conservation land, and other Rural and Transitional Residential properties. The Rural (R) and Transitional Residential (TR) uses established on the subject properties would be consistent with the surrounding development.

- 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:**

- There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during a site plan review for any proposed development.

- 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 resources.

**PART 5: PUBLIC HEARING**

The Public Hearing is scheduled for January 6, 2020.

**PART 6: STAFF RECOMMENDATION**

Staff recommends approval of the rezoning application as the Rural (R) and Transitional Residential (TR) are consistent with adjacent development.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board meeting is scheduled for January 28, 2020.

**PART 8: CONSISTENCY STATEMENT – R19-16 BRADBURY GENERAL REZONING****Planning Board:**

<b>Approve (Consistent w/ Plans)</b>	<b>Approve (Inconsistent w/ Plans and Plans Change___?)</b>	<b>Deny (Inconsistent w/ Plans)</b>
<p>In considering the proposed rezoning petition R19-16, Bradbury General Rezoning, the <b>Planning Board</b> recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R19-16, Bradbury General Rezoning, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)] AND detail the ways the policy or reference is to be amended</u>.</p> <p>The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u></p> <p>It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R19-16, Bradbury General Rezoning the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>

**Town Board:**

<b>Approve (Consistent w/ Plans)</b>	<b>Approve (Inconsistent w/ Plans and Plans Change___?)</b>	<b>Deny (Inconsistent w/ Plans)</b>
<p>In considering the proposed rezoning Petition R19-16, Bradbury General Rezoning, the <b>Town Board</b> recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed rezoning petition R19-16, Bradbury General Rezoning the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)] AND detail the ways the policy or reference is to be amended</u>.</p> <p>The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u></p>	<p>In considering the proposed rezoning petition R19-16, Bradbury General Rezoning Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>

	It is reasonable and in the public interest to amend the approve the rezoning because... <u>[Explain]</u>	
--	---	--



# General Application

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

## 1. Application Type

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

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

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

## 2. Project Data

Date of Application 10-17-19

Name of Project BRADBURY

Phase # (if subdivision) —

Project Address 15600 HUNTERSVILLE - CONCORD RD

Parcel Identification Number(s) (PIN) SEE ADDITIONAL PAGE

Current Zoning District NC-CD + TND-R-CD Proposed District (for rezoning only) TR + R

Property Size (acres) 1/4 450

Street Frontage (feet) \_\_\_\_\_

Current Land Use VACANT

Proposed Land Use(s) VACANT

Is the ☐ project within Huntersville's corporate limits?

Yes ☐

No ☒

If no, does the applicant intend to voluntarily annex? NO

## 3. Description of Request

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

REMOVE CONDITIONAL REZONING AND REVERT TO PREVIOUS ZONING

## 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 CECIL D BRADFORD III  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: INDIVIDUAL

☒ 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 Cecil D Bradford III

Title --- Email BBFDEE@AOL.COM

Address of Applicant 1460 HUNTERSVILLE CONCORD RD HUNTSVILLE NC 28078

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

\* Printed Name \_\_\_\_\_  
☐ 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 \_\_\_\_\_  
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### 7. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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### Contact Information

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

## 5. Outside Agency Information

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## 6. Applicant

Printed Name Beverly Bradford Woods  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☐ 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 Beverly Bradford Woods

Title \_\_\_\_\_ Email bbevdwoods@aol.com

Address of Applicant 14024 Sims Road, Huntersville, NC 28078

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

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

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Signature \_\_\_\_\_

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

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

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### 6. Applicant

Printed Name Smith Cross Bradford  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☐ 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 Smith Cross Bradford

Title \_\_\_\_\_ Email scbva@aol.com

Address of Applicant 1050 Riverside Ave. Hopewell, VA. 23860

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

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

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Signature \_\_\_\_\_

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

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

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## 6. Applicant

Printed Name Melanie B. Frear  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

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Signature Melanie B Frear  
Title \_\_\_\_\_ Email MBFrear@ymail.com  
Address of Applicant 420 Beth Club Blvd S., N. Redington, FL 33708

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

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

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

Address of Property Owner \_\_\_\_\_  
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Design Firm	Name of Contact	Phone	Email

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## 6. Applicant

Printed Name JOHN SCOTT BRADFORD

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

☐ 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

John Scott Bradford

Title —

Email N/A

Address of Applicant 15003 Hunt-Concord Rd. Huntersville, NC 28078

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

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

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

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Signature \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

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

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## 6. Applicant

Printed Name Patricia A Bradford  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: INDIVIDUAL

☐ 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 Patricia A Bradford

Title — Email N/A

Address of Applicant 1322 Loblolly Ln. / Cloverly SC 29710

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

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

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## 6. Applicant

Printed Name

Barry L. Bradford

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☒ Other: INDIVIDUAL

☐ 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

Title

Email N/A

Address of Applicant

14900 Huntersville Concord Rd., Huntersville, N.C. 28178

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

\* Printed Name

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other:

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Signature

Title

Email

Address of Property Owner

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## 7. Development/Design Firm Contact Information

Development Firm

Name of Contact

Phone

Email

Design Firm

Name of Contact

Phone

Email

## Contact Information

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PO Box 664  
Huntersville, NC 28070

Phone:

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## 6. Applicant

Printed Name Ross M. Bradford  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: INDIVIDUAL

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Signature Ross M. Bradford

Title - Email N/A

Address of Applicant 105 TOPPER AV. HUNTERSVILLE, NC. 28078

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

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

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Signature \_\_\_\_\_

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

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

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## 6. Applicant

Printed Name William D. BRADFORD JR

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

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Signature William D. Bradford Jr

Title --- Email N/A

Address of Applicant 15120 HUNTERSVILLE-CONCORD RD, HUNTERSVILLE NC. 28078

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

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

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

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Signature \_\_\_\_\_

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

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### 6. Applicant

Printed Name

NADINE P. FITE WILLIAMS

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: individual

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Signature

Nadine P. Fite Williams

Title

Email

N/A

Address of Applicant

1226 RockHaven DR, CHARLOTTE NC 28216-1339

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

\* Printed Name

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

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Signature

Title

Email

Address of Property Owner

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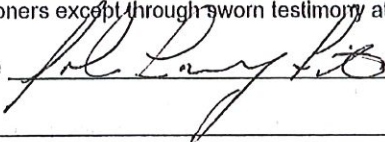
## 6. Applicant

Printed Name JOHN LARRY FITE

☐ 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



Title

Email jlarrym102@gmail.com

Address of Applicant PO BOX 341, CORNELIUS, NC 28031 (21031 PINE ST.)

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

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

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

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Signature \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

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

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## 6. Applicant

Printed Name Mary Nell Knox Fite  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

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Signature Mary Nell Fite

Title \_\_\_\_\_ Email fitemarynell@gmail.com

Address of Applicant P.O. Box 341 Cornelius, NC 28031 (21031 PINE ST)

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

\* Printed Name \_\_\_\_\_  
☐ 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.

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## 7. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
Design Firm	Name of Contact	Phone	Email

## Contact Information

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



### 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 Ricky Darryl Fite  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☒ 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 Ricky Darryl Fite

Title \_\_\_\_\_ Email rickd579@hotmail.com

Address of Applicant 634 Victory Grove Church Rd. Lincoln, NC 28092

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

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

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### 6. Applicant

Printed Name Teresa Fite Barnette  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☒ 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 Teresa Fite Barnette

Title \_\_\_\_\_ Email mikebarnette2013@gmail.com

Address of Applicant 12009 Bailey Rd, Cornelius, NC 28031

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

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

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### 6. Applicant

Printed Name Michael L Barnette  
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☒ 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 Michael L Barnette

Title \_\_\_\_\_ Email mikebarnette2013@gmail.com

Address of Applicant 12009 Bailey Rd, Cornelius, NC 28031

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

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

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Signature \_\_\_\_\_

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

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

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## 6. Applicant

Printed Name

Burl J. Washam

☐ 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

Burl J. Washam

Title

Email

Washamb@bell/south.net

Address of Applicant

P.O. Box 1415 Huntersville, NC 28070

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

\* Printed Name

☐ 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

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Huntersville, NC 28070	Website:	<a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a>

## Bradbury PIN

02105198

02105102

02105101

02106105

02106102

02106101

02107199

02105112

02105115

02122107

02122106

02122105

02122104

02122102

02122108

02106104

02106103

02106106

02120106



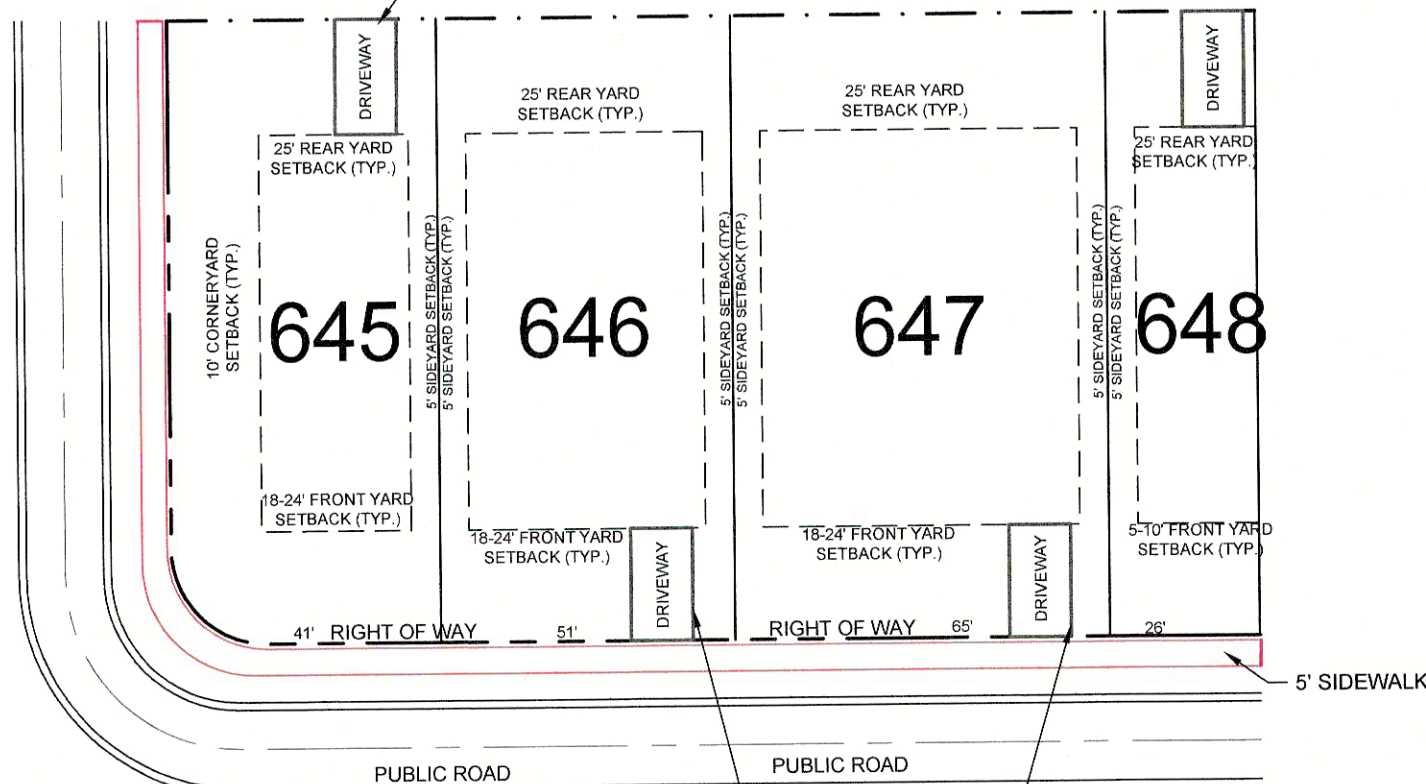
# Development Information:

Project Name: Bradbury Sketch Plan  
Huntersville, NC (Mecklenburg County)

Developer: Bowman Bayard Bradford, LLC  
13815 Cinnabar Place  
Huntersville, NC 28078

Tax I.D.: 02107199, 02106101, 02106102, 02105102  
02105198, 02105112, 02105115, 02122107  
02122106, 02122105, 02122104, 02122108  
02122102, 02106104, 02120106, 02106106  
02106103, 02105101, 02106105

DRIVEWAY DEPTHS SHALL  
EITHER BE 5' MAX OR 20' MIN.  
FOR LOTS WITH ALLEY ACCESS



## LOT SETBACKS

NOTE: DRIVEWAY WIDTHS SHALL BE IN  
ACCORDANCE WITH ARTICLE 8.16.3



Plan Sheet Is Part Of The Overall  
Approval As Of The Following Date  
07/26/2019

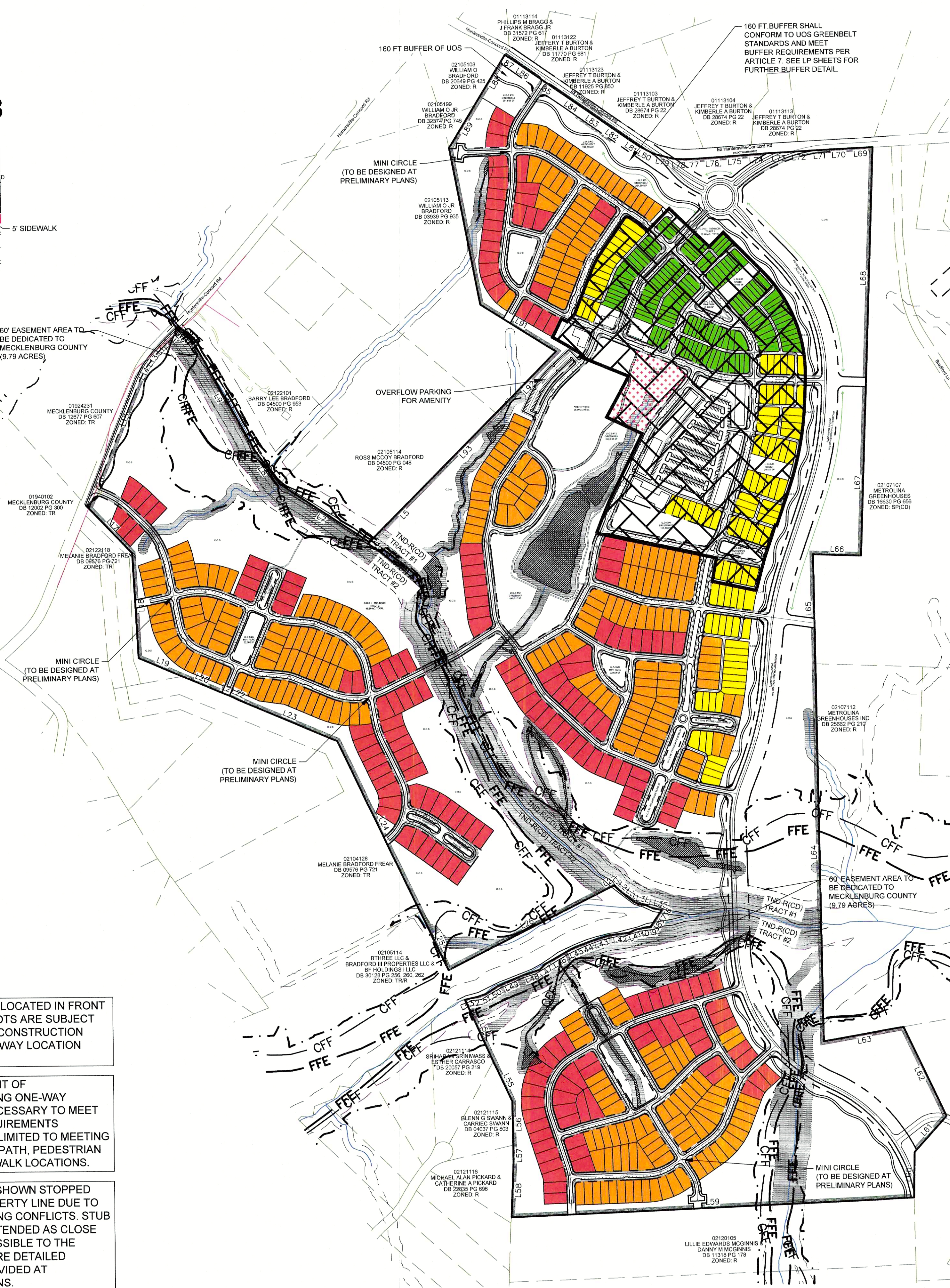
Line #	Length	Direction
L-2	550.88	S57° 56' 56.70"E
L-3	548.89	S45° 06' 57.18"W
L-4	569.33	S45° 07' 57.52"W
L-5	511.51	S45° 08' 58.63"W
L-6	20.00	S45° 07' 58.36"W
L-7	660.13	N59° 36' 33.08"W
L-8	357.25	N36° 55' 13.43"W
L-9	789.35	N29° 15' 15.34"W
L-10	125.13	N43° 22' 58.34"W
L-11	123.00	S45° 40' 38.66"W
L-12	100.00	S44° 03' 16.66"W
L-13	100.00	S38° 03' 13.66"W
L-14	100.03	S28° 19' 16.66"W
L-15	527.47	S22° 24' 01.39"W
L-16	312.33	S22° 23' 48.05"W
L-17	417.87	S43° 44' 22.34"E
L-18	647.34	S3° 08' 10.70"E
L-19	296.00	S68° 54' 18.94"E
L-20	232.27	S66° 55' 13.02"E
L-21	108.04	S66° 54' 21.10"E
L-22	34.65	S64° 48' 13.37"E
L-23	664.28	S67° 01' 33.94"E
L-24	1173.52	S25° 31' 50.40"E
L-25	395.86	S29° 32' 33.19"E
L-26	1130.59	N63° 38' 54.41"E
L-27	126.56	N63° 38' 54.41"E
L-28	26.99	S47° 22' 02.59"E
L-29	65.98	S49° 20' 45.59"E
L-30	63.98	S52° 31' 51.59"E
L-31	35.99	S63° 45' 17.59"E
L-32	45.99	S80° 35' 06.59"E
L-33	50.99	S68° 31' 36.59"E
L-34	23.99	S81° 10' 42.59"E
L-35	27.48	S76° 06' 17.59"E
L-36	12.00	S34° 27' 59.41"W
L-37	88.80	S34° 27' 59.41"W
L-38	22.99	S34° 27' 59.41"W
L-39	17.99	S84° 46' 54.41"W
L-40	81.86	S78° 41' 37.41"W
L-41	37.99	S62° 44' 22.41"W
L-42	123.97	S83° 24' 31.41"W
L-43	126.96	S72° 35' 10.41"W
L-44	74.98	S69° 19' 14.41"W
L-45	63.98	S67° 04' 17.41"W

Line #	Length	Direction
L-46	179.95	S60° 35' 00.41"W
L-47	39.99	S43° 56' 29.41"W
L-48	121.97	S71° 51' 51.41"W
L-49	161.95	S67° 06' 36.41"W
L-50	62.98	S56° 59' 16.41"W
L-51	52.99	S70° 28' 32.41"W
L-52	84.82	S77° 19' 25.41"W
L-53	0.22	S66° 11' 36.41"W
L-54	439.19	S24° 22' 16.62"E
L-55	251.28	S24° 58' 37.35"E
L-56	288.84	S07° 43' 11.62"E
L-57	86.43	S07° 21' 54.64"E
L-58	1163.83	N78° 32' 10.20"E
L-59	1337.26	S81° 31' 34.41"E
L-60	268.67	N42° 21' 14.64"E
L-61	610.43	N25° 30' 10.36"W
L-62	502.80	S80° 20' 28.31"W
L-63	2332.74	N07° 43' 44.71"W
L-64	666.88	N07° 43' 44.71"W
L-65	298.38	S87° 49' 28.46"E
L-66	900.77	N2° 10' 31.54"E
L-67	1617.50	N2° 10' 31.54"E
L-68	158.09	S87° 17' 21.69"W
L-69	113.41	S87° 28' 04.42"W
L-70	128.07	S87° 12' 11.89"W
L-71	126.56	S87° 01' 50.02"W
L-72	123.19	S87° 01' 12.89"W
L-73	157.54	S86° 26' 30.51"W
L-74	114.84	S86° 04' 03.05"W
L-75	162.55	S86° 16' 48.97"W
L-76	88.29	S88° 05' 40.37"W
L-77	71.32	N86° 44' 22.78"W
L-78	119.80	N75° 42' 44.72"W
L-79	103.66	N62° 37' 19.24"W
L-80	87.98	N59° 15' 40.72"W
L-81	187.74	N55° 12' 12.11"W
L-82	110.47	N55° 15' 58.29"W
L-83	206.32	N55° 27' 14.01"W
L-84	185.27	N55° 12' 07.96"W
L-85	153.00	N55° 17' 11.84"W
L-86	79.31	N57° 47' 44.96"W
L-87	350.38	S31° 41' 35.57"W
L-88	319.71	S31° 32' 19.09"W
L-89	983.86	S10° 52' 28.42"E

ON-STREET PARKING LOCATED IN FRONT  
OF FRONT ACCESS LOTS ARE SUBJECT  
TO CHANGE DURING CONSTRUCTION  
PLANS DUE TO DRIVEWAY LOCATION  
CONFLICTS.

FURTHER REFINEMENT OF  
INTERSECTIONS ALONG ONE-WAY  
STREETS MAY BE NECESSARY TO MEET  
MINIMUM TOWN REQUIREMENTS  
INCLUDING BUT NOT LIMITED TO MEETING  
THE WB-40 TURNING PATH, PEDESTRIAN  
CROSSINGS, & SIDEWALK LOCATIONS.

STUB STREETS ARE SHOWN STOPPED  
SHORT OF THE PROPERTY LINE DUE TO  
PRELIMINARY GRADING CONFLICTS. STUB  
ROADS SHALL BE EXTENDED AS CLOSE  
AS REASONABLY POSSIBLE TO THE  
PROPERTY LINE. MORE DETAILED  
GRADING TO BE PROVIDED AT  
CONSTRUCTION PLANS.



## ROAD NAME LENGTH

Road A	7,236 LF
Road B	3,922 LF
Road C	3,415 LF
Road D	3,293 LF
Road E	2,854 LF
Road F	2,189 LF
Road G	2,139 LF
Road H	1,851 LF
Road I	1,168 LF
Road J	1,155 LF
Road K	1,060 LF
Road L	993 LF
Road M	937 LF
Road N	843 LF
Road O	840 LF
Road P	758 LF
Road Q	669 LF
Road R	620 LF
Road S	663 LF
Road T	605 LF
Road U	602 LF
Road V	548 LF
Road W	490 LF
Road X	507 LF
Road Y	488 LF
Road Z	489 LF
Road AA	405 LF
Road BB	357 LF
Road CC	357 LF
Road DD	338 LF
Road EE	308 LF
Road FF	306 LF
Road GG	241 LF
Road HH	150 LF

## ALLEY NAME LENGTH

Alley A	823 LF
Alley B	988 LF
Alley C	995 LF
Alley D	939 LF
Alley E	152 LF
Alley F	505 LF
Alley G	410 LF
Alley H	351 LF
Alley I	348 LF
Alley J	191 LF
Alley K	153 LF

## BLOCK LENGTHS

BL-1	506'	BL-26	153'
BL-2	470'	BL-27	153'
BL-3	456'	BL-28	156'
BL-4	319'	BL-29	345'
BL-5	201'	BL-30	333'
BL-6	135'	BL-31	707'
BL-7	331'	BL-32	724'
BL-8	183'	BL-33	198'
BL-9	378'	BL-34	127'
BL-10	257'	BL-35	77'
BL-11	179'	BL-36	151'
BL-12	277'	BL-37	345'
BL-13	484'	BL-38	161'
BL-14	319'	BL-39	182'
BL-15	209'	BL-40	152'
BL-16	160'	BL-41	129'
BL-17	159'	BL-42	868'
BL-18	82'	BL-43	550'
BL-19	80'	BL-44	628'
BL-20	278'	BL-45	213'
BL-21	208'	BL-46	807'
BL-22	162'	BL-47	363'
BL-23	162'	BL-48	225'
BL-24	167'	BL-49	247'
BL-25	359'	BL-50	101'

BL-51	662'
BL-52	400'
BL-53	331'
BL-54	305'
BL-55	340'
BL-56	241'
BL-57	420'
BL-58	368'
BL-59	150'
BL-60	594'
BL-61	163'
BL-62	339'
BL-63	354'
BL-64	179'
BL-65	165'
BL-66	163'
BL-67	843'
BL-68	662'
BL-69	681'
BL-70	252'
BL-71	171'
BL-72	228'
BL-73	227'
BL-74	342'
BL-75	405'

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

Waiver Request Table: Block  
Lengths 800'+

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

\*In major subdivisions the dimension of blocks may not exceed 800  
linear feet between cross streets.

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

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BL-81	904'
BL-85	886'
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BL-95	1060'

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BL-95	1060'

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BL-91	896'
BL-95	1060'

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BL-85	886'
BL-91	896'
BL-95	1060'

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BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

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BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

BL-42	868'
BL-46	807'
BL-67	843'
BL-81	904'
BL-85	886'
BL-91	896'
BL-95	1060'

BL-42	868'
BL-46	807'
BL-67	



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Sierra Saumenig, Planning

**Date:** 1/6/20

**Subject:** TA19-07 CB and SP Wall Signs

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**EXPLAIN REQUEST:**

Petition #TA19-07, a request by Ryan McDaniels to amend Article 10.7.1 to allow buildings greater than 100,000 sq. ft. located in Corporate Business and Special Purpose Zoning Districts to have wall sign(s) not to exceed 384 sq. ft.

**ACTION RECOMMENDED:**

Conduct public hearing on Petition #TA19-07, a request by Ryan McDaniels to amend Article 10.7.1 to allow buildings greater than 100,000 sq. ft. located in Corporate Business and Special Purpose Zoning Districts to have wall sign(s) not to exceed 384 sq. ft. (Sierra Saumenig)

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

- [TA 19-07 PH Staff Report.pdf](#)
- [Attachment A Application.pdf](#)
- [Attachment B Draft Ordinance.pdf](#)



## TA #19-07 CB and SP Wall Signs

### **PART 1: DESCRIPTION**

TA19-07 is a request by Ryan McDaniels to amend Article 10.7.1 to allow buildings greater than 100,000 square feet located in Corporate Business and Special Purpose Zoning Districts to have wall signs up to 384 square feet in total (*See Attachment A, Application*).

### **PART 2: BACKGROUND**

Currently, any building types in commercial districts (Highway Commercial, Corporate Business, Special Purpose, and Vehicular Sales) are permitted a wall mounted sign(s) up to 10% of the any wall face area fronting a street, up to a maximum of 128 feet. Currently if a project wants wall signs larger than 128 square feet, they would need to apply for a “Master Sign Program,” which is a four-month process similar to a conditional district rezoning.

This text amendment request is for buildings strictly in Corporate Business (CB) and Special Purpose (SP) that are over 100,000 square feet to allow such buildings to have wall signs not exceeding 384 square feet without having to apply for a Master Sign Program.

Ryan McDaniels with Lake Norman Economic Development is proposing this amendment to the Zoning Ordinance to ensure that large buildings (100,000 sf+) have a sign that is proportional to the building’s size.

An example of this is the Kurz building, which is currently under construction. This building is roughly 138,324 square feet. Below are images of two conceptual wall signs on the Kurz building that do not exceed 384 square feet. The two wall signs, which total 359 square feet, fit proportionality with the building’s square footage.



The Huntersville Ordinances Advisory Board reviewed the proposed amendment at their September 5, 2019 meeting and recommended unanimous approval of the proposed language.

**PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS**

The following are examples of relevant polices from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

1. **Policy ED-3: Economic Development Competitive Advantage** – Target recruitment of business and industry for which Huntersville has a “competitive advantage” as identified in the Town SED or other application plan.
2. **Policy ED-14: Development Review Process** – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

**STAFF COMMENT:** This text amendment would allow more flexibility for buildings that are 100,000 square feet or more and ensure that their wall sign(s) is proportional and easily visible from the street.

**PART 4: STAFF RECOMMENDATION**

Staff recommends approval of the request as presented.

**PART 5: PUBLIC HEARING**

The initial Public Hearing was held on November 4, 2019. Due to legal ad requirements, there will be a second Public Hearing which will be held on January 6, 2020.

**PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board is scheduled to hear this text amendment on January 28, 2020.

**PART 7: ATTACHMENTS**

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

**PART 8: STATEMENT OF CONSISTENCY – TA19-07**

**Planning Department: Approve (Consistent w/ Plans)**

In considering the proposed amendment, TA19-07 to amend Article 10.7.1 to allow buildings greater than 100,000 square feet located in Corporate Business and Special Purpose Zoning Districts to have walls signs up to 384 square feet in total, the Planning Staff finds the requested amendment consistent with Policy ED-3 and Policy ED-14 of the Huntersville 2030 Community Plan.

It is reasonable and in the public interest to amend the Zoning Ordinance because allowing buildings 100,000+ in size to have wall signs not exceeding 384 square feet allows the signs to be proportional with the building size and easily visible from the street.



## Text Amendment Application

Date of Application August 9, 2019

### Fee

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

### Type of Change

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

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

### Description of Change

Proposed text amendment will affect the following:

Ordinance(s): \_\_\_\_\_ Article(s): 10.6 Section(s): \_\_\_\_\_

#### Current Ordinance

10% of any wall face area fronting a street,  
up to a maximum of 128 square feet for  
buildings located in the SP & CB zoning district.

#### Proposed Text

Building located in the SP & CB zoning  
district that are over 100,000 square feet  
to have a maximum area of 384 square feet.

#### Reason for Proposed Change

In order to have a sign accomodate a  
larger building and not get lost due to  
an unproportional size.

Attach additional pages if needed.

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

## Applicant

Printed Name Ryan McDaniels

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

☒ 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.

Signature [Signature] Date 8-9-19

Title Executive Director Email mcdaniels@inedc.com

Address of Applicant 8600 Sam Furr Rd. Suite 100 Huntersville, NC 28078

## Property Owner (if different than applicant)

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

☐ 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.

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

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

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

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

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

## Contact Information

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

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

Date Received By Planning Department: \_\_\_\_\_

Staff Initials: \_\_\_\_\_



## TA #19-07 CB and SP Wall Signs

### AN ORDINANCE TO AMEND ARTICLE 10.7.1 (ON-PREMISE SIGNS) OF THE ZONING ORDINANCE

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

**10.7.1 On-Premise Signs** are allowed, as indicated in the chart below

<p style="text-align: center;">CIVIC BUILDINGS IN ANY DISTRICT</p> <p style="text-align: center;"><b>Wall Mounted Sign</b></p> <p>10% of any wall face area fronting a street, up to a maximum of 128 square feet</p> <p style="text-align: center;"><b>Ground Mounted Sign</b></p> <p>Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings</p> <p>Changeable copy<sup>1</sup> shall not exceed 50% of the allowable sign face area for either wall or ground mounted signs</p>	<p style="text-align: center;">ANY BUILDING TYPE IN A MIXED USE DISTRICT EXCEPT A DETACHED HOUSE (NC, TC, CI, TND-U, TND-R)</p> <p><i>Wall Mounted Sign</i></p> <p>10% of any wall face area fronting a street, up to a maximum of 128 square feet</p> <p style="text-align: center;"><b>Ground Mounted Sign</b></p> <p>Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings</p> <p>Changeable copy<sup>1</sup> shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs</p>
<p style="text-align: center;">ANY BUILDING TYPE IN A COMMERCIAL DISTRICT EXCEPT DETACHED HOUSE (HC, CB, SP, VS)</p> <p style="text-align: center;"><b>Wall Mounted Sign</b></p> <p>10% of any wall face area fronting a street, up to a maximum of 128 square feet. <b><u>However, in the CB and SP zone, any building over 100,000 sq. ft. may have wall sign(s) not to exceed 384 square feet.</u></b></p> <p>In addition, one Secondary Business Identification Sign (<i>defined in Article 12</i>) is permitted for each secondary business, up to a maximum combined area of 64 square feet for all secondary business identification signs. Notwithstanding the above, the total area of all wall-mounted signs shall not exceed 10% of the applicable wall face area.</p> <p style="text-align: center;"><b>Ground Mounted Sign</b></p> <p>Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings</p> <p>Changeable copy<sup>1</sup> shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs</p>	<p style="text-align: center;">MIXED USE BUILDINGS WHERE PERMITTED IN RESIDENTIAL DISTRICTS (NR)</p> <p style="text-align: center;"><b>Wall Mounted Sign</b></p> <p>1 sign per business bay<sup>2</sup>, up to a maximum of 12 square feet per bay; the sign area for any mixed use structure shall not exceed 5% of any wall face area fronting a street</p> <p style="text-align: center;"><b>Ground Mounted Sign</b></p> <p>Maximum Number: 1 per building street front Maximum Area: 12 square feet Maximum Height: 6 feet Type permitted: pole and beam or framed only, as identified in 10.5.2 b). Illumination permitted: Down lighting or indirect lighting (no internal illumination)</p> <p>Changeable copy shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs</p>
<p style="text-align: center;">DIRECTORY SIGN</p> <p>Maximum Number: 1 per street front; maximum 3 signs; 1000-foot separation.</p> <p>Maximum Area: 96 square feet per sign</p> <p>Maximum Height of ground mounted signs: 12'</p>	<p style="text-align: center;">PLANNED DEVELOPMENT ENTRANCE SIGN</p> <p>Maximum Number: 1 per street front; 2 sign faces may be used with a wall, fence, or other architectural entrance feature</p> <p>Total Maximum Area: 24 square feet</p>

(includes shopping centers, office complexes, schools, large-scale religious institutions, institutional or business campuses, and similar large complexes which have a variety of tenants or uses) No individual tenant ground mounted signs are permitted	Maximum Height: 8 feet (permitted for all-residential, mixed use, and non-residential projects of 10 acres or more)  Limited to name and/or logo
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**Section 2.** That this ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** Recommended Unanimous Approval on  
September 5, 2019

**PUBLIC HEARING DATE:** November 4, 2019

**PLANNING BOARD MEETING:** November 19, 2019

**TOWN BOARD DECISION:** December 2, 2019

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** David Peete, Planning

**Date:** 1/6/20

**Subject:** R18-10A - Oak Grove Hill (Amended)

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**EXPLAIN REQUEST:**

Consider Final Action on Monday, January 6, 2020 at 6:00 at Huntersville Town Hall Petition #R 18-10A Oak Grove Hill, is a request by Bowman Development Group to rezone +/- 45.18 acres located at and adjacent to 9301 Carver Ave. (Parcel #s: 01526443, 01526504, 01526506 01526432 & 01526460 ) from Rural to Neighborhood Residential - Conditional District (NR-CD).

**ACTION RECOMMENDED:**

Consider decision on Petition #R18-10A, a request by Bowman Development Group to rezone +/- 45.18 acres located near Mt. Holly-Huntersville Road, Beatties-Ford Road and Carver Avenue (Parcel #s: 01526443, 01526504, 01526506, 01526432 & 01526460) from Rural to Neighborhood Residential - Conditional District. (David Peete).

**FINANCIAL IMPLICATIONS:**

N/A

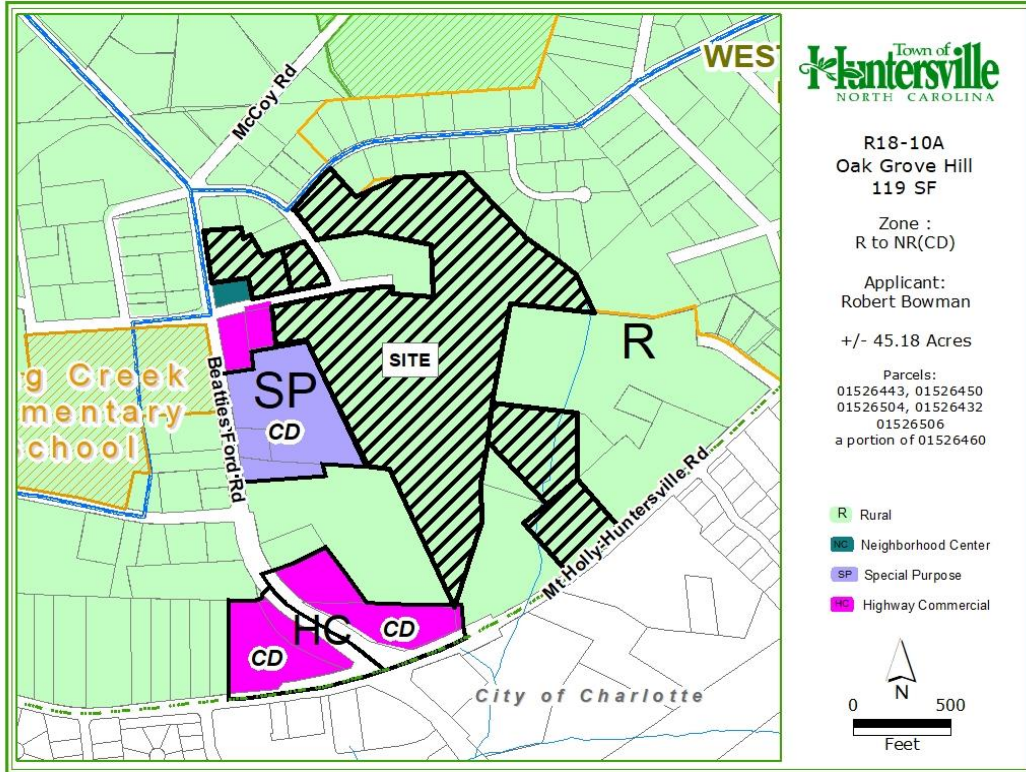
**ATTACHMENTS:**

- [R18-10A Final Action Staff Report.pdf](#)
- [Attachment A - R18-10A Rezoning Application.pdf](#)
- [Attachment B - Oak\\_Grove\\_Hill - Rezoning Plan ONLY.pdf](#)
- [Attachment C - Context Map.pdf](#)
- [Attachment D.1 - Neighborhood Mtg sign-in sheet.pdf](#)
- [Attachment D - Carver Meeting Notes 10-23-19.txt](#)
- [Attachment F - BFRCSAP pages 48-49.pdf](#)
- [Attachment E - Oak Grove Hill DOA Letter 12-18-18.pdf](#)
- [Attachment G - CMS report, 2019.pdf](#)



## Petition R18-10A Oak Grove Hill (Amended) Conditional District Rezoning.

### PART 1: PROJECT SUMMARY



**Applicant:** Carver Bowman, LLC

**Property Owner:** Beverly W. Buchanan, Miriam W. Smith, Wilbur Smith, Julian Buchanan & Earle P. Black.

**Property Address:** N/A.

**Project Size:** (+/-) 45.18-acres

**Parcel Numbers:** 01526443, 01526450, 01526504, 01526432, 01526506, portion of 01526460

**Current Zoning:** Rural District (R).

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

**Proposed Zoning:** Neighborhood Residential – Conditional District (NR-CD)

**Proposed Land Use:** Single Family Residential.

### Application Summary:

- Proposal: Rezone +/- 45.18 acres (east of Beatties Ford Road, north of Mt. Holly-Huntersville Road and south of Overhill Road) from Rural (R) to Neighborhood Residential – Conditional District (NR-CD). A Subdivision Sketch Plan has been submitted with the Rezoning Plan and would be administratively approved if the Rezoning Plan is approved (See Attachments A & B).
- Adjoining Zoning and Land Uses. See Attachment C: Context Map
  - North - Rural (R): Single-family lots.
  - South - Rural (R) and Highway Commercial – Conditional District (HC-CD): large single family lots.
  - East - Rural (R): Single-family lots - Westminster Park Subdivision & Large-lot residential.
  - West - Rural (R): Single-family lots, Neighborhood Center (NC): Kempo Karate, Highway Commercial: Lancaster's BBQ, Special Purpose – Conditional District (SP-CD): West Huntersville Storage
- A neighborhood meeting was held on October 23, 2019 at Town Hall. See Attachment D for complete meeting summary.

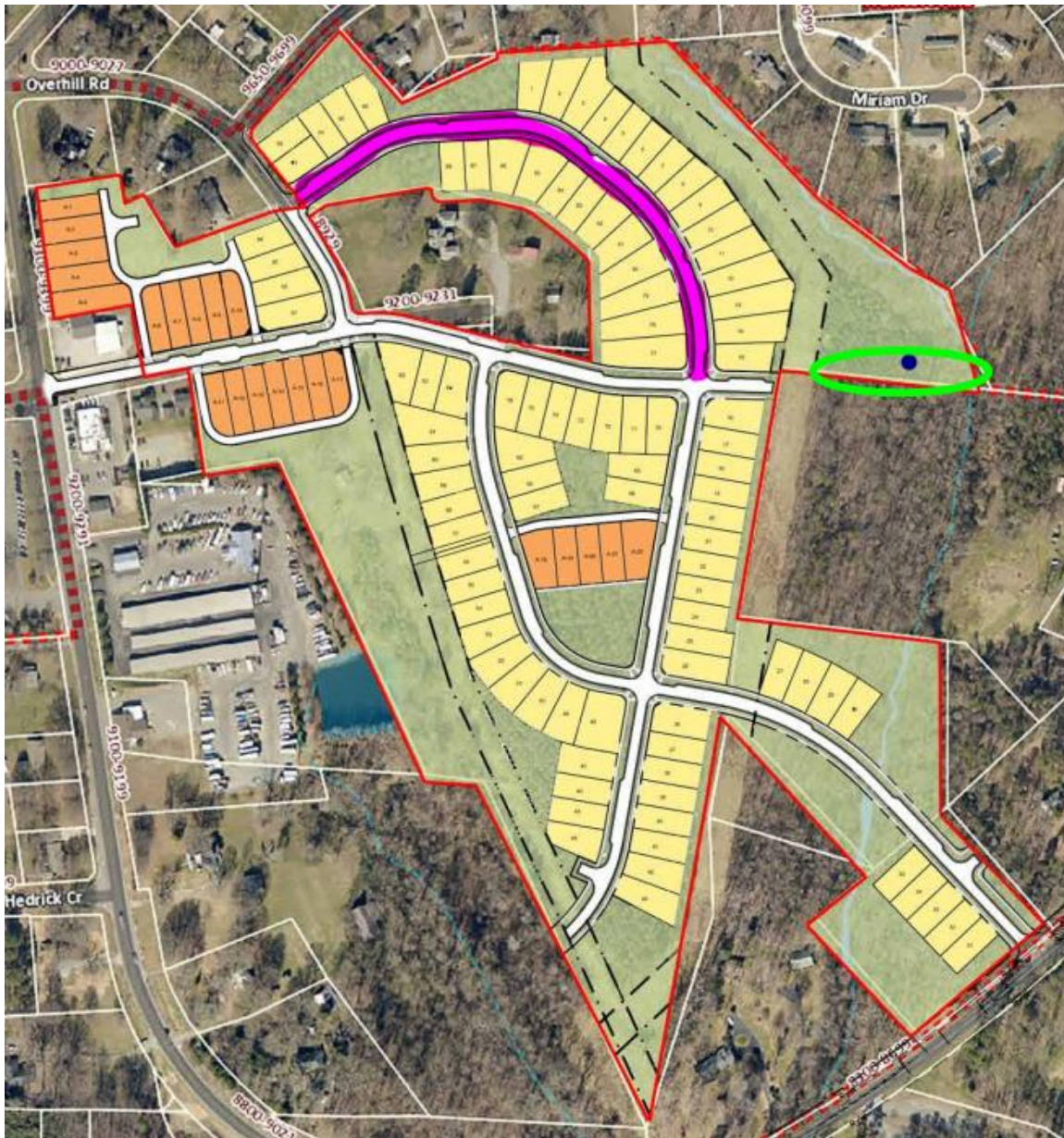
### PART 2: REZONING/SITE PLAN HIGHLIGHTS

A Conditional District Rezoning request was originally reviewed by the Town of Huntersville in December 2018. Based on input received from all involved, the applicant, Carver Bowman, LLC, decided to amend the plan and re-submit on June 11, 2019. The amended plan increased from 37.97-acres to 45.18-acres in size and the proposed uses changed

from 91 single-family homes and 38 townhomes (3.4 dwelling units per acre) to 119 single-family homes (2.63 dwelling units per acre).

The applicants are requesting the following modifications to Ordinance Requirements:

- **Block Length:** Article 5.2 states that major residential subdivision blocks are not to exceed 800 linear feet and the length of Block 1 (Road A) is 1,246 linear feet long. Article 5.2 also allows the Town Board to authorize greater block lengths where a longer block length will reduce the number of railroad grade crossings, major stream crossings; or, where longer blocks will result in an arrangement of street connections, lots and public space more consistent with Article 5 and Article 7 (see purple highlight on image below). Staff recommends approval of this block length waiver as reduction of block length via street-stubs to adjoining parcels is not appropriate, as the Smith property (to the west) is eligible for study by the Historic Landmarks Commission and the Westminster Subdivision (to the east) is not designed for future connections.





- Adjacent to BMP-1 (see green oval, above), the applicant is requesting that staff be allowed to modify the 20' buffer requirement during Preliminary (Construction) Plan review if the 20' buffer cannot be maintained once the BMP is fully designed. The applicant is proposing to provide an alternative opaque screening, as defined in Article 7.6, ONLY if the 20' buffer cannot be accommodated. Staff recommends approval of this modification as the location of BMP-1 is bordered by a gas-line easement on the west and a creek (SWIM) buffer and tree save area to the north and east. These factors limit the ability to adjust the location of BMP-1, making an alternative landscape buffer appropriate – provided it still complies with Zoning Ordinance Article 7 provisions. and recommend adjustment of site plan elements to accommodate for the appropriate amount of storm water measures.

The following comments/items are not consistent with Town Ordinances and/or Manuals or remain to-be-addressed by the applicant:

Engineering Comments:

- Address concern regarding conflict with the gas line should Carver Avenue be extended beyond the proposed stub location.

General Comments:

- BMP Access: Maintenance and Access Easements for all BMPs are overlapping Piedmont Natural Gas Easements. Staff would not recommend approval of overlapping BMP easements until Piedmont Natural Gas agrees to the encroachment.
- All outstanding comments must be addressed.

**PART 3: TRANSPORTATION HIGHLIGHTS**

Traffic impact analysis (TIA): The original TIA from the 2018 submittal was re-scoped based upon the amended rezoning plan. On July 18, 2019, Town Engineering Staff determined the amended TIA is acceptable and that no improvements are required by the Town to meet the thresholds identified in Article 14.4 of the Town Zoning Ordinance. The applicants were further advised to contact North Carolina Dept. of Transportation (NCDOT) and Charlotte Dept. of Transportation (CDOT) regarding improvements they may require and the following comments were received:

NCDOT:

- Add left turn lane at access point on Mt. Holly-Huntersville Road (100' of storage & tapers);
- No driveways on Beatties Ford Road (none are proposed);
- No on-street parking on state-maintained roads;
- Carver Avenue & Overhill Road required to widen from 16' to 20';
- Lots 92 & 93 (on Overhill Road) not permitted to front-load. Only allowed to share driveway, unless Town takes over maintenance.

CDOT:

- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left turn lane and a 13' receiving lane. This section to be carried to the first stub street.
- Recommends a 12' Multi-Use Path or buffered bike lane along frontage.

**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 station, fire vehicles, police station,



police vehicles, indoor park and recreation facilities, and parks acreage. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed subdivision is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) was issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Stations, Indoor Park & Recreation Facilities and Park Acreage. See Attachment E.

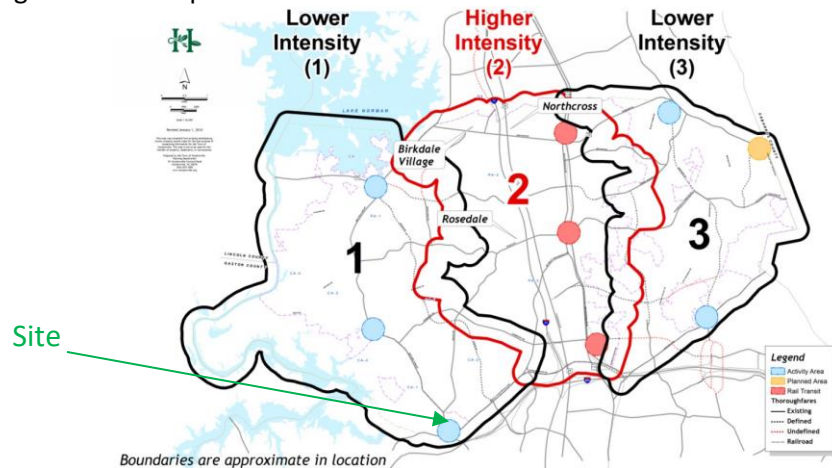
## PART 5: REZONING CRITERIA

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”.

Huntersville 2030 Community Plan – Staff finds the proposed Conditional District Rezoning petition consistent with the following policies of the 2030 Community Plan; adopted June 20, 2011:

- **Policy H-2: Continue to encourage mixed-use village development pattern at key nodes as identified in Small Area Plans adopted by the Town.**

STAFF COMMENT: The Proposed conditional rezoning site is located within an activity node identified in the Town’s Long Range Plan. See clip below.



- **Policy H-4: For proposed developments, either in the core or within identified nodes, adhere to the principles set forth in the Zoning Ordinance and adopted small area plans to ensure an approximate mix of residential, commercial, and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.**

STAFF COMMENT: The proposed conditional rezoning plan is generally consistent with the requirements of the Zoning Ordinance, and the Small Area Plans adopted for this area. The Rezoning Plan can be modified to address comments and inconsistencies.

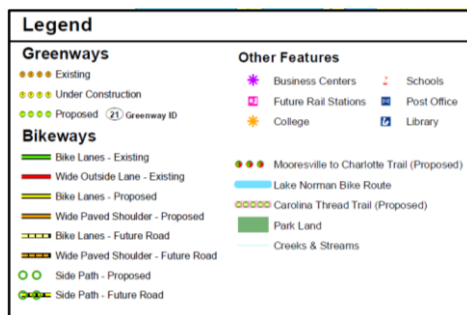
- **Policy H-9: Higher intensity residential development will be focused generally within two miles of the I-77/NC-115 corridor and future mixed use nodes in the eastern and western areas of Huntersville’s zoning jurisdiction.**

STAFF COMMENT: The site for of the proposed Conditional District rezoning is located within the activity node at Beatties Ford Road and Mt. Holly-Huntersville Road, identified in the Town’s Long Range Plan. The proposed density of the conditional district rezoning plan is 2.63 dwelling-units per acre. The Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan recommends moderate density in this area. See additional comments regarding the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan below.

- **Policy PF-2: 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.**  
STAFF COMMENT: see Part 4 of this report.
- **Policy T-7: Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.**  
STAFF COMMENT: A TIA was required. See Part 3.
- **Policy T-6: Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.**  
STAFF COMMENT: The plan proposes sidewalks to be installed along all streets. Bike-lanes and sidewalks are being proposed along the frontage of both Beatties Ford Road and Mt. Holly-Huntersville Road; see additional staff comments regarding the Huntersville Greenway and Bikeway Master Plan below.
- **Policy T-8: Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.**  
STAFF COMMENT: The proposed development extends one public street (Carver Avenue), provides one (1) street connection to an existing public street (Overhill Road), and a new connection to Mt. Holly-Huntersville Road. There are three (3) stub streets to adjacent parcels (two to the east and one to the southwest).

Huntersville Greenway and Bikeway Master Plan; Approved August 2014 – Staff finds the proposed Conditional District Rezoning petition consistent with the Huntersville Greenway and Bikeway Master Plan.

STAFF COMMENT: Per the Huntersville Greenway and Bikeway Master Plan Beatties Ford Road is a bikeway route, see map below. To address the bikeway plan, the applicants are accommodating a bike lane along the frontage of Beatties Ford Road.

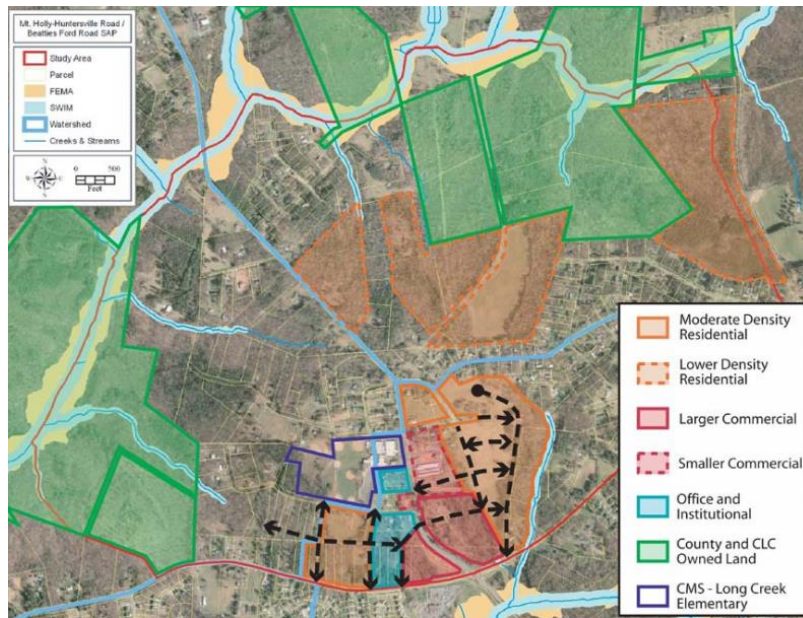


Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan; Adopted October 17, 2005 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan.

STAFF COMMENT: The concept of the Small Area Plan is to create a new, low-intensity “urban village”, with moderate density and low-density residential development. See the map from the Small Area Plan below.

The Small Area Plan calls attention to the extension of existing street network, while avoiding the promotion of high-speed cut-through traffic in existing and proposed residential neighborhoods. The design of the proposed street network within the Oak Grove Hill Conditional District Rezoning Plan sufficiently calms traffic, provides a connection to Mt. Holly-Huntersville Road and sets up stub streets, in appropriate locations, to continue the street network called for in the Small Area Plan. High-speed traffic along existing public streets can be addressed through the Town’s traffic calming policies. For instance, in late 2016/early 2017 Town Staff collected speed data on Westminster Drive, Shields Drive and Wedgewood Drive. Based on the data collected traffic calming was warranted and in June 2017, speed humps were installed. A subsequent request was

completed and speed-data was collected for Pembroke Road in November 2017. This data indicated that there was not a speeding issue. The Rezoning Plan does not provide a straight connection from Beatties Ford Road to Mt. Holly-Huntersville Road, but rather a connection made-up of several intersections to calm traffic.



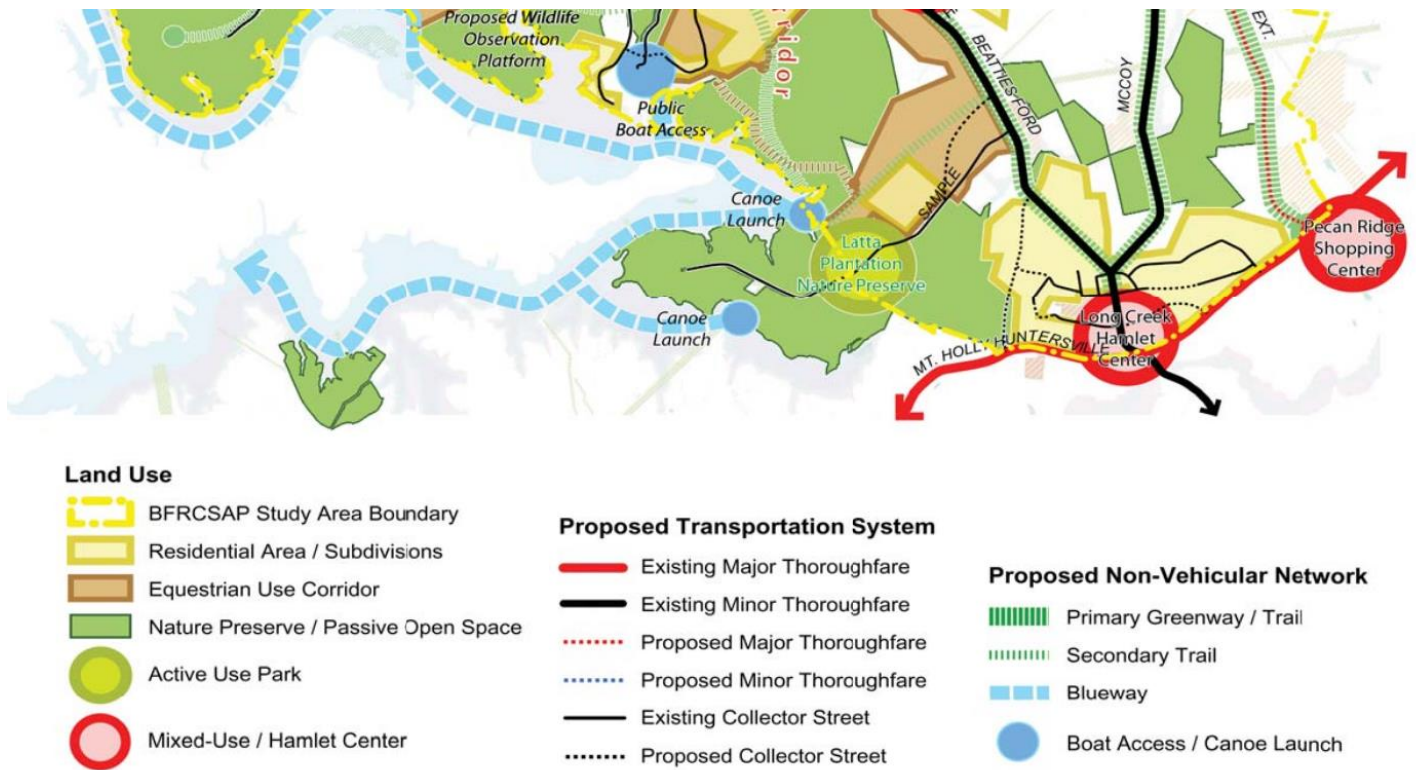
Beatties Ford Road Corridor Small Area Plan; Adopted September 19, 2007 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road Corridor Small Area Plan.

**STAFF COMMENT:** This Small Area Plan addressed concerns regarding pressure for commercial development along the Beatties Ford Road corridor. The goal of this Small Area Plan was to establish a long-term vision, define land use changes, influence form/design of future commercial development, provide a framework for transportation improvements, and integrate an open space network.

The site requested for Conditional District Rezoning is located within the “Long Creek Hamlet Center” (See Attachment F) for language relating to the Hamlet Center from the Small Area. The Small Area Plan also acknowledges the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan. See staff comments on the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan above. The Small Area Plan highlights the opportunity for increased residential development and retail development on Mt. Holly-Huntersville Road in this area.

The Small Area Plan also laid out a vision for new transportation systems in the area of the requested Conditional District rezoning site (see map below). The Rezoning Plan is in keeping with the envisioned transportation system by providing stubs streets to facilitate the collector street network as intended in the Small Area 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 surrounding area is generally low density residential with the exception of a few commercial and civic (schools) uses. See the context map below. The proposed Conditional-District rezoning plan could be consistent with development patterns described in the Town’s 2030 Community Plan, the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan, and the Beatties Ford Road Corridor Small Area Plan. However, context and high quality design of new developments are important principles identified in the Small Area Plans and should be considered when evaluating this request. The context map below highlights three (3) homes adjacent to the rezoning site that have been identified by Mecklenburg County’s Historic Landmark Commission. 1) is on the corner of Beatties Ford Rd and Midas Springs Road (9311 Beatties Ford Road), and is considered a property that merits attention and future study (one of 113 homes in Huntersville’s jurisdiction). 2) is located just south of this development (9102 Beatties Ford Road), and is identified as a notable property and merits immediate study (one of 30 homes in Huntersville’s jurisdiction). 3) is the property surrounded by the proposed development (9200 Carver Avenue) and is listed as Eligible for Study. Therefore, staff would recommend architectural elevations, specifically for the proposed homes along Beatties Ford Road, are considered to ensure new development would blend and respect the existing historical context found in the area.



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:

- No transportation improvements were warranted through the Transportation Impact Analysis – see Part 3 of this report.
- An APF Ordinance Determination of Adequacy was required – see Part 4 of this report.
- The property is not located within the Town Limits. However, the applicants have acknowledged an intent to annex the site into the Town Limits. Upon annexation police and fire protection and trash collection will be provide as Town Services.



- A Willingness-to-serve letter has been provided from Charlotte Water (water and sewer).
- A Conceptual Storm Water Drainage plan (PCO-1) has been provided and is in review.
- The Conditional District Rezoning petition was sent to Charlotte-Mecklenburg School (CMS) for consideration. CMS reported, if approved, the Subdivision may add approximately 62 students to the schools in this area. The following data was provide by CMS as of 20<sup>th</sup> Day of the 2018-2019 school year. See Attachment G.

**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: PUBLIC HEARING COMMENTS**

The Public Hearing was held on December 16, 2019. Numerous residents, both from adjacent properties and around Town, spoke in opposition to the rezoning. A full summary of the comments is available in the Town Board minutes from December 16, 2019.

**PART 7: STAFF COMMENTS/RECOMMENDATION**

Staff finds the proposed Conditional District Rezoning Plan to be consistent with the 2030 Community Plan, the Beatties Ford Road-My. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan. These plans support moderate density and the proposed 2.63-units per acre falls under that category.

Staff ~~also~~ recommends approval of both the block length modification for Block 1, ~~but does NOT recommend approval of~~ and the buffer modification near BMP-1 (see full explanation in Part 2 of this staff report).

Additional concerns:

- Lots A-1 thru A-5 will be required to use the 20' driveway depth from the alley, this must be noted on plan;
- Provide evidence of permission from gas company to cross easements, either with future streets or maintenance accesses;
- All outstanding redline comments must be addressed.

**PART 8: PLANNING BOARD RECOMMENDATION**

On Tuesday, December 17, 2019, the Planning Board recommend denial of the Conditional District Rezoning by 6-2 vote. The Motion to Deny was based on the request being inconsistent with Policies H-2, Mixed Use Village Development and H-9, Recommendation of Moderate Density. It is not reasonable and in the public's interest to approve this rezoning plan because it sets a dangerous precedent regarding what criteria can be used to justify intensification of low-density zones and sets a new priority in regards to protecting low-density zones.

**PART 9: ATTACHMENTS/ENCLOSURES**

Attachments

- A – Rezoning Application
- B – Proposed Rezoning Plan
- C – Context Map
- D – Neighborhood Meeting Summary
- E – APF Letter of Determination
- F – Section 6.4 of the Beatties Ford Road Corridor Small Area Plan
- G – CMS Report



**PART 10: CONSISTENCY STATEMENT – R18-10A: OAK GROVE HILL**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning staff RECOMMENDS APPROVAL to rezone 45.18-acres from Rural (R) to Neighborhood Residential Conditional District (NR-CD), as it is consistent with Implementation Goals H-2, H-4, H-9, PF-2, T-6, T-7 &amp; T-8 of the 2030 Community Plan and consistent with the objectives of both the Beatties Ford Road &amp; Mt. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan.</p> <p><b><u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan, BECAUSE it is consistent with the Plans outlined above and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u></b></p>		<p>APPROVAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning Board recommends denial based on the request being inconsistent with Policies H-2, Mixed Use Village Development and H-9, Recommendation of Moderate Density. It is not reasonable and in the public's interest to approve this rezoning plan because it sets a dangerous precedent regarding what criteria can be used to justify intensification of low-density zones and sets a new priority in regards to protecting low-density zones. The motion passed 6-2.</p>	<p>DENIAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning Board recommends denial based on <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>





# General Application

**Incomplete submissions will not be accepted. Please check all items carefully.**

## 1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>**

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☒ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to \_\_\_\_\_
- ☐ SPECIAL USE PERMIT
- ☐ Other \_\_\_\_\_

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

## 2. Project Data

Date of Application 6-11-19

Name of Project DAK GROVE HILL Phase # (if subdivision) \_\_\_\_\_

Location 8529 MT. HOLLY HUNTERSVILLE RD

Parcel Identification Number(s) (PIN) 01526432 / 01526450

Current Zoning District R Proposed District (for rezonings only) NR (CD)

Property Size (acres) 6.802 Street Frontage (feet) \_\_\_\_\_

Current Land Use VACANT

Proposed Land Use(s) SF LOTS

Is the project within Huntersville's corporate limits?

Yes \_\_\_\_\_ No ☒ If no, does the applicant intend to voluntarily annex? YES

## 3. Description of Request

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

ADD TO ORIGINAL REZONING FOR DAK GROVE HILL WITH NEW RD CONNECTION  
OUT TO MT. HOLLY HUNTERSVILLE RD AND ADDITIONAL LOTS ALONG NEW ROAD

## 4. Site Plan Submittals

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



## 5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies.

For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

## 6. Signatures

\*Applicant's Signature



Printed Name ROBERT BOWMAN

Address of Applicant 13815 LINNABAR PL HUNTERSVILLE, NC 28078

Email BOWMAN31@GMAIL.COM

Property Owner's Signature (if different than applicant)



\*Printed Name Earle P. Black

\*Property Owner's Address 918 Lawyers Rd. W., Indian Trail, NC 28079

Email

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

Development Firm

Name of contact

Phone

Email

Design Firm

Name of contact

Phone

Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

Phone:

704-875-7000

Fax:

704-992-5528

Physical Address:

105 Gilead Road, Third Floor

Website:

<https://www.huntersville.org/228/Planning-Department>

### 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.

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### 6. Signatures

\*Applicant's Signature

Printed Name Robert Bowman

Address of Applicant 13815 Cinnabar Place, Huntersville NC 28078

Email natebowman15@gmail.com

Property Owner's Signature (if different than applicant)

Printed Name Beverly W Buchanan, Miriam W Smith

Property Owner's Address 9613 Pembroke Rd. Huntersville NC, 28078

Email

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

Carver Bowman, LLC	Robert Bowman	704-875-9704	natebowman15@gmail.com
Development Firm	Name of contact	Phone	Email
R Joe Harris & Associates	Ivan Bailey	803-802-1799	iballey@rjoharris.com
Design Firm	Name of contact	Phone	Email

#### If Applying for a General Rezoning:

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

#### If Applying for a Conditional Rezoning:

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

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



HUNTERSVILLE GENERAL NOTES:

- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- This property may be subject to any easements and/or right-of-way of record.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including) right-of-way and intersection with adjacent and opposing access points. Modifications to plan may result.
- Large maturing trees will be planted 40' O/C within the required planting strip along all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing trees are to be used where overhead power lines exist.
- Garbage pick-up shall be via roll-out trash and mail delivery shall be to mail kiosks.
- Except as specifically provided in the Rural and Transitional districts, detached house types and two-unit attached house types shall be required to have a lot width greater than 50' feet. Developers shall have the option to provide lots widths 50' feet wide or less when alley access allowing on-site parking is provided for detached house types and two-unit attached house types. Further, developers shall also have the option to apply for a conditional district rezoning to create lot widths of 50 feet wide or less without an alley provided it can demonstrate the development can accommodate on-street parking, meet all the provisions of the zoning ordinance including installation of street trees, and demonstrate public services such as trash pick-up can be provided.
- Alley access for on-site parking is strongly encouraged for three-unit or more attached house types.
- Direct access from lots to a thoroughfare is prohibited.
- Lots subject to flooding should not be established in subdivisions except as provided in Section 7.280 (if applicable)
- Any construction or use within the areas delineated by floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by floodway regulations.
- All alleyways shall be open from general usage by the general public but shall not be accepted by the public for maintenance. Maintenance shall be responsibility of developer/associations of homeowners.
- Build-to line -- A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected, intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

CONSTRAINING FEATURES

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
SWIM BUFFER	2.43± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	34.6 ACRES (76.72%)
10% - 15%	5.13 ACRES (11.36%)
15% - 25%	3.24 ACRES (7.17%)
25% - 100%	2.01 ACRES (4.46%)

Soil Hydrologic Groups: (% of site area)	
ZONING:	NR-CD
ACREAGE:	45.18± ACRES
Group A	0
Group B	24.0± ACRES(53.0%)
Group C	21.2± ACRES (47.0%)
Group D	0
Group B/D	0

\*THE PROPOSED METHOD FOR PROVIDING POTABLE WATER & SANITARY SEWER SHALL BE PROVIDED BY CHARLOTTE WATER VIA CONNECTED WATERLINES & SEWER LINES.

EXISTING DATA

FEMA Panel: 3710453800K

Watershed: Long Creek

Soil Types: CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes  
CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes  
EnB - Enon sandy loam, 2 to 8 percent slopes  
EnD - Enon sandy loam, 8 to 15 percent slopes  
PaE - Pacolet sandy loam, 15 to 25 percent slopes  
VaB - Vance sandy loam, 2 to 8 percent slopes  
W - Water

Urban Open Space Table		
U.O.S.#	Area	Type
1	12,633 SF	Green
2	11,231 SF	Green

ROAD

NAME	LENGTH	ROAD BLOCK LENGTHS		
ROAD A	2,432 LF	BL 1 1,246'	BL 7 179'	BL 13 1032'
CARVER AVE.	1,551 LF	BL 2 283'	BL 8 307'	
ROAD C	1,899 LF	BL 3 352'	BL 9 442'	
		BL 4 551'	BL 10 157'	
		BL 5 236'	BL 11 388'	
		BL 6 230'	BL 12 419'	

\*In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets.

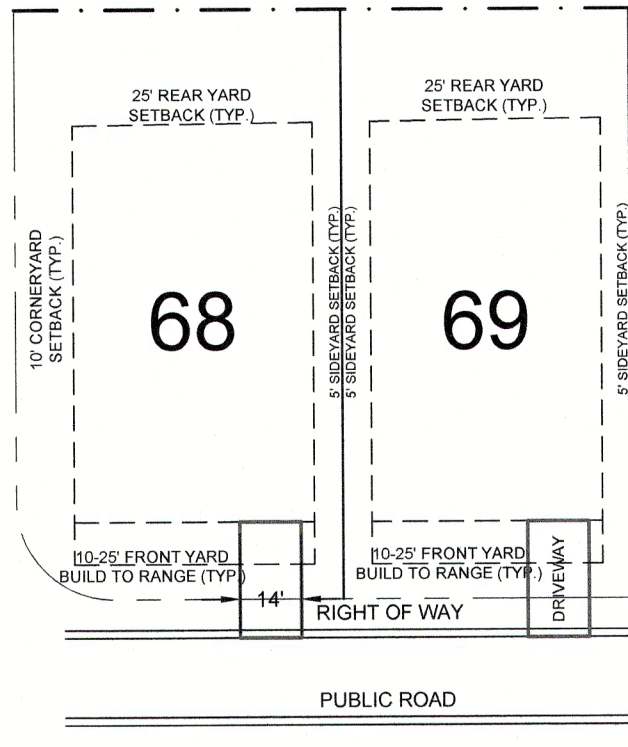
ALLEY

NAME	LENGTH	ALLEY BLOCK LENGTHS		
ALLEY D	437LF	AL 14 215'	AL 16 51'	
ALLEY E	184LF	AL 15 222'	AL 17 181'	
ALLEY F	626LF			
ALLEY G	360LF			
ALLEY H	232LF			

Parcel Line and Curve Table		
Line #/Curve #	Length	Bearing/Data
C1	223.08	8.59
C2	33.58	11.30
C3	71.27	7.96
C4	170.43	11.56
L1	137.93	S70°15'02.81"W
L2	81.41	S70°15'02.81"W
L3	126.99	N31°31'24.74"W
L4	44.12	S94°35'27.67"W
L5	60.54	N9°07'20.95"W
L6	200.13	S81°00'10.39"W
L7	273.43	S8°52'53.75"E
L8	184.38	N79°27'40.55"E
L9	109.25	S9°03'07.48"E
L10	186.97	N79°12'35.09"E
L11	223.70	N79°12'35.09"E
L12	269.43	N1°10'17.70"W
L13	343.27	N78°02'36.22"W
L14	283.13	S80°21'33.74"W
L15	153.01	N38°08'11.61"W
L16	43.55	N38°42'09.24"W

Parcel Line and Curve Table		
Line #/Curve #	Length	Bearing/Data
L17	218.10	N40°39'07.52"E
L18	203.71	S41°29'25.13"E
L19	230.02	N62°30'22.94"E
L20	236.50	N88°02'26.57"E
L21	60.08	N88°07'02.26"E
L22	60.05	N88°59'35.18"E
L23	249.57	S43°02'21.52"E
L24	207.49	S45°01'00.45"E
L25	234.82	S50°51'13.67"E
L26	94.14	S61°08'54.19"E
L27	220.66	S15°58'38.63"E
L28	415.63	N83°29'47.60"W
L29	524.77	S9°49'49.70"W
L30	206.19	S9°37'08.45"W
L31	225.58	S9°49'52.72"W
L32	206.36	S9°50'52.21"W
L33	421.11	S10°10'22.20"W
L34	784.03	N27°17'58.81"W
L35	602.40	N65°10'03.37"W
L36	725.59	N24°45'00.37"W

Parcel Line and Curve Table		
Line #/Curve #	Length	Bearing/Data
L37	155.28	S81°27'26.96"W
L38	208.14	N8°44'16.11"W
L39	387.53	N79°12'35.09"E
L40	17.74	N10°31'08.26"W
L41	100.95	N79°47'38.78"E
L42	52.62	S1°08'24.58"W
L43	208.84	S85°52'35.48"E
L44	424.81	N83°19'25.30"W
L45	359.58	S0°29'51.55"E
L46	450.72	S42°21'15.28"E
L47	201.10	N50°36'40.56"E
L48	362.86	S43°23'19.44"E
L49	158.90	N50°36'40.56"E
L50	364.61	N43°22'29.44"W



LOT SETBACKS

- Lots 60' wide or less shall have driveways no more than 14' wide as measured along the public streets ROW.
- Driveways shall extend a minimum of 20' from back of public ROW.

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree List, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

TREE PRESERVATION

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
COVERED BY TREE CANOPY:	29.2± ACRES (64.6%)
TREE CANOPY PRESERVATION REQUIRED: 10%	4.52± ACRES
TREE CANOPY PRESERVATION PROVIDED: 7.2%	3.26± ACRES
TREE CANOPY MITIGATION REQUIRED: 2.8%	1.26± ACRES
TREE CANOPY MITIGATION PROVIDED: 3.8%	1.70± ACRES
TOTAL TREE CANOPY PROVIDED: 11.0%	4.96± ACRES
NO. OF SPECIMEN TREES ON-SITE:	8
NO. OF SPECIMEN TREES SAVED (Min. Req. 10%)	1 (Provided 13%)
NO. OF HERITAGE TREES ON-SITE:	0

TREE LEGEND

TR	- Tree	GU	- Gum
EL	- Elm	MA	- Maple
BE	- Beach	PE	- Pecan
P	- Pine	WA	- Walnut
PO	- Poplar	HI	- Hickory
OA	- Oak		

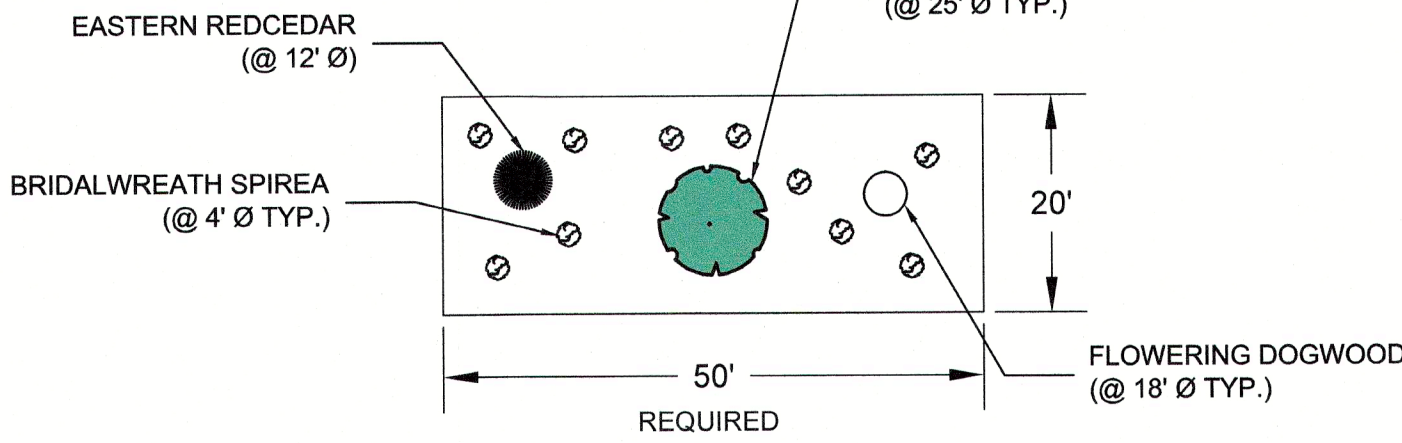
- Trees planted as tree canopy mitigation shall be a minimum of 2" in caliper and 25% shall be evergreens
- Mitigated trees to be placed 40' on center

TREE CANOPY MITIGATION

Large maturing trees required for tree canopy mitigation = 95,837/2000 = 48 Nos.

SUPPLEMENTAL RESIDENTIAL BUFFER YARD LANDSCAPING ALONG ABUTTING PROPERTIES

TOTAL LENGTH = 50 LINEAR FEET X 20 LINEAR FEET = 1000SQFT



- 25% (1 TREE) EVERGREEN TREES PER 50LF
- 25% (1 TREE) CANOPY TREES PER 50LF (LARGE MATURING)
- 25% (1 TREE) UNDERSTORY TREES PER 50LF (SMALL MATURING)
- 10 SHRUBS PER 50LF

(NUMBER OF TREES & SHRUBS SHOWN MUST BE THE MINIMUM NUMBER PLANTED. TYPE & ACTUAL LOCATION MAY VARY.)  
(EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE)

Development Information:

Project Name: Oak Grove Hill Sketch Plan  
Huntersville, NC (Mecklenburg County)

Developer: Bowman Bayard Bradford, LLC  
13815 Cinnabar Place  
Huntersville, NC 28078

Tax I.D.: 01526443, 01526504, 01526506, 01526450  
01526432

ZONING:	R(Ex.)	NR-CD (Prop.)
ACREAGE:	45.18± ACRES	
BUILDING TYPE:	DETACHED HOUSE	
BUILD TO LINE:		
	SINGLE FAMILY 51': FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT.	
	SINGLE FAMILY 42': FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 5 FT.	
MIN. LOT WIDTH:	SINGLE FAMILY: 51 FT. SINGLE FAMILY: 42 FT.	
LOT WIDTH RANGE:		
51 FT. ■	SINGLE FAMILY: 97	
42 FT. ■	SINGLE FAMILY: 22	
LOT SIZE RANGE:		
5,000 SQ. FT. - 6,500 SQ. FT.	SF: 65 Lots	
6,500 SQ. FT. - 11,500 SQ. FT.	54 Lots	
COMMON OPEN SPACE:	17.46 ACRES COS +3.16 ACRES BUFFER =17.62 ACRES TOTAL	
URBAN OPEN SPACE:	0.55 ACRES	

SITE TOPOGRAPHY & LOCATE FIELD RUN BY R. JOE HARRIS & ASSOCIATES, INC. SUPPLEMENTAL TOPOGRAPHY PROVIDED FROM MECKLENBURG COUNTY AERIAL TOPOGRAPHY (OFF-SITE).

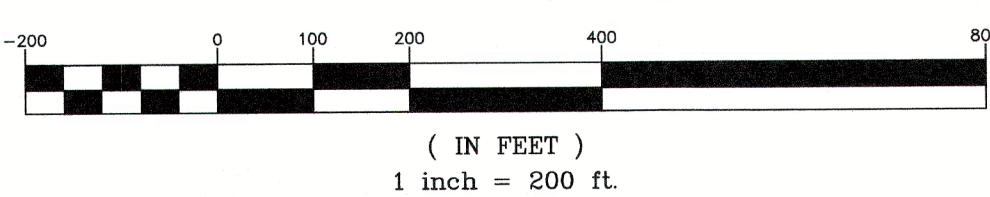
THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS DEFINED ON COMMUNITY PANEL 3710453800-K OF THE FLOOD INSURANCE RATE MAPS FOR MECKLENBURG COUNTY DATED 09-02-2015.

BOUNDARY SURVEY PROVIDED BY R. JOE HARRIS & ASSOCIATES, INC. HORIZONTAL DATUM TIED TO NAD 83 AND VERTICAL DATUM BASED ON NAVD 88. CONTACT R. JOE HARRIS & ASSOCIATES, INC. FOR BENCHMARKS AND CONTROL INFORMATION.

REQUESTED MODIFICATIONS

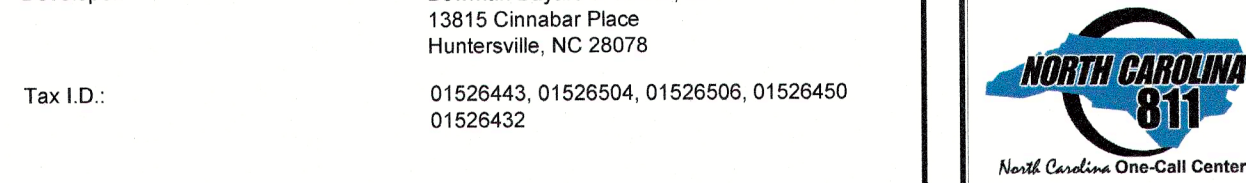
- Modification requested for the 20' property buffer along lots 79-81. A 20' landscape easement will be provided by the Adjacent property owner Miriam W. Smith & Wilbur Smith. The easement will be maintained by the adjacent parcel and the land will remain as part of the parcel. Easement to be shown on the recombination plat for the site prior to annexation.
- Modification requested for the block length of Road A. The BL-1 is 1201LF which exceeds the minimum block length criteria. In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets. This BL remains at this length as no viable future connectivity options are present for this segment.
- Modification requested for the block length of Road C. The BL-14 is 1201LF which exceeds the minimum block length criteria. In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets. This BL remains at this length as no viable future connectivity options are present for this segment.
- Modification requested for Planning Board approval of tree canopy mitigation
- Modification requested for 20' buffer yard requirements across from lots 83-85. Additional area between ROW and adjacent property owner to be dedicated ROW and be planted with landscaping with opaque fencing. The area is to meet article 7's definition for opaque screening. Developer to obtain encroachment agreement in LD Plan stages for this mentioned area.
- Waiver requested for 20' buffer yard requirements adjacent to BMP 1. Dense Landscaping to be provided in this area if BMP cannot be accommodate full 20' buffer in the LD Plans.

GRAPHIC SCALE

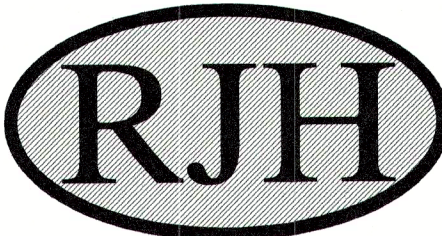


( IN FEET )

1 inch = 200 ft.



Engineer:



R. Joe Harris & Associates, Inc.

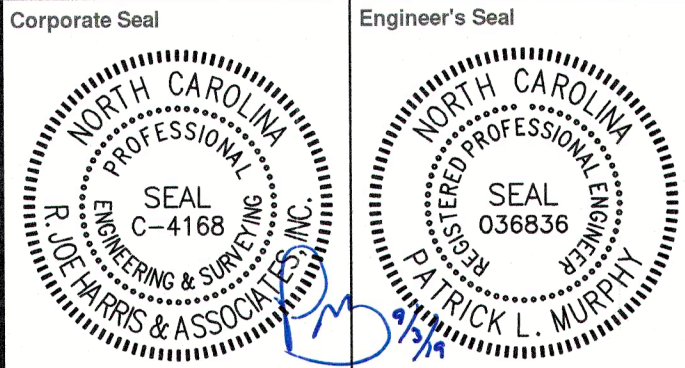
Engineering • Land Surveying • Planning Management

127 Ben Casey Drive, Suite 101, Fort Mill, S.C. 29708

P: (803) 802-7799

www.rjoharris.com

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



Project Manager: D. Gates  
Department Manager: P. Murphy  
Print/Plot Date: Aug. 30, 2019  
Asbuilt Drawn: -  
Asbuilt Date: -

Client: BOWMAN DEVELOPMENT GROUP  
13815 CINNABAR PLACE  
HUNTERSVILLE, NC 28078  
P: (704) 875-9704

Project:

OAK GROVE HILL

Drawing Title:

Rezoning Plan

Project No.

2839

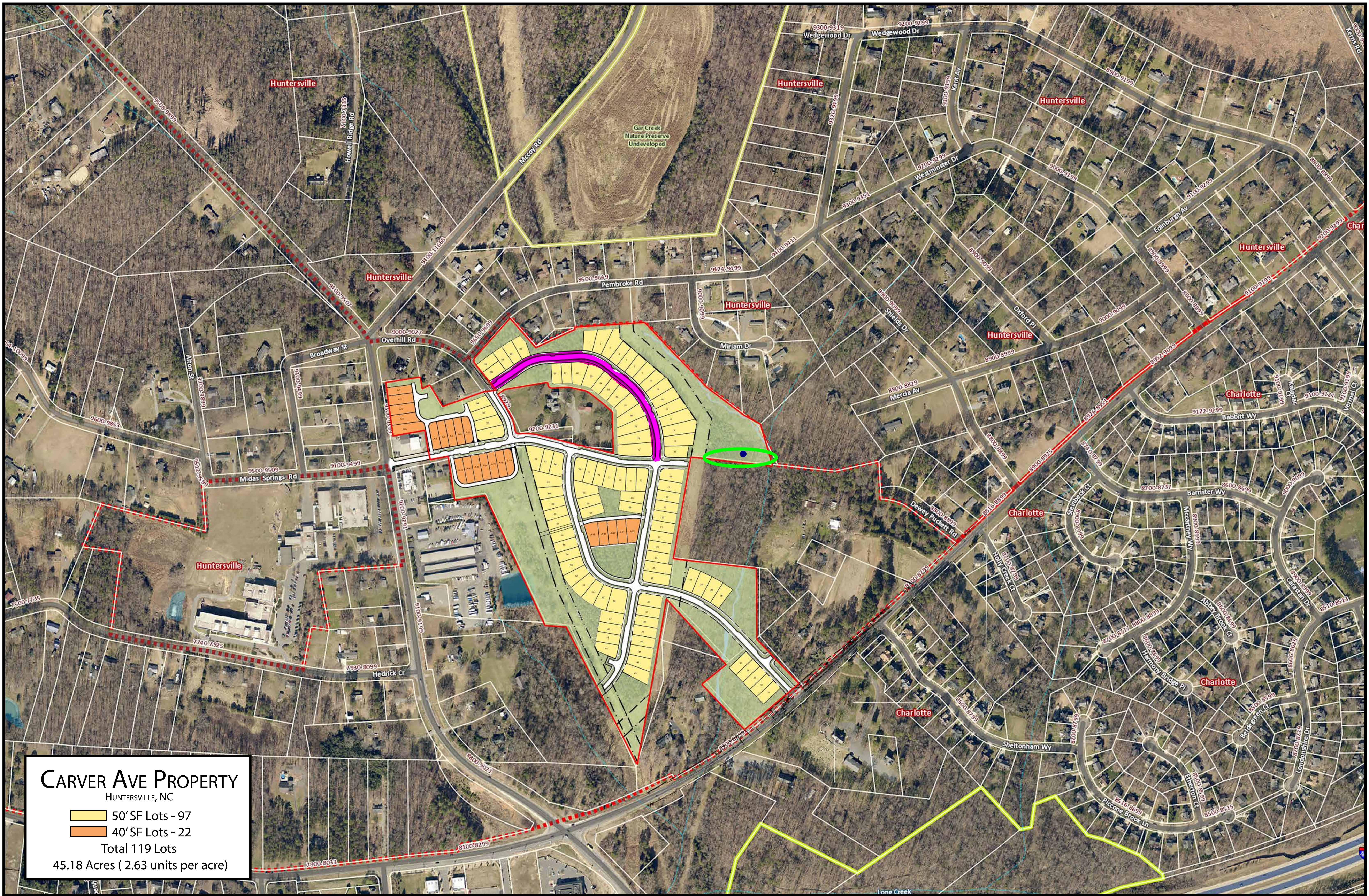
DWG File Name:

2839-Rezoning & Sketchplan

Drawing No.

SP-1





# CARVER AVE PROPERTY

HUNTERSVILLE, NC

- 50' SF Lots - 97
- 40' SF Lots - 22

Total 119 Lots

45.18 Acres ( 2.63 units per acre)



## Oak Grove Hill Sign-In Sheet

NAME	ADDRESS	PHONE	EMAIL
Paul Fulton	9015 Shields, 28018	704 232 4577	pcfulton@hotmail.com
Bill WEIR	9319 WEDGEWOOD Dr.	704-804-9320	Bweird@ymail.com
Lee Sandra Burge	8923 Oxford Place	704-394-4659	lburge@bellsouth.net
Fred Crooker	9401 Mt. Holly Hs. Rd.	704-392-4449	
Charlotte Jailer	9332 Westminster Dr		CWSjws@ATT.net
Mary Leatherwood	9233 Wedgewood Dr.	704-392-2712	MARCKTON@AOL.com
Earl Leatherwood	" "	"	" "
Ed Auten	9400 Westminster Dr.	704-399-8822	
Tim TAYLOR	8906 Wedgewood Dr	704-395-1347	T-C TAYLOR@ATT.NET
Lam Tran	9230 Edingburgh Ave	704-968-3358	LTANTRAN@yahoo.com
Hoyt Hamilton	8705 Mt Holly Huntersville	704-394-8528	hoythamilton@gmail.com
JOHN McDUNKIN	9219 WESTMINSTER	704 578 6579	JOHN@JOHNMcDUNKIN.com
Caleb Baity	9200 Edinburgh	336-391-3992	
Jack FULGHUM	8915 WEDGEWOOD DR	704-960-9593	smilest65 jmf65@live.com
John Marshall	9014 Oxford Pl.	704-392-3092	
Susan Marshall	"	"	
Alan Paxton	8830 Wedgewood	704-634-9630	al8841@hotmail.com



# Oak Grove Hill Sign-In Sheet

[illegible]

From: Drew Bowman <bowman31@gmail.com>  
Sent: Thursday, November 21, 2019 11:26 AM  
To: David Peete; Nate Bowman  
Subject: Carver Meeting Notes 10-23-19  
Attachments: 20191121111513036.pdf

Carver Neighborhood Meeting 10-23-19

Joe Sailors

- o Entrance to MH will there be merge lane coming out?
- o Traffic backs up @ we will ask NCDOT & CDOT and they will tell us how they want this connection
- o Backup South on BF will there be any improvements? No improvements on BF we resubmitted and rescoped TIA

Amy Groten

- o What if we don't have CDOT input? Keep going/extended/keep PH open/wait for PB for it? We are hoping to have their input before PB

Bill McIlroy

- o Wants a copy of the plan. It should be on the towns website and we will have copies at our office

Barbara Cannon

- o # SF total @ 119 total
- o # alleys @ 22 total

Tim Taylor

- o Size of lots? 42' alley / 51' front load / 120 deep

Charlotte Sailors

- o Concern of traffic on Westminster. We added connection to Mt Holly-Huntersville and went thru updated TIA

Bruce Anderson

- o What happens if CDOT only wants right in right out? We will ask NCDOT & Town what they want.

Joe Sailors

- o Are there any improvements on Overhill or Carver? Carver is upgraded and the road is defined with curb out to BF
- o Why not improve Overhill and what about cut thru traffic? We have an additional connection that should reduce cut thru traffic.

Bill McIlroy

- o Price of each unit? SF 311,000 @ 325,000 / Alley 275,000 @ 300,000

Joe Sailors

- o Greenway along gas line? Probably not along gas line because the gas company typically doesn't want this.

Debbie Ware

- o Probably wouldn't stop traffic for kids to walk to school if they go across the street to Long Creek

Tim Taylor



o will you annex? Yes

Debbie Ware

o What is the SF of house the houses? Average 2,000-2,700

Bill Ware

o Renderings? Yes some for BF Rd alley fed.

Joe Sailors

o Can you restrict construction traffic to not use Westminster? We are okay with that.

Bruce Anderson

o Impervious percentage? 30%

o Will this connect sewer? We will extend to where CLT water makes us which will get it closer.

o Tree Save? 50% specimen new trees required in front/back/street. Taking down pines planted for timber.

o BMP? There are 4 on site

#### 6.4.1 Beatties Ford Road/Highway 73 Development

A mixed use commercial center containing retail, multi-family residential, and civic uses is proposed at the northern end of the study area where Beatties Ford Road, Vance Road and NC 73 intersect. The location and composition of this center will be subject to final determination of the road network recommended by this plan by MUMPO and the Town.

#### 6.4.2 Latta Village:

On January 16, 2007, the Town Board approved a commercial center with approximately 100,000 square feet on 23 acres. The approved plan is anchored by a 55,600 square feet grocery store. An internal grid pattern has been established with the introduction of public streets that provides connections to the Hopewell High School property and Hambright Road .

#### 6.4.3 Long Creek Community:

In 2005, The Town of Huntersville retained the services of Gemini Studios, Warren Associates and the Littlejohn Group to prepare a market based vision for the intersection of Mt. Holly-Huntersville and Beatties Ford Road. The focus of the plan was to create a new “urban village” centered on the Long Creek Elementary School. The plan identified a number of initiatives that are relevant to The Beatties Ford Road Corridor Small Area Plan, including:

- Focusing retail development on Mt. Holly- Huntersville Road (25,000 – 50,000 square feet demand by the year 2015)
- Making the Long Creek Elementary School the focal point of the future Long Creek hamlet center
- Increasing residential development
- Developing a roundabout at McCoy and Beatties Ford Road

The Long Creek Elementary School reconstruction provides significant opportunity for redevelopment of the Long Creek area. Residential uses will be single-family, with a future potential for some attached housing in response to changes in the market. The following sketches and plans support the recommended initiatives of the Mt. Holly-Huntersville/Beatties Ford Road Small Area Plan for residential and commercial uses.



*Above and right: sketch concepts for the Long Creek Hamlet Center. The architecture and rural motifs of the BFR Corridor are referenced.*







## 6.4 Mixed Use / Hamlet Centers

At the May 10<sup>th</sup> open house, public consensus favored the adoption of a mixed-use/hamlet center development concept for those areas designated as appropriate locations for commercial uses. A mixed-use/hamlet center development pattern would require that the following issues be addressed:

- Density/scale
- Land use pattern
- Functional relationships
- Overall image and identity
- Green space system
- Transportation

A "hamlet" can be defined as a discernible place with a focal point and boundary that maintains and fosters residential, commercial, institutional (i.e. places of worship, schools) or recreational uses and activities. It is organized in accordance with a pedestrian scale to permit and encourage non-vehicular transportation options (i.e. walking and biking).



*Old Salem in Winston-Salem (left) is an example of a district demonstrating the character of a potential Hamlet Center. The streetscape for the Long Creek Hamlet Center (above) draws from the character of Old Salem and honors the brick vernacular architecture of the BFRCSAP Corridor. At right is a detail of the base rustication of the Cedar Grove Plantation House.*



*Below are structures that represent the rural heritage of the BFRCSAP corridor; pictured left to right are: a cabin in the Long Creek Community, the Historic Torrance Store, the well of the McCoy-Nisbit House.*





December 18, 2018

Robert Bowman  
13815 Cinnabar Place  
Huntersville, NC 28078

**Re: Adequate Public Facilities (APF) Application – Oak Grove Hill (File #2018-16)**

Dear Mr. Bowman:

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 129 Single-family homes. 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 December 18, 2019, 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](mailto:brichards@huntersville.org) or by phone: (704) 766-2218.

Sincerely,

*Brian Richards*

Brian Richards  
GIS Administrator

Cc: Jack Simoneau, AICP, Planning Director  
Angela Beeker, Town Attorney  
Meredith Nesbit, Senior Planner



## Town of Huntersville: Oak Grove Hill Rezoning/Sketch Plan

### IMPACT OF THE PROPOSED DEVELOPMENT

*Proposed Housing Units:* 119 single-family, detached dwelling units

*CMS Planning Area:* 4, 17, 18, 19

Average Student Yield per Unit: 0.5220 (single-family detached)

- 62 student(s) (33 elementary, 12 middle, 17 high)

This development may add 62 student(s) to the schools in this area. The subject properties are adjacent to Long Creek Elementary School and Trillium Springs Montessori School.

The following data is as of 20<sup>th</sup> Day of the 2018-19 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20<sup>th</sup> Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
LONG CREEK <sup>1</sup> ELEMENTARY	32.5	39	504	644	83%	33	<b>88%</b>
TRILLIUM SPRINGS MONTESSORI (PK-6) <sup>12</sup>	11.5	12	154	190	96%	N/A	<b>N/A</b>
BRADLEY MIDDLE	56.5	53	1074	1007	107%	12	<b>108%</b>
HOPEWELL HIGH	88.5	100	1713	1936	89%	17	<b>89%</b>

1. The schools share a campus.

2. Trillium Springs is a magnet school and not a home school (i.e. no assigned attendance zone).

The total estimated capital cost of providing the additional school capacity for this new development is \$444,000; calculated as follows:

Middle School: **12** x \$37,000 = \$444,000

### 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 school(s) listed above.

Applicants are encouraged to contact us in advance of their project submittals to inform CMS of their prospective impacts and discuss mitigation alternatives.

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** David Peete, Planning

**Date:** 1/6/20

**Subject:** TA 19-10: request to amend Article 8.11.6 Permitted Accessory Uses in All Districts to reduce the side and rear setback for swimming pools from 15 feet to 5 feet.

---

**EXPLAIN REQUEST:**

Consider Final Action on Monday, January 6, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition # TA 19-10, a request by KBR Bowman, LLC to amend Article 8.11.6 Permitted Accessory Uses in All Districts to reduce the minimum setback for swimming pools from 15 feet to 5 feet.

**ACTION RECOMMENDED:**

Consider decision on Petition #TA 19-10, a request by KBR Bowman, LLC to amend Article 8.11.6 Permitted Accessory Uses in All Districts to reduce the side and rear setback for swimming pools from 15' to 5'. (David Peete)

**FINANCIAL IMPLICATIONS:**

n/a

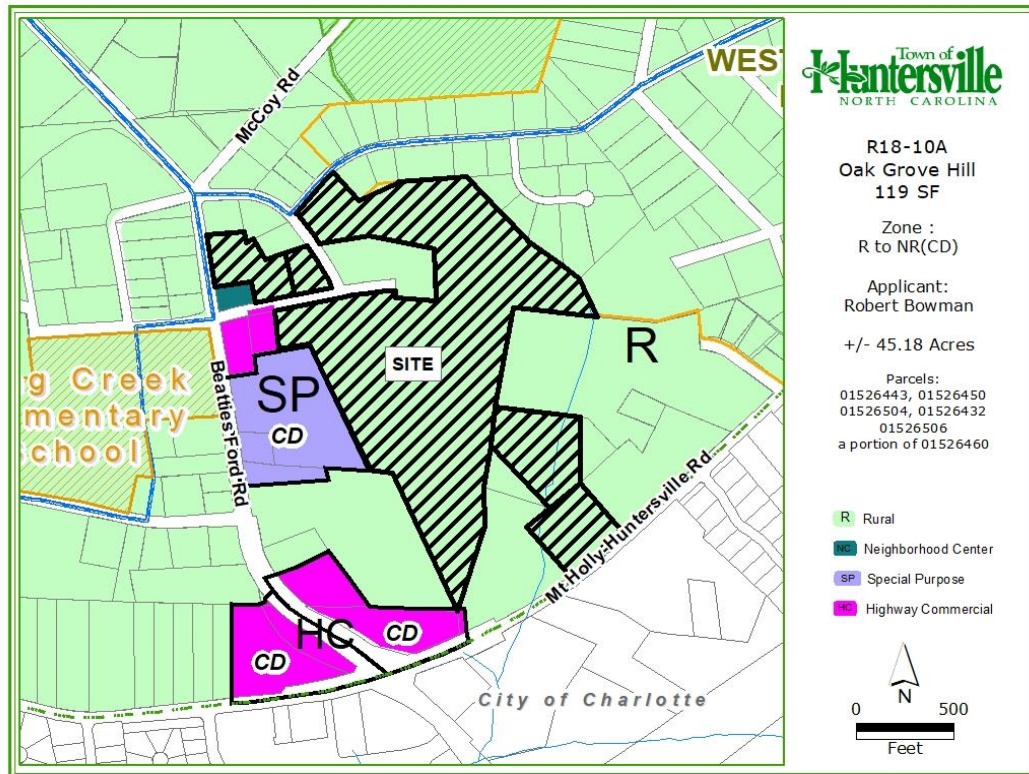
**ATTACHMENTS:**

- [R18-10A Final Action Staff Report.pdf](#)
- [Attachment A - Text Amendment Application.pdf](#)
- [Attachment B-1 - TA 19-10 Ordinance - 5 feet version.pdf](#)
- [Attachment B-2 - TA 19-10 Ordinance - 10 feet version.pdf](#)
- [Attachment C - Municipality Study - 2019.pdf](#)
- [Attachment D - 2006 Town Board minutes.pdf](#)



## Petition R18-10A Oak Grove Hill (Amended) Conditional District Rezoning.

### PART 1: PROJECT SUMMARY



**Applicant:** Carver Bowman, LLC

**Property Owner:** Beverly W. Buchanan, Miriam W. Smith, Wilbur Smith, Julian Buchanan & Earle P. Black.

**Property Address:** N/A.

**Project Size:** (+/-) 45.18-acres

**Parcel Numbers:** 01526443, 01526450, 01526504, 01526432, 01526506, portion of 01526460

**Current Zoning:** Rural District (R).

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

**Proposed Zoning:** Neighborhood Residential – Conditional District (NR-CD)

**Proposed Land Use:** Single Family Residential.

### Application Summary:

- Proposal: Rezone +/- 45.18 acres (east of Beatties Ford Road, north of Mt. Holly-Huntersville Road and south of Overhill Road) from Rural (R) to Neighborhood Residential – Conditional District (NR-CD). A Subdivision Sketch Plan has been submitted with the Rezoning Plan and would be administratively approved if the Rezoning Plan is approved (See Attachments A & B).
- Adjoining Zoning and Land Uses. See Attachment C: Context Map
  - North - Rural (R): Single-family lots.
  - South - Rural (R) and Highway Commercial – Conditional District (HC-CD): large single family lots.
  - East - Rural (R): Single-family lots - Westminster Park Subdivision & Large-lot residential.
  - West - Rural (R): Single-family lots, Neighborhood Center (NC): Kempo Karate, Highway Commercial: Lancaster's BBQ, Special Purpose – Conditional District (SP-CD): West Huntersville Storage
- A neighborhood meeting was held on October 23, 2019 at Town Hall. See Attachment D for complete meeting summary.

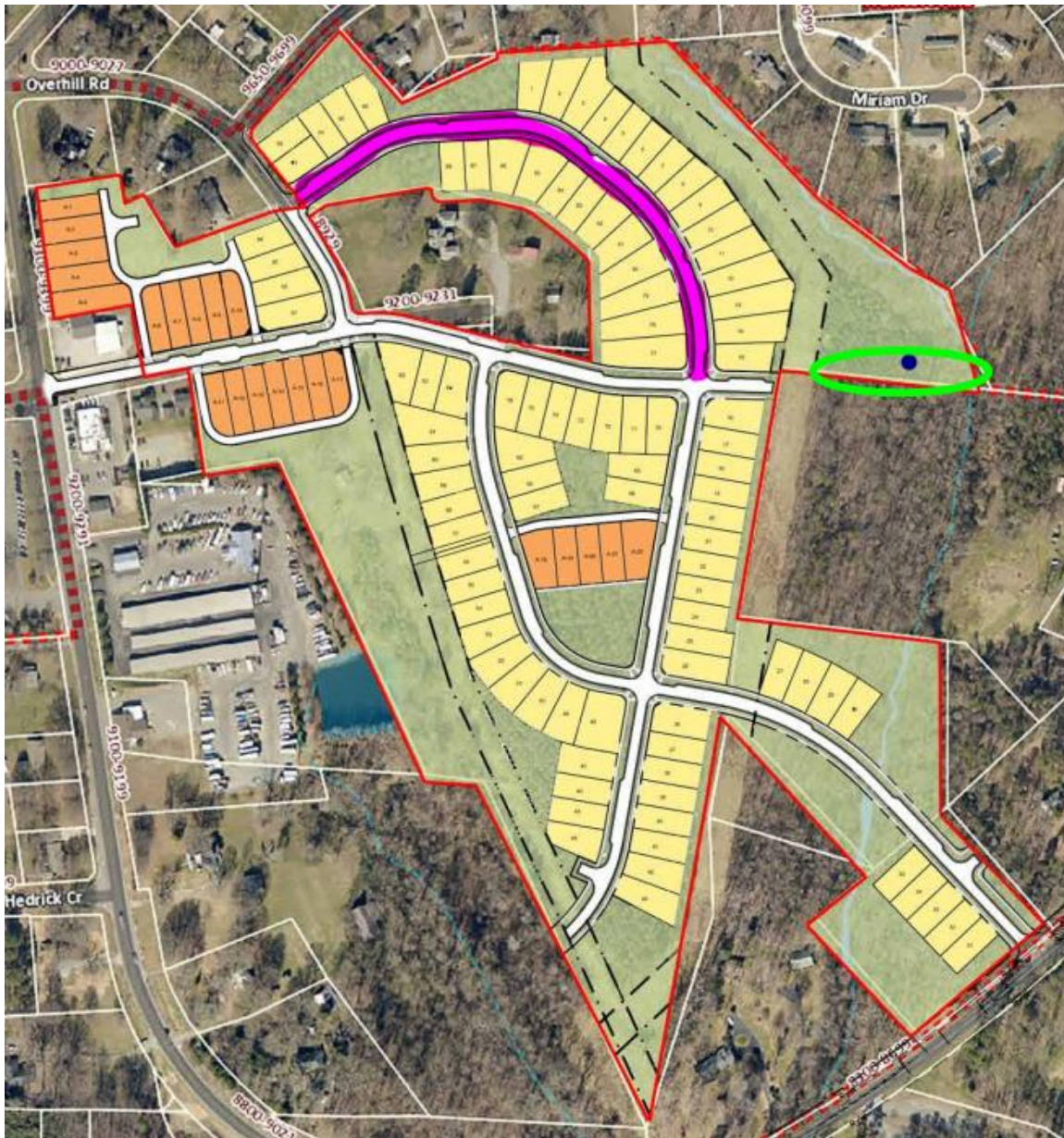
### PART 2: REZONING/SITE PLAN HIGHLIGHTS

A Conditional District Rezoning request was originally reviewed by the Town of Huntersville in December 2018. Based on input received from all involved, the applicant, Carver Bowman, LLC, decided to amend the plan and re-submit on June 11, 2019. The amended plan increased from 37.97-acres to 45.18-acres in size and the proposed uses changed

from 91 single-family homes and 38 townhomes (3.4 dwelling units per acre) to 119 single-family homes (2.63 dwelling units per acre).

The applicants are requesting the following modifications to Ordinance Requirements:

- **Block Length:** Article 5.2 states that major residential subdivision blocks are not to exceed 800 linear feet and the length of Block 1 (Road A) is 1,246 linear feet long. Article 5.2 also allows the Town Board to authorize greater block lengths where a longer block length will reduce the number of railroad grade crossings, major stream crossings; or, where longer blocks will result in an arrangement of street connections, lots and public space more consistent with Article 5 and Article 7 (see purple highlight on image below). Staff recommends approval of this block length waiver as reduction of block length via street-stubs to adjoining parcels is not appropriate, as the Smith property (to the west) is eligible for study by the Historic Landmarks Commission and the Westminster Subdivision (to the east) is not designed for future connections.





- Adjacent to BMP-1 (see green oval, above), the applicant is requesting that staff be allowed to modify the 20' buffer requirement during Preliminary (Construction) Plan review if the 20' buffer cannot be maintained once the BMP is fully designed. The applicant is proposing to provide an alternative opaque screening, as defined in Article 7.6, ONLY if the 20' buffer cannot be accommodated. Staff recommends approval of this modification as the location of BMP-1 is bordered by a gas-line easement on the west and a creek (SWIM) buffer and tree save area to the north and east. These factors limit the ability to adjust the location of BMP-1, making an alternative landscape buffer appropriate – provided it still complies with Zoning Ordinance Article 7 provisions. ~~and recommend adjustment of site plan elements to accommodate for the appropriate amount of storm water measures.~~

The following comments/items are not consistent with Town Ordinances and/or Manuals or remain to-be-addressed by the applicant:

Engineering Comments:

- Address concern regarding conflict with the gas line should Carver Avenue be extended beyond the proposed stub location.

General Comments:

- BMP Access: Maintenance and Access Easements for all BMPs are overlapping Piedmont Natural Gas Easements. Staff would not recommend approval of overlapping BMP easements until Piedmont Natural Gas agrees to the encroachment.
- All outstanding comments must be addressed.

**PART 3: TRANSPORTATION HIGHLIGHTS**

Traffic impact analysis (TIA): The original TIA from the 2018 submittal was re-scoped based upon the amended rezoning plan. On July 18, 2019, Town Engineering Staff determined the amended TIA is acceptable and that no improvements are required by the Town to meet the thresholds identified in Article 14.4 of the Town Zoning Ordinance. The applicants were further advised to contact North Carolina Dept. of Transportation (NCDOT) and Charlotte Dept. of Transportation (CDOT) regarding improvements they may require and the following comments were received:

NCDOT:

- Add left turn lane at access point on Mt. Holly-Huntersville Road (100' of storage & tapers);
- No driveways on Beatties Ford Road (none are proposed);
- No on-street parking on state-maintained roads;
- Carver Avenue & Overhill Road required to widen from 16' to 20';
- Lots 92 & 93 (on Overhill Road) not permitted to front-load. Only allowed to share driveway, unless Town takes over maintenance.

CDOT:

- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left turn lane and a 13' receiving lane. This section to be carried to the first stub street.
- Recommends a 12' Multi-Use Path or buffered bike lane along frontage.

**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 station, fire vehicles, police station,

police vehicles, indoor park and recreation facilities, and parks acreage. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed subdivision is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) was issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Stations, Indoor Park & Recreation Facilities and Park Acreage. See Attachment E.

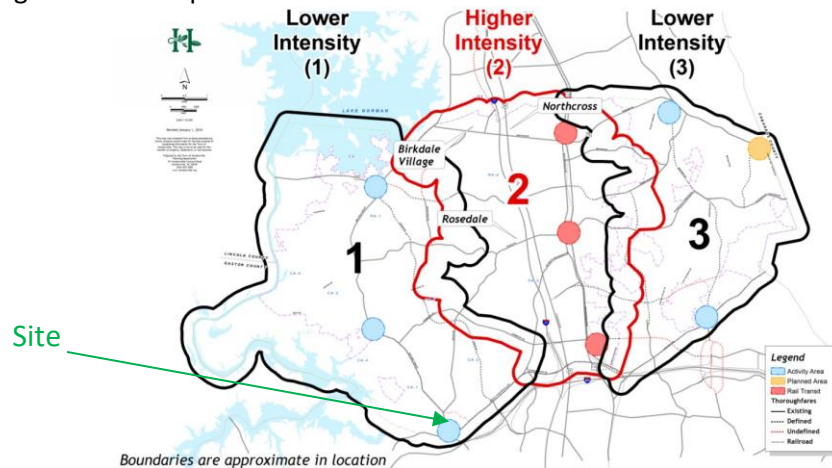
## PART 5: REZONING CRITERIA

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”.

Huntersville 2030 Community Plan – Staff finds the proposed Conditional District Rezoning petition consistent with the following policies of the 2030 Community Plan; adopted June 20, 2011:

- **Policy H-2: Continue to encourage mixed-use village development pattern at key nodes as identified in Small Area Plans adopted by the Town.**

STAFF COMMENT: The Proposed conditional rezoning site is located within an activity node identified in the Town’s Long Range Plan. See clip below.



- **Policy H-4: For proposed developments, either in the core or within identified nodes, adhere to the principles set forth in the Zoning Ordinance and adopted small area plans to ensure an approximate mix of residential, commercial, and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.**

STAFF COMMENT: The proposed conditional rezoning plan is generally consistent with the requirements of the Zoning Ordinance, and the Small Area Plans adopted for this area. The Rezoning Plan can be modified to address comments and inconsistencies.

- **Policy H-9: Higher intensity residential development will be focused generally within two miles of the I-77/NC-115 corridor and future mixed use nodes in the eastern and western areas of Huntersville’s zoning jurisdiction.**

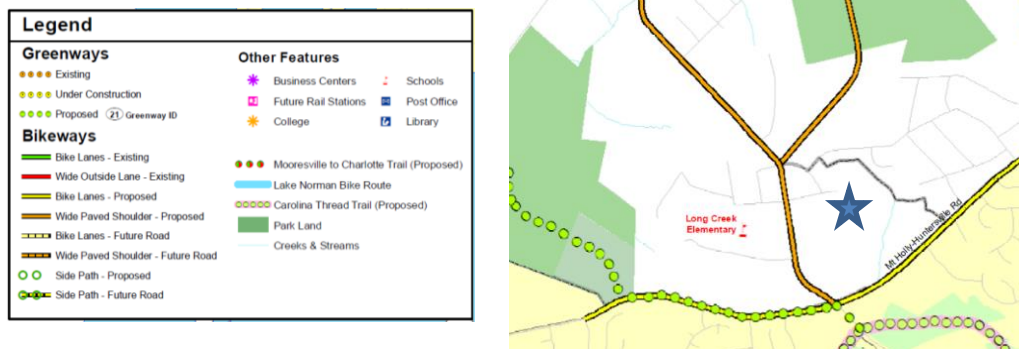
STAFF COMMENT: The site for of the proposed Conditional District rezoning is located within the activity node at Beatties Ford Road and Mt. Holly-Huntersville Road, identified in the Town’s Long Range Plan. The proposed density of the conditional district rezoning plan is 2.63 dwelling-units per acre. The Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan recommends moderate density in this area. See additional comments regarding the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan below.



- **Policy PF-2: 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.**  
STAFF COMMENT: see Part 4 of this report.
- **Policy T-7: Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.**  
STAFF COMMENT: A TIA was required. See Part 3.
- **Policy T-6: Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.**  
STAFF COMMENT: The plan proposes sidewalks to be installed along all streets. Bike-lanes and sidewalks are being proposed along the frontage of both Beatties Ford Road and Mt. Holly-Huntersville Road; see additional staff comments regarding the Huntersville Greenway and Bikeway Master Plan below.
- **Policy T-8: Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.**  
STAFF COMMENT: The proposed development extends one public street (Carver Avenue), provides one (1) street connection to an existing public street (Overhill Road), and a new connection to Mt. Holly-Huntersville Road. There are three (3) stub streets to adjacent parcels (two to the east and one to the southwest).

Huntersville Greenway and Bikeway Master Plan; Approved August 2014 – Staff finds the proposed Conditional District Rezoning petition consistent with the Huntersville Greenway and Bikeway Master Plan.

STAFF COMMENT: Per the Huntersville Greenway and Bikeway Master Plan Beatties Ford Road is a bikeway route, see map below. To address the bikeway plan, the applicants are accommodating a bike lane along the frontage of Beatties Ford Road.

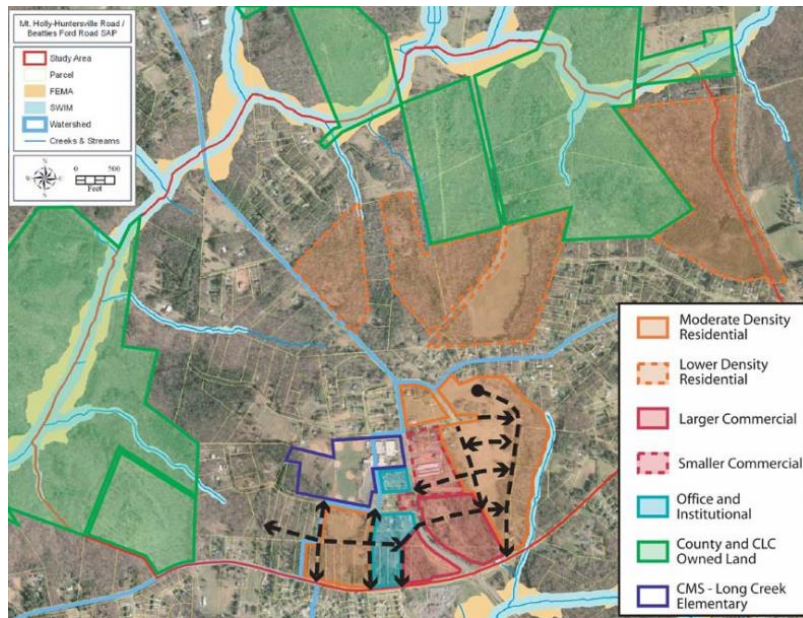


Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan; Adopted October 17, 2005 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan.

STAFF COMMENT: The concept of the Small Area Plan is to create a new, low-intensity “urban village”, with moderate density and low-density residential development. See the map from the Small Area Plan below.

The Small Area Plan calls attention to the extension of existing street network, while avoiding the promotion of high-speed cut-through traffic in existing and proposed residential neighborhoods. The design of the proposed street network within the Oak Grove Hill Conditional District Rezoning Plan sufficiently calms traffic, provides a connection to Mt. Holly-Huntersville Road and sets up stub streets, in appropriate locations, to continue the street network called for in the Small Area Plan. High-speed traffic along existing public streets can be addressed through the Town’s traffic calming policies. For instance, in late 2016/early 2017 Town Staff collected speed data on Westminster Drive, Shields Drive and Wedgewood Drive. Based on the data collected traffic calming was warranted and in June 2017, speed humps were installed. A subsequent request was

completed and speed-data was collected for Pembroke Road in November 2017. This data indicated that there was not a speeding issue. The Rezoning Plan does not provide a straight connection from Beatties Ford Road to Mt. Holly-Huntersville Road, but rather a connection made-up of several intersections to calm traffic.



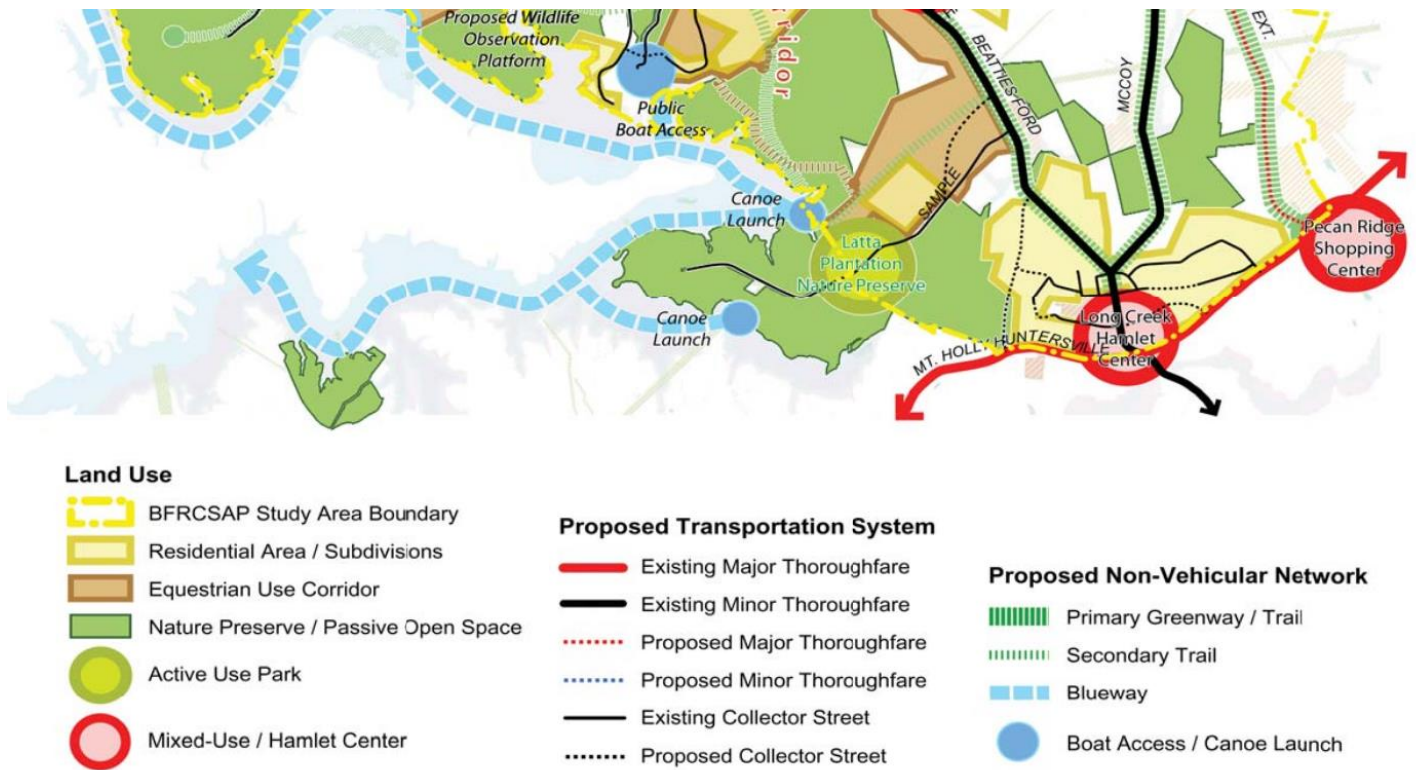
Beatties Ford Road Corridor Small Area Plan; Adopted September 19, 2007 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road Corridor Small Area Plan.

**STAFF COMMENT:** This Small Area Plan addressed concerns regarding pressure for commercial development along the Beatties Ford Road corridor. The goal of this Small Area Plan was to establish a long-term vision, define land use changes, influence form/design of future commercial development, provide a framework for transportation improvements, and integrate an open space network.

The site requested for Conditional District Rezoning is located within the “Long Creek Hamlet Center” (See Attachment F) for language relating to the Hamlet Center from the Small Area. The Small Area Plan also acknowledges the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan. See staff comments on the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan above. The Small Area Plan highlights the opportunity for increased residential development and retail development on Mt. Holly-Huntersville Road in this area.

The Small Area Plan also laid out a vision for new transportation systems in the area of the requested Conditional District rezoning site (see map below). The Rezoning Plan is in keeping with the envisioned transportation system by providing stubs streets to facilitate the collector street network as intended in the Small Area 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 surrounding area is generally low density residential with the exception of a few commercial and civic (schools) uses. See the context map below. The proposed Conditional-District rezoning plan could be consistent with development patterns described in the Town’s 2030 Community Plan, the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan, and the Beatties Ford Road Corridor Small Area Plan. However, context and high quality design of new developments are important principles identified in the Small Area Plans and should be considered when evaluating this request. The context map below highlights three (3) homes adjacent to the rezoning site that have been identified by Mecklenburg County’s Historic Landmark Commission. 1) is on the corner of Beatties Ford Rd and Midas Springs Road (9311 Beatties Ford Road), and is considered a property that merits attention and future study (one of 113 homes in Huntersville’s jurisdiction). 2) is located just south of this development (9102 Beatties Ford Road), and is identified as a notable property and merits immediate study (one of 30 homes in Huntersville’s jurisdiction). 3) is the property surrounded by the proposed development (9200 Carver Avenue) and is listed as Eligible for Study. Therefore, staff would recommend architectural elevations, specifically for the proposed homes along Beatties Ford Road, are considered to ensure new development would blend and respect the existing historical context found in the area.



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:

- No transportation improvements were warranted through the Transportation Impact Analysis – see Part 3 of this report.
- An APF Ordinance Determination of Adequacy was required – see Part 4 of this report.
- The property is not located within the Town Limits. However, the applicants have acknowledged an intent to annex the site into the Town Limits. Upon annexation police and fire protection and trash collection will be provide as Town Services.



- A Willingness-to-serve letter has been provided from Charlotte Water (water and sewer).
- A Conceptual Storm Water Drainage plan (PCO-1) has been provided and is in review.
- The Conditional District Rezoning petition was sent to Charlotte-Mecklenburg School (CMS) for consideration. CMS reported, if approved, the Subdivision may add approximately 62 students to the schools in this area. The following data was provide by CMS as of 20<sup>th</sup> Day of the 2018-2019 school year. See Attachment G.

**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: PUBLIC HEARING COMMENTS**

The Public Hearing was held on December 16, 2019. Numerous residents, both from adjacent properties and around Town, spoke in opposition to the rezoning. A full summary of the comments is available in the Town Board minutes from December 16, 2019.

**PART 7: STAFF COMMENTS/RECOMMENDATION**

Staff finds the proposed Conditional District Rezoning Plan to be consistent with the 2030 Community Plan, the Beatties Ford Road-My. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan. These plans support moderate density and the proposed 2.63-units per acre falls under that category.

Staff ~~also~~ recommends approval of both the block length modification for Block 1, ~~but does NOT recommend approval of~~ and the buffer modification near BMP-1 (see full explanation in Part 2 of this staff report).

Additional concerns:

- Lots A-1 thru A-5 will be required to use the 20' driveway depth from the alley, this must be noted on plan;
- Provide evidence of permission from gas company to cross easements, either with future streets or maintenance accesses;
- All outstanding redline comments must be addressed.

**PART 8: PLANNING BOARD RECOMMENDATION**

On Tuesday, December 17, 2019, the Planning Board recommend denial of the Conditional District Rezoning by 6-2 vote. The Motion to Deny was based on the request being inconsistent with Policies H-2, Mixed Use Village Development and H-9, Recommendation of Moderate Density. It is not reasonable and in the public's interest to approve this rezoning plan because it sets a dangerous precedent regarding what criteria can be used to justify intensification of low-density zones and sets a new priority in regards to protecting low-density zones.

**PART 9: ATTACHMENTS/ENCLOSURES**

Attachments

- A – Rezoning Application
- B – Proposed Rezoning Plan
- C – Context Map
- D – Neighborhood Meeting Summary
- E – APF Letter of Determination
- F – Section 6.4 of the Beatties Ford Road Corridor Small Area Plan
- G – CMS Report

**PART 10: CONSISTENCY STATEMENT – R18-10A: OAK GROVE HILL**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning staff RECOMMENDS APPROVAL to rezone 45.18-acres from Rural (R) to Neighborhood Residential Conditional District (NR-CD), as it is consistent with Implementation Goals H-2, H-4, H-9, PF-2, T-6, T-7 &amp; T-8 of the 2030 Community Plan and consistent with the objectives of both the Beatties Ford Road &amp; Mt. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan.</p> <p><b><u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan, BECAUSE it is consistent with the Plans outlined above and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u></b></p>		<p>APPROVAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning Board recommends denial based on the request being inconsistent with Policies H-2, Mixed Use Village Development and H-9, Recommendation of Moderate Density. It is not reasonable and in the public's interest to approve this rezoning plan because it sets a dangerous precedent regarding what criteria can be used to justify intensification of low-density zones and sets a new priority in regards to protecting low-density zones. The motion passed 6-2.</p>	<p>DENIAL: In considering the proposed Conditional District Rezoning application R18-10A Oak Grove Hill Subdivision, the Planning Board recommends denial based on <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>







## Text Amendment Application

Date of Application 10-17-19

### Fee

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

### Type of Change

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

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

### Description of Change

Proposed text amendment will affect the following:

Ordinance(s): ZONING Article(s): 8 Section(s): 11.6

Current Ordinance

SEE ATTACHED

Proposed Text

SEE ATTACHED

Reason for Proposed  
Change

CHANGE SETBACK OF POOL FROM FIFTEEN FEET TO FIVE FEET  
FROM ANY PROPERTY LINE

Attach additional pages if needed.

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




## Applicant

Printed Name ROBERT BOUMAN - KBR BOUMAN 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.

Signature  Date 10-17-19

Title MANAGER Email NATEBOUMAN15@GMAIL.COM

Address of Applicant 13815 CINNABAR PL HUNTERSVILLE, NC 28078

## Property Owner (if different than applicant)

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

☐ 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.

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

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

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

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

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

## Contact Information

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

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

Date Received By Planning Department: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

## Current Ordinance

8.11.6 Swimming pools located on any site, including single family residential sites, shall be:

- Located in a side or rear yard only;
- Located a minimum of fifteen feet from any property line;
- Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

## Proposed Text

8.11.6 Swimming pools located on any site, including single family residential sites, shall be:

- Located in a side or rear yard only;
- Located a minimum of **five** feet from any property line;
- Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.



**AN ORDINANCE TO AMEND ARTICLE 8.11.6 OF THE ZONING ORDINANCE**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that the Zoning ordinance is hereby amended as follows:

8.11.6 Swimming pools located on any site, including single family residential sites, shall be:

- Located in a side or rear yard only;
- Located a minimum of ~~fifteen~~ **five (5)** feet from any property line;
- Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall, which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

**Section 2.** That this ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** Recommended Approval on November 7, 2019

**PUBLIC HEARING DATE:** December 16, 2019

**PLANNING BOARD MEETING:** December 17, 2019

**TOWN BOARD FINAL ACTION:** January 6, 2020

**AN ORDINANCE TO AMEND ARTICLE 8.11.6 OF THE ZONING ORDINANCE**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that the Zoning ordinance is hereby amended as follows:

8.11.6 Swimming pools located on any site, including single family residential sites, shall be:

- Located in a side or rear yard only;
- Located a minimum of ~~fifteen~~ **ten (10)** feet from any property line;
- Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall, which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

**Section 2.** That this ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** Recommended Approval on November 7, 2019

**PUBLIC HEARING DATE:** December 16, 2019

**PLANNING BOARD MEETING:** December 17, 2019

**TOWN BOARD FINAL ACTION:** January 6, 2020



## CHAPTER 5: ZONING & USE REGULATIONS

- H. Hedges shall be planted at least three feet (3') from the property line.
- I. Mailboxes, newspaper boxes, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- J. Mailboxes in new major subdivisions shall be centrally located, as approved by the Town and the United States Postal Service.
- K. Trash containers, mechanical equipment, and outdoor storage shall be located in the side or rear yard and shall be screened from view. Mechanical equipment shall be setback a minimum of five feet (5') from the property line.

### 5.5.2: Single Family Districts

- A. No yard or lot existing upon adoption of this Code shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this code shall meet the minimum requirements established by this code.
- B. Front yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- C. Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.
- D. The aggregate floor area of all accessory structures shall not exceed one-half (½) the total floor area of the principal structure.
- E. Up to four (4) residential lots, platted prior to October 7, 1996 may be accessed from a public street via a privately maintained easement with a minimum width of thirty-five feet (35') for use by service or emergency vehicles.
- F. In the Rural Preservation (RP) Zoning District, accessory buildings, pools, and other similar structures shall be constructed as follows:
  - 1. Zoning Administrator has discretion to allow accessory structures to the rear of the principle structure on double frontage lots if they meet the principle building setback along the property lines adjacent to the street.
  - 2. Aggregate area (defined by foundation size) not to exceed seven percent (7%) of lot area.
  - 3. At the minimal Rural Preservation lot size (or less if non-conforming), no more than three (3) accessory buildings may be allowed. If the lot size exceeds the minimum standards, additional accessory structures may be allowed subject to Zoning Administrator approval.
  - 4. Accessory buildings shall be constructed in the rear yard only. (Exception: Detached garages six hundred (600) square feet or less and may be placed in side yard with Planning Director approval).
  - 5. The width of the road frontage plane of an accessory building shall not exceed fifty percent (50%) of the average lot width.
  - 6. Accessory buildings greater than six hundred (600) square feet shall have a minimum building separation from the principal structure of one hundred feet (100'). (In the event building separation or side yard setbacks cannot be met due to lot configuration, an alternative site plan may be reviewed and approved by the Planning Director)



not otherwise visible from the right-of-way, the footprint of an accessory structure shall not exceed 1,200 square feet. In all planning areas, except the Rural Reserve and Rural Planning Areas, the footprint of an accessory structure must not exceed 650 square feet or 30% of the footprint of the principal building (up to a maximum of 900 square feet), whichever is greater.

2. Any accessory structure over 650 square feet of first floor area and all accessory structure ancillary to non-residential building types shall be reviewed by the Design Review Board, in accordance with the procedures in Section 14.
3. The height (elevation above mean sea level) of an accessory structure shall not exceed the height (elevation above mean sea level) of the principal structure or may not exceed two stories, whichever is less.
4. Street-facing doors on any accessory structure shall not exceed ten feet in width.\*
5. Any accessory structure with street-facing doors shall have a maximum overall width of 25 feet.

#### C. Location of Accessory Structure

1. A minimum of ten feet shall be maintained between the proposed accessory structure and the following: 1) The principal structure; and, 2), any other accessory structure(s).
2. Accessory structures shall be located in the rear yard only.
3. Accessory structures shall not be served by a driveway separate from that serving the principal structure. A driveway serving a principal use may be extended to the accessory structure.
4. In the Rural Reserve and Rural Planning Areas, any accessory structure over 900 square feet shall have a minimum 15 feet side yard setback and a minimum 30 feet rear yard setback. In all other circumstances, the minimum side yard setback shall be five feet and the minimum rear yard setback shall be five feet.
5. Exceptions or minor variations to the accessory structure location regulations may be permitted with the approval of the Planning Director. Such provision will only be for extraordinary site conditions.
6. Pools must be located in the rear yard only. Pools must also be at least 5 feet from the property line. All pools must meet Mecklenburg County's rules governing swimming pools.

#### D. Detached garages

1. For the purpose of this ordinance, a detached garage is an accessory structure and shall meet all applicable standards of accessory structures, except as listed below.
2. If a garage has a minimum of 15 feet of wall in common with the main body of the house, it shall be considered an attached garage. See Section 4.5.2 for standards of attached garages .
3. An alley-loaded, detached garage may have a minimum zero side yard setback and may connect to and have a common wall with, another alley-loaded, detached garage if accessed from the same alley.



- b. Enclosures shall be located within a walking distance of 150 feet from the door of any dwelling unit, except for units served by chute(s) located within the required distance that access both solid waste and recycling enclosures.
- c. Enclosures shall be located a minimum of 20 feet from any dwelling unit.
- d. Tenants and/or employees shall have convenient access (i.e., through a pedestrian opening) to bins without having to open the main enclosure gates.

#### E. Enclosure Review Procedures.

1. The enclosure shall be submitted to the planning division and the city's franchised hauler for review and approval of the proposed design, size, location, number, type, and placement of solid waste, recycling and green waste bins, boxes, and containers.
2. The planning division shall assure plans conform to the enclosure design and construction requirements in this section. In addition to these requirements, plans shall conform to design, building code, and other regulatory requirements.
3. The planning division shall approve such plans, require modifications, or impose additional requirements necessary for the safe and efficient collection of solid waste, recycling and green waste materials. [Ord. 12-4. DC 2012 § 122-308].

#### **18.150.160 Swimming pools, hot tubs, and spas.**

- A. Applicability – Relationship to Other Regulations. The requirements of this section apply to swimming\_pools, spas, and hot tubs on private property and are in addition to the requirements of the Uniform Swimming Pool, Spa, and Hot Tub Code.
- B. Setbacks. Swimming\_pools, hot tubs, spas and related pool equipment shall be set back a minimum of five feet from side and rear property lines to the water's edge and shall not be located within a front setback. Pool equipment shall be less than six feet in height.
- C. Use. Any swimming\_pool or spa located on a single-family lot in a residential district is solely for the use and enjoyment of residents of the property and their guests and not to be leased for commercial purposes.
- D. Security and Screening. Swimming\_pools shall be walled or fenced to prevent access from the street or from adjacent properties. All fencing shall comply with the requirements of the Uniform Swimming Pool, Spa, and Hot Tub Code. [Ord. 18-1 § 1 (Exh. B); Ord. 12-4. DC 2012 § 122-309].

buildings may be closer than the distance specified above if they are not visible from a public street.

**5.2.1.5.4.** The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).

**5.2.1.5.5.** Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

**5.2.1.6. HEIGHT.** Accessory buildings shall not exceed:

**5.2.1.6.1.** the standard height regulations of the zoning district as set forth in Table 4.7-1 where accessory structure is located within the buildable lot area;

**5.2.1.6.2.** shall not exceed fifteen (15) feet in height, where accessory structure is located within a principal structure setback yard.

## **5.2.2. SWIMMING POOLS.**

A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any<sup>(1)</sup> zoning district provided:

**5.2.2.2<sup>(1)</sup>** If any pool contains at least four hundred fifty (450) square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

**5.2.2.3.** The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

**5.2.2.4.** (1) Private swimming pools located in non-residential zoning districts shall be screened from view of adjacent properties.

## **5.2.3. LIGHTING.**

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

## **5.2.4. EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS.**

The following uses/structures shall be exempt from the provisions of this § 5.2:

**5.2.4.3.** Fencing and walls;

**5.2.4.4.** mailboxes;

**5.2.4.5.** plant materials;

**5.2.4.6.** any structure or improvement, once installed, is at grade or less than 1 foot above grade.



## CHAPTER 5: USES STANDARDS

### 5.4 ACCESSORY USES AND STRUCTURES

#### 5.4.3 Specific Standards for Certain Accessory Uses

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recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

#### **(C) Standards**

- (i) Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential zoning district for longer than four days over any calendar year.
- (ii) No heavy truck, trailer, other major recreational equipment shall be parked or stored for longer than four days over any calendar year in any front yard or side yard immediately adjacent to a street.
- (iii) Boats, campers, and recreational vehicles shall be parked or stored only to the side or rear of the dwelling they are associated with.

#### **(14) Swimming Pool/Hot Tub**

Swimming pools and hot tubs shall comply with the following standards:

- (A)** Swimming pools having a depth greater than two feet, and hot tubs and spas shall be enclosed by fencing of a type that is not readily accessible by children and that contains no openings larger than four inches.
- (B)** Fencing shall be at least four feet in height and, if equipped with a gate, shall have a latch.
- (C)** In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of 150 pounds, and such cover shall be locked in place when the spa or hot tub is not in use.
- (D)** Swimming pools and decks shall adhere to the same setback requirements as accessory structures; however, swimming pools shall not exceed 50 percent of the yard (side or rear) in which it is located.

#### **(15) Water-related Structure**

Water-related structures shall comply with the following requirements:

- (A)** All water-related structures shall be approved by the Duke Power Shoreline Management Division prior to construction.

**PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS**  
**CHARLOTTE CODE**

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Land dedicated to the public for any community service facility including but not limited to public schools, parks, greenways, open space, police and fire stations, libraries, public housing, and other public use sites may be used to compute the number of lots or dwelling units allowed on the entire site. However, in the Mixed Use Districts and Cluster developments any land so dedicated may count towards the total site area in computation of the total number of lots or dwelling units, but it shall not be credited towards any additional lots, dwelling units, or further reductions in lot sizes other than those already permitted by the regulations specifically applying to them. To compute the number of lots or dwelling units that could have been built in the qualifying right-of-way or dedication area, the following method will be used:

Total dedicated land area (in acres) multiplied by the  
maximum permitted density for the zoning district.

The resulting number of units when added to what can be built on the remainder of the site cannot total more than the permitted density of the entire site before dedication.

In order to receive credit, any such computations are a submission requirement for a single family subdivision and must accompany the preliminary plan, and are a mandatory submission requirement for a multi-family development and must accompany the planned multi-family or attached review submission or the rezoning petition, if one is required.

**Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.**

- (1) No principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this Section and elsewhere in these regulations.  
*(Petition No. 2002-13, § 12.106(2), 4/15/02)*
- (2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in [Section 12.108](#), if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure, excluding the square footage of an accessory dwelling unit shall exceed the total



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General

5. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
6. In no event shall "accessory use or structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
7. "Accessory use" or "accessory structure" shall include all distribution lines located on the property which deliver electric, telephone, CATV, and other utility service to the end user from a transmission line providing service to an area larger than the project area or individual parcel.
8. A pier which is located on a lot which does not contain any other structures shall not be deemed to be an accessory structure.
9. Tractor trailers and storage pods are prohibited for storage buildings or structures except as permitted on an active construction site.

**B. Fencing and Walls in Residential Districts**

1. The maximum height of fencing and walls shall be eight feet.
2. Barbed wire and electrical fences are prohibited, except for livestock protection fences.
3. Concertina wire is prohibited.
4. No zoning permit is required for fencing or walls complying with these regulations.

**C. Setbacks**

The following setback requirements apply to all accessory structures not specifically excepted by §2.6.10.D, Yard Encroachments:

**1. General**

No accessory structure shall be located closer than ten feet to any other structure.

**2. Residential Districts**

- (a) No accessory structure shall extend in front of the front line of the principal structure, unless it is set back a minimum of 100 feet from the edge of the road right-of-way. On lots adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit (See §9.11) to allow an accessory structure to be located in the road yard less than 100 feet but no closer than 30 feet from the edge of the road right-of-way.
- (b) Accessory structures are allowed in side (interior) and rear yards no closer than ten feet to the property line; provided that, as the size of the accessory structure increases the required setback shall increase as follows:

Accessory Building, Accessory Structure

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five (5) feet. Buildings greater than 15 feet in height shall meet the principal building setbacks listed in Chapter 5.
- b. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Swimming Pool, Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use

- a. The swimming pool must be located inside of the primary setbacks.
- b. Concrete or wood decking surrounding the pool may encroach into the primary setbacks, but shall in no case be located closer than ten (10) feet from the property line.

2-A. Agriculture Including Livestock

Low Density Residential, Medium Density Residential districts

- a. Minimum Lot Size:
  - o Low Density Residential - five acres
  - o Medium Density Residential - five acres
- b. Any building housing livestock shall be at least 150 feet from both the nearest building with human inhabitants and the nearest property line.

2-B. Agriculture-Female Chickens (limited number)-Less than 5 acres

Low Density Residential, Medium Density Residential districts

All lots that are utilized as single family detached residential will be permitted up to the following number of female chickens:

Number of Female Chickens Permitted:

<1 acre-5  
1 acre-10  
2-5 acres-15

- a. Female chickens are for egg production only;
- b. The chicken house and run must be fully enclosed and the hens kept within it at all times. All chicken houses must be properly maintained in a safe, clean and sanitary condition that poses no health threat to the chickens or citizens and does not create



## **R21 Septage or Residential Sludge Disposal Sites**

- A. Each disposal site shall be separated from private residence, place of business, or place of public assembly under separate ownership by 500 feet measured horizontally. Potable water supplies and surface waters shall comply with separation requirements as stated in the NC Septage Management Rules as amended.
- B. Screening device as specified in Section 5.2 shall be provided along all front, side and rear property lines, except in areas designated for ingress and egress.
- C. Each site shall be posted "No Trespassing" and at each entrance legible signs of at least two (2) feet x two (2) feet must be posted stating "Caution — Sludge or Septage Disposal Area" or other similar language as required by North Carolina Department of Environment and Natural Resources (NCDENR).
- D. No septage or sludge shall be deposited and no building or structures shall be located within 100 feet of the nearest property line or public road right-of-way in the disposal site area.
- E. The operation and responsibility of said use shall be carried out in accordance with all standards and rules prescribed by the NCDENR and the Iredell County Health Department.
- F. Site plans must have been approved by NCDENR when submitting application for special use permit.
- G. No hazardous wastes as defined by the Iredell County Hazardous Waste Ordinance shall be permitted on the site.
- H. No septage from any industrial or commercial waste water treatment plant shall be deposited on the site.
- I. All temporary Septage Detention Systems at the site shall be enclosed storage systems of steel, concrete, fiberglass or other approved tanks; and shall be located 100 feet from property lines.

## **R22 Swimming Pool, Residential Accessory**

- A. Pools shall be located to comply with the minimum exterior setback requirements for accessory buildings and structures of the district in which located.
- B. Pools which are not an integral part of the principal building shall be located at least the minimum distance from the principal building necessary to comply with N.C. Building Code requirements.

## **Section 3.1 Purpose**

This section is used to specifically address certain land uses and provide requirements on an individual basis for certain uses. With certain land uses there is the need to have a set of requirements to govern that particular type of use. This section standardizes the requirements that a use must meet and groups these uses based on similarities.

### **Section 3.1.1 Notes to the Table of Permitted and Special Uses**

The Table of Permitted and Special Uses in Chapter 2 contains a column on the far right labeled "R" for Performance Requirements. In any case where a use listed in the Table of Permitted Uses has a number in the "R" column opposite the use, the use must comply with the additional Performance Requirements contained in this section corresponding to the Performance Requirements number. For example, the use "Mobile Home Park" has the number "19" in the "R" column opposite the use, therefore, the development of a Mobile Home Park must meet the performance requirements for R 19.

### **R1 Accessory Buildings and Structures**

For the purposes of determining square footage for this section measure from the outermost structural support members of any portion of the building that is under roof (including all covered porches, open storage areas, etc.).

Accessory buildings and structures shall meet the following requirements:

#### **A. In residential zoning districts, accessory buildings and structures:**

1. Shall NOT be erected in front of the front building line of the principal structure, except as provided for in B. below;
2. Shall NOT be erected within twenty-five (25) feet of any side street on a corner lot;
3. Shall NOT be erected within ten (10) feet of any property line NOT a street line or within ten (10) feet of any other building on the same lot;
4. Accessory buildings and structures greater than 2,000 square feet shall be setback a minimum of thirty (30) feet from any property line (the thirty (30) foot setback will NOT apply if the adjacent property is either zoned commercially or is a legal non-conforming commercial use);
5. Shall NOT exceed the height limitation for the principal structure;
6. Shall NOT be permitted except as accessory to a principal building either existing or under construction on the same lot.
7. Shall NOT be used for human habitation except as provided for in R6, Accessory Dwelling Unit.



Commissioner McAulay made a motion to approve Petition #R05-01, a request by Sandy Roper for a general rezoning from Neighborhood Residential to Corporate Business. Commissioner Sisson seconded motion.

Commissioner Swain said I was at the Planning Board meeting, as I believe Commissioner Jeter and Commissioner McAulay were as well, and even though Scott spoke very quickly, it was not a quick decision by the Planning Board, as you can tell by the 5 to 5 vote. I think this is a tough one. Mr. Roper has been a great guy to Huntersville and I have had to give this a lot of thought. Mr. Roper, I have to say that I'm sorry, but I agree with the Planning Staff that if we could just do that conditional, it would give us a little bit more clue as to those connections and that's the way I'm going to lean.

Commissioner Leonhardt said I have to state that I have given it a lot of thought also and I, again, would love to have some connections to North Mecklenburg in the future, but I don't think you can hold a land developer or a land person hostage for the amount of time that he has patiently tried to work with CMS and he has the right to sell his land and move forward. We have granted zoning to the two adjoining parcels, so I feel like we can only extend the same fairness to him.

Motion to approve Petition #R05-01 carried 4 to 1, with Commissioner Swain opposed.

**Petition #TA05-08.** Petition #TA05-08 is a request by the Town of Huntersville to amend Article 8.11.6 of the Zoning Ordinance in order to reduce the swimming pool setback from 20' to 5' from all side and rear property lines.

*Staff Report and other related documents attached hereto as Attachment No. 1.*

Commissioner Swain made a motion to amend the article in the Zoning Ordinance to reduce the setback from 20' to 10' from all side and rear property lines, because 5' is just too much.

Commissioner Leonhardt made a substitute motion that we leave it exactly the way it is at 20'. Commissioner Sisson seconded Commissioner Leonhardt's motion.

Commissioner Sisson asked what prompted this request?

Scott Moore, Senior Planner, said one was the Zoning Board of Adjustment cases that were held, the old subdivisions had a hard enough time meeting the 20' setback and the Zoning Board of Adjustment asked Planning Staff to look at other municipalities and then to propose an amendment from 20' to something lesser and what we had looked at and made comparisons to were 5' was the common. We had actually gone down to 5' and the Planning Board recommended 10', so that's where we are at.

Commissioner Swain asked were there a lot of requests? Mr. Moore replied there were two since we adopted the language in 2003.

Unidentified Resident of MacAulay Farms said the only way we could put a pool in would be the 5'. Limiting it to 20' pretty much eliminates that, so it creates a hardship on some of the residents here. I think each case could be dealt with on an individual basis, but as Scott has mentioned and the chart shows, most of the surrounding towns do have a 5' limitation. It creates a hardship on the residents here, so unless there is another justification to say why it should be a larger amount, I highly request that we go through with the 5' setback.

Commissioner Leonhardt asked do you have a community pool? Resident replied yes, we do.

Commissioner Swain said some of the discussion when we had the public hearing about this was that it was awfully close in some of the neighborhoods and quite frankly I know this sounds harsh, but I don't really care what any other municipality does, because I think we've always had very high standards and I brag on that, however because we have a lot of different neighborhoods and a lot of different configurations, that's why I thought I was going to offer the compromise.

Commissioner Jeter said I agree with Commissioner Swain in the fact that the concern that was brought up at the public hearing and the concern at the Planning Board meeting was that the proximity to the property line, 5', and by definition it's water edge of the pool is what we are talking about here. According to the Huntersville ordinance, it's the water's edge so it's 5 feet from the edge of the water to your neighbor's property. I just think from a pure safety factor, that really troubles me. Whether or not 20' is fair versus 10' or 15'.....

MacAulay Farms Resident said in my personal space, we have 100' of open space behind us, so that's really a non-issue. We back up to common open space, so technically we still have to comply with whatever setback is set, whether it's 5' or 20'. If I have to go 20' off the property line which negates any possible.....even though I have 100 extra feet behind me. I would have applied for a variance earlier last year, but I heard there was none issued and I heard this resolution was coming up, so I was asked to wait until now, so I figured it would be automatic. As long as the commission or whoever I have to go to has an open mind to look at each case individually I think that would be fair because I understand your concern and I respect your concern, but also respect mine when I have 100' of space behind me and I have my homeowner's association that I have to go through also. A lot of neighborhoods have the homeowner's associations, so they have to make sure that it's appropriate and that may be left up to them, but then not everybody has a homeowner's association and I understand that also.

Commissioner Sisson withdrew his second to the motion to leave setback at 20'.

Commissioner Jeter asked what are the rules as far as a swimming pool? They have to have a fence around the swimming pool, is that correct? Mr. Moore replied that's correct.



Commissioner Jeter asked how far away from the water's edge does that fence have to be? Mr. Moore replied there's no specific setback from the fence from the water's edge. Public Health and Safety at Mecklenburg County will probably have some distance between that.

Commissioner Jeter asked if they put a swimming pool in their backyard, they could use their boundary fence to their neighbor and that would meet the codes? Mr. Moore replied we call it out specifically with the gate and self-latching devices and no more than 8' in height – no less than 4', but no more than 8' in height, so that fence will have to meet those requirements.

Commissioner Jeter said it doesn't require a secondary fence from the boundary backyard fence that you might find in a neighborhood.

Commissioner Leonhardt said and it's only latching.

Commissioner Sisson made a substitute motion to approve the change in the ordinance with a 10' setback. Commissioner Swain seconded motion.

Commissioner Sisson said the reason I changed my mind is from listening to what people said, we do have a lot of lots in Huntersville that are smaller lots and 20' is restrictive. We've got a lot of 65' lots that we have been talking about and if you put a 20' setback, you have seriously limited the ability to put a pool in there.

Mayor Phillips said it bothers me sometimes, and I know that we are worried about setting precedent at Board of Adjustment meetings, but it bothers me sometimes when we are so rigid when there are situations such as he described that perhaps there should be some room.

Jack Simoneau, Planning Director, said the Board of Adjustment offered the amendment in the spirit so that everybody is treated the same so that they don't have to go through this process. Your code allows it, so it was intended to make it easier for the citizens to just have the code adjustments. To get a variance following the law, you are not to be able to make any reasonable use of your property without that variance and that's hard to prove that without that pool you can't get that, so it's in that spirit that the Board of Adjustment asked the Town to look at the adjustments – is it worthy to do it so that nobody has to go through paying the fees and go through the process to have to do that.

Commissioner McAulay said I do think if you are going to change it, you should say rather than edge of the water it should be the edge of the entire apparatus encompassing the pool, including the decking. I think that you are potentially changing the ordinance based on two or three or five or ten people where it's going to create a problem for other people.

Commissioner Jeter said do you have to have the symmetry? Does it have to be 20' or 10' on all three sides. Could we not say that it's got to be 20' from the sides, but 10' from the back, because my concern is more the side properties. If you are backing up

to another back of a lot, 10' is not as big of a deal. My concern is the house that's next to you. I don't want it closer than 20' to the side property, personally.

Commissioner Leonhardt said if you had larger lots, you wouldn't be facing this problem.

Commissioner Jeter said at the public hearing we had several speakers come up here who were in the record and their concern was not the safety, their concern was the amount of noise that a pool would make and 5' being too close.

Mayor Phillips called for the vote on motion to approve change in ordinance with a 10' setback. Motion failed 2 to 3 – Commissioners Sisson and Swain in favor; Commissioners Leonhardt, Jeter and McAulay opposed.

Commissioner Jeter made a motion to approve the change in the ordinance with a 15' setback. Commissioner Sisson seconded motion.

Motion carried unanimously.

**Petition #TA05-09.** Petition #TA05-09 is a request by the Town of Huntersville to amend Article 8.8.2 and Article 12 Definitions of the Zoning Ordinance in order to clarify the area portion of the Accessory Structure definition.

*Staff Report and other related documents attached hereto as Attachment No. 2.*

Commissioner McAulay made a motion to approve Petition #TA05-09, a request by the Town of Huntersville to amend Article 8.8.2 and Article 12 Definitions of the Zoning Ordinance in order to clarify the area portion of the Accessory Structure definition. Commissioner Leonhardt seconded motion.

Motion carried unanimously.

**Sample Road Subdivision Variance.** Bob Blythe, Town Attorney, said since this is a variance under the Subdivision Ordinance which is quasi-judicial and you pretty much have the same standards, I think it should be quasi-judicial also. In other words, hear evidence as to why you should grant the variance. I would also remind you that anybody addressing the Board on this item should limit it to this one question of the distance of the variance on the block lengths.

Mayor Phillips said the first hearing is just going to be about the four block lengths, so if you want to specifically discuss whether or not you like having the neighborhood there or not, or if you have concerns about the road into the neighborhood etc., you want to hold those comments until the next item on the subdivision sketch plan. If you are planning to speak, we will have to swear you in.

Commissioner Swain said can I get Staff to clarify what happens with the vote on the first one and how it affects the vote on the second one.



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Angela Beeker, Administration

**Date:** 1/6/20

**Subject:** Amendment to Huntersville Ordinance Advisory Board Bylaws

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**EXPLAIN REQUEST:**

At the recent December 13, 2019 Board of Commissioners work session, the Board requested that the Ordinance Advisory Board bylaws be amended to transition the currently allowable two voting Town Board member positions to one non-voting position over the next two years. The attached amendment leaves the bylaws intact as currently written for one year, 2020. The second year, 2021, the number of allowable voting Town Board members is reduced to one (1) by eliminating the possibility that the Chairperson could also be a Town Board member. At the end of the second year, the Town Board member position will convert to a new non-voting position, and position previously held by a voting Town Board member will be added to the "at-large" members, increasing this number from six (6) to seven (7). The result for 2022 will be nine voting members (none of which will be Town Board members) and four (4) non-voting members (with the fourth non-voting position being a Town Board member). A summary of these changes is included in this agenda packet.

**ACTION RECOMMENDED:**

Consider adopting amendment to Huntersville Ordinance Advisory Board Bylaws. (Angela Beeker)

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

- [01062020 HOAB Bylaws.docx](#)
- [Transition of HOAB Membership.docx](#)
- [Membership List Effective 4-4-19.pdf](#)

## **HUNTERSVILLE ORDINANCES ADVISORY BOARD**

### **BYLAWS (March 6, 2017)**

#### **Authority and Responsibility**

1-1 The Huntersville Ordinances Advisory Board (hereinafter “Advisory Board”) shall have the duties and responsibilities as follows:

- A) Review, evaluate and recommend amendments to the Zoning & Subdivision Ordinances to the Town of Huntersville Planning Board (hereinafter “Planning Board”) and the Town of Huntersville Board of Commissioners (hereinafter “Town Board”).
- B) Review, evaluate and recommend amendments to Town planning processes and procedures to the Planning Board and Town Board.
- C) Other such related Zoning & Subdivision Ordinance as directed from the Town Board or Planning Board.

1-2 In addition to the duties and responsibilities prescribed in Section 1.1, the Advisory Board shall:

- A) Exercise such additional functions as the Town Board may direct;
- B) Keep the Town Board and the general public informed and advised as to matters within their duties and responsibilities; and,
- C) Review the towns Zoning & Subdivision Ordinances and concerns from residents and developers.

#### **Membership**

2-1 Members of the Advisory Board shall be appointed by the Town Board and shall be composed of nine (9) voting members and three (3) non-voting members as follows (Effective March 1, 2022, there will be four (4) non-voting members.):

Voting:

- A) One (1) Chairperson (who may or may not be a Town Board or Planning Board member) (Effective March 1, 2021, this position may no longer be a Town Board member.)
- B) One (1) Town Board member (ex officio to their position as a Town Board member) (Effective March 1, 2022, this position will move to a non-voting position.)
- C) One (1) Planning Board member (ex officio to their position as a Planning Board member)



- D) Six (6) At Large Members who shall live, work, or own a business or property within the Town of Huntersville Corporate Limits or the ETJ. (Effective March 1, 2022, there will be seven (7) at large members.

Non-voting:

- E) One (1) Planning Director or Planning Staff member (non-voting)  
F) One (1) Planning Executive Asst. (non-voting)  
G) The Town of Huntersville Attorney (non-voting)  
H) One (1) Town Board member (Effective March 1, 2022)

- 2-2 At Large Members (see Section 2-1) of the Advisory Board shall be appointed by the Town Board of Commissioners for three (3) year staggered terms. Members shall be limited to serving two (2) consecutive terms, however a member may be reappointed to the board after remaining off the board for at least one (1) year. No person may serve on more than one (1) appointed Town board or commission at the same time. Ex officio appointments shall not count in considering the number of boards or commissions on which a person is serving. Terms may be adjusted as deemed necessary by the Town Board of Commissioners to preserve staggered terms.
- 2-3 If a vacancy should occur on the Advisory Board for any reason, an appointment to that seat shall be made for the duration of the unexpired term in the same manner as noted in Section 2-1.

### **Election of Officers**

- 3-1 A Chairperson shall be elected by the Town Board of Commissioners. The Vice Chairperson shall be elected from all of the voting members of the Advisory Board.
- 3-2 The Chairperson shall preside at all meetings and have the duties normally conferred on such office. The Vice Chairperson shall serve as temporary Chairperson in the absence of the Chairperson.
- 3-3 In the event of the absence or recusal (disqualification) of both the Chairperson and Vice Chairperson from a meeting of the Advisory Board or a matter before its voting members in attendance, they may elect a temporary Chairperson for that meeting and proceed with the order of business.
- 3-4 The Planning Director, or designee, shall serve as Secretary of the Advisory Board. The Secretary shall, with concurrence of the Planning Director and Chairperson, prepare agendas for the meeting, provide public notice of the meetings, publish minutes (see Section 5-1), attend to correspondences and perform such other duties as necessary. The Chairperson shall have a role in setting the agenda. If any agenda changes need to be made they will be voted on at the time of the meeting by the Advisory Board.

### **Meetings**

- 4-1 Regular monthly meetings of the Advisory Board shall be held at a standard time and place as agreed upon by the Town Board of Commissioners. Members shall be notified by electronic mail of each regular meeting by the Planning Department's Executive Assistant.



- 4-2 Special meetings may be called by the Chairperson provided a ten (10) calendar day notice of the time and location of each such meeting shall be given to all members by the Planning Executive Asst.
- 4-3 The Advisory Board shall operate according to Robert's Rules of Order to the extent not contrary to the Bylaws. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Advisory Board in session at that time.

### **Records**

- 5-1 The Advisory Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be published and released to the public through the Town of Huntersville web site, except as exempted by State law, and maintained in the files of the Planning Department of the Town of Huntersville.

### **Action by Committee**

- 6-1 All actions of the Advisory Board shall have been put before the Advisory Board members in the form of a motion, duly seconded and voted upon. A quorum of all voting members shall be present before a vote may be taken on any motion. (See Section 2-3 relative to vacancies of voting members)
- 6-2 Voting shall be done by a show of hands. Only voting members present at the time a vote is taken shall be eligible to vote.
- 6-3 All voting members of the Advisory Board must vote on all matters. Members who are present and not excused will be deemed to have voted in favor of the motion presented if they do not vote, this is to include an abstention vote.

### **Attendance**

- 7-1 In order for the Advisory Board to carry out its duties and responsibilities, it is necessary for all voting members to attend the meetings. If any voting member is absent for three (3) consecutive regular meetings or fails to attend at least seventy-five percent (75%) of the regular meetings within a twelve (12) month "moving" period, the Chairperson shall request from the Town Board of Commissioners that the position be vacated and a replacement be made by the Town Board of Commissioners. Attendance records will be kept by the Planning Executive Asst.

### **Conflict of Interest**

- A) Members of the Advisory Board shall not seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Advisory Board which may result in a pecuniary benefit to themselves, their immediate relatives, or

the immediate relative's business interests. In applying this rule the following procedure shall govern: An Advisory Board member who believes that a conflict of interest may exist for himself or herself shall declare that a possible conflict and ask to be excused from deliberation on the matter in question. The conflict of interest will be specific to a particular agenda item, ordinance change, etc. A majority vote of the remaining Advisory Board members shall be required to excuse a member from the deliberation for a conflict of interest.

- 8-2 A contention of the existence of an overt conflict of interest or a contention of an undisclosed conflict of interest may be made by any interested party public or Advisory Board member. Such a contention, only after the facts have been presented, may be grounds for reconsideration of a decision or recommendation of the Advisory Board.
- 8-3 Any such contention made to Advisory Board shall be supported by factual and material evidence and shall be submitted to a properly convened meeting of the Advisory Board. The Advisory Board shall hear all such evidence and shall, by majority vote, make a final determination as to the existence of a conflict of interest and any further action required of the Advisory Board by such determination.
- 8-4 Excuse from participation in any matter is necessary only in those specific matters in which a conflict arises. There shall be no excuse based on entire categories of the business, profession or outside interest with which a member is associated.



## Summary of Changes to Huntersville Ordinance Advisory Board Membership Per Proposed Bylaws Amendments

March 1, 2020

### Voting Members

Chair, Town Board or PI Bd Member

One (1) Town Board Member

One (1) Planning Board Member

Six (6) At Large Members

### Non-voting Members

One (1) Planning Director or Staff

One (1) Planning Exec Asst

Town Attorney

March 1, 2021

### Voting Members

Chair, ~~Town Board~~ at large or PI Bd Member

One (1) Town Board Member

One (1) Planning Board Member

Six (6) At Large Members

### Non-voting Members

One (1) Planning Director or Staff

One (1) Planning Exec Asst

Town Attorney

March 1, 2022

### Voting Members

Chair, at large or PI Bd Member

~~One (1) Town Board Member~~

One (1) Planning Board Member

~~Six (6)~~ Seven (7) At Large Members

### Non-voting Members

One (1) Planning Director or Staff

One (1) Planning Exec Asst

Town Attorney

One (1) Town Board Member



# Huntersville Ordinances Advisory Board Membership

Updated 4-4-2019 / Effective 10-1-2018

Brian Hines (Town Board) Chairman

15925 Bayshore Dr.

Huntersville, NC 28078

704-507-4877 (W)

[bhines@huntersville.org](mailto:bhines@huntersville.org)

Dan Boone (Town Board)

317 Southland Drive

Huntersville NC 28078

704-948-1685 (H)

[dboone@huntersville.org](mailto:dboone@huntersville.org)

Tim Taylor (At Large)

8906 Wedgewood Drive

Huntersville, NC 28078

980-248-8261 (C)

[t-ctaylor@att.net](mailto:t-ctaylor@att.net)

(Term expires 2-29-2020:

First full tem appointment 2-2018)

Jay Henson (At Large)

8926 Lizzie Lane

Huntersville, NC 28078

704-875-1615 (W)

[jay@hensonfoley.com](mailto:jay@hensonfoley.com)

(Term expires 2-28-2022; First appointment from 2-2016 to 2-2017; second appointment 2-2017 to 2-2019)

Scott Moore (At Large)

10902 River Oaks Drive

Concord, NC 28027

704-995-2507 (C)

[scott@bpropnc.com](mailto:scott@bpropnc.com)

(Term expires 2-28-2022; filled unexpired term for Jesse Jones in Oct. 2018)

Susan Thomas (Planning Board)

10215 Lasaro Way

Huntersville, NC 28078

704-987-7962

[set0525@bellsouth.net](mailto:set0525@bellsouth.net)

Thomas Finlay (At Large)

16925 Pennington Dr.

Huntersville, NC 28078

404-966-5894 (C)

[tfinlay@carolinarapids.org](mailto:tfinlay@carolinarapids.org)

(Term expires 2-29-2020; filled unexpired term for Daniel Rikard in Dec. 2017; First full term appointment 2-2018)

Brandy Skelly (At Large)

13618 Delstone Drive

Huntersville, NC 28078

704-806-0674 (C)

[skelly.brandy@gmail.com](mailto:skelly.brandy@gmail.com)

(Term expires 2-29-2020; filled vacant seat)

Matthew Jones (At Large)

6426 Colonial Garden Drive

Huntersville, NC 28078

704-274-9879 (H)

[matthew.jones@forumcap.com](mailto:matthew.jones@forumcap.com)

(Term expires 2-28-2022; filled unexpired term for Nick Walsh December 2016; first full term 2-2017 to 2-2019)

## NON-VOTING MEMBERS

Jack Simoneau, Planning Director

704-766-2211 (W)

[jsimoneau@huntersville.org](mailto:jsimoneau@huntersville.org)

Angie Beeker, Town Attorney

704-766-2203 (W)

[bblythe@huntersville.org](mailto:bblythe@huntersville.org)

Tracy Barron, Executive Assistant

704-766-2215 (W)

[tbarron@huntersville.org](mailto:tbarron@huntersville.org)



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Michael Jaycocks, Parks & Recreation

**Date:** 1/6/20

**Subject:** Ranson/Rosedale Park Master Plan

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**EXPLAIN REQUEST:**

The Town conducted two public input meetings for the Ranson/Rosedale Park Master Plan at Torrence Creek Elementary School on October 22nd and December 3rd. We also received feedback from our Facebook page. The community had the opportunity to select from two site plans as well as from numerous park amenities. After the two public input meetings, we came to the final concept master plan that meet the needs and concerns of the residents. The Huntersville Parks and Recreation Commission unanimously endorsed the final concept at their December 11th meeting. See attached final site master plan as well as public input feedback.

**ACTION RECOMMENDED:**

Consider approving Ranson/Rosedale Park Master Plan. (Michael Jaycocks)

**FINANCIAL IMPLICATIONS:**

\$0

**ATTACHMENTS:**

- [Ranson Rosedale Master Plan Concept 12-9-2019.pdf](#)
- [Ranson Rosedale Park Master Plan Report 12.18.2019.pdf](#)









# RANSON ROSEDALE PARK MASTER PLAN

TOWN OF HUNTERSVILLE, NC | DECEMBER 2019

**DRAFT**





## ACKNOWLEDGMENTS

Thank you to the Town of Huntersville and its dedicated staff.

### TOWN OF HUNTERSVILLE, NC

**Michael Jaycocks, CPRP**, Parks and Recreation Director

**Tracy Houk**, Parks and Recreation Assistant Director

**Joe Greene, CPSI**, Park Maintenance Superintendent



### PROJECT CONSULTANT TEAM

The Dodd Studio





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# INTRODUCTION

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# INTRODUCTION



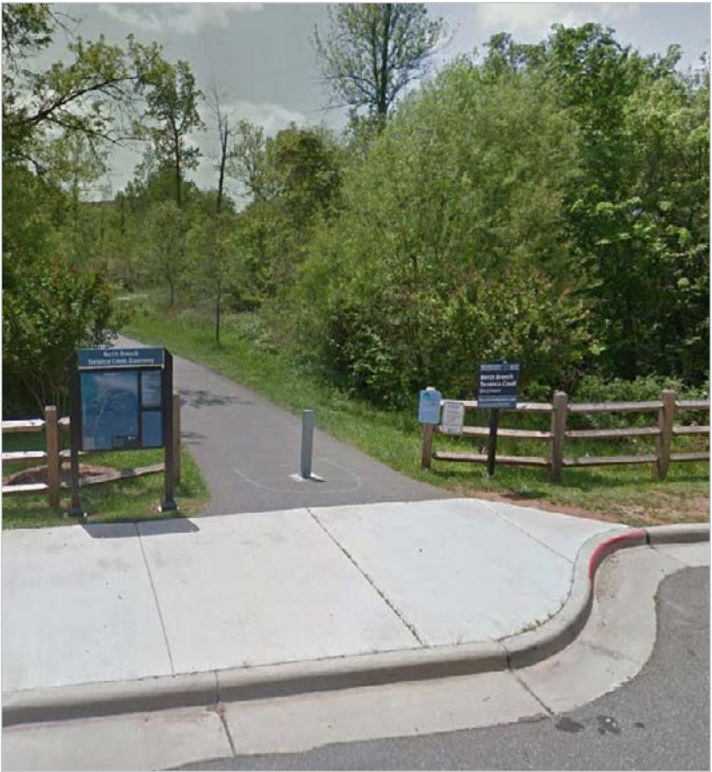
## Ranson Rosedale Park

The Ranson Rosedale Park site is a 13-acre undeveloped parcel with a unique location that presents a prime opportunity to offer recreation amenities for residents and visitors. Located between a large single-family neighborhood and a mixed-used development, the project site can be directly accessed by a variety of user groups.

Additionally, the project site is only a half mile from I-77, a quarter mile from a CATS bus stop, and one mile from the CATS Park and Ride facility, again providing access both locally and regionally.

The existing 2.36-mile Torrence Creek Greenway is located to the south of the project site with an entrance off Rosewood Meadow Lane. A planned Torrence Creek Greenway extension runs through the project site that will ultimately connect with the CATS Park and Ride across I-77. The closest existing parks to the project site are approximately a mile away.

Due to the project’s proximity to user groups, land uses, destinations, and existing infrastructure, this park provides a unique green space and community asset for the Town of Huntersville.



## About the Master Plan

After a thorough site analysis and existing conditions mapping, the Ranson Rosedale Master Plan will examine and address the following elements:

- Parking and Access
- Trail and Greenway Connectivity
- Playground location and potential themes
  - Natural Play Focus
- Shelter(s)
- Restroom and Storage
- Park Trails
- Visual connectivity
- Park Access Points
- Stormwater/Flooding Issues
- Dog Park and Associated Features
- Outdoor Fitness Stations
- Lighting
- Trash Cans and Bench locations
- Bicycle Racks
- Landscape Areas
- Seat Walls
- Civic Features (stairs, plazas, etc)
- Open Play Areas/Green space
- Entry Signage



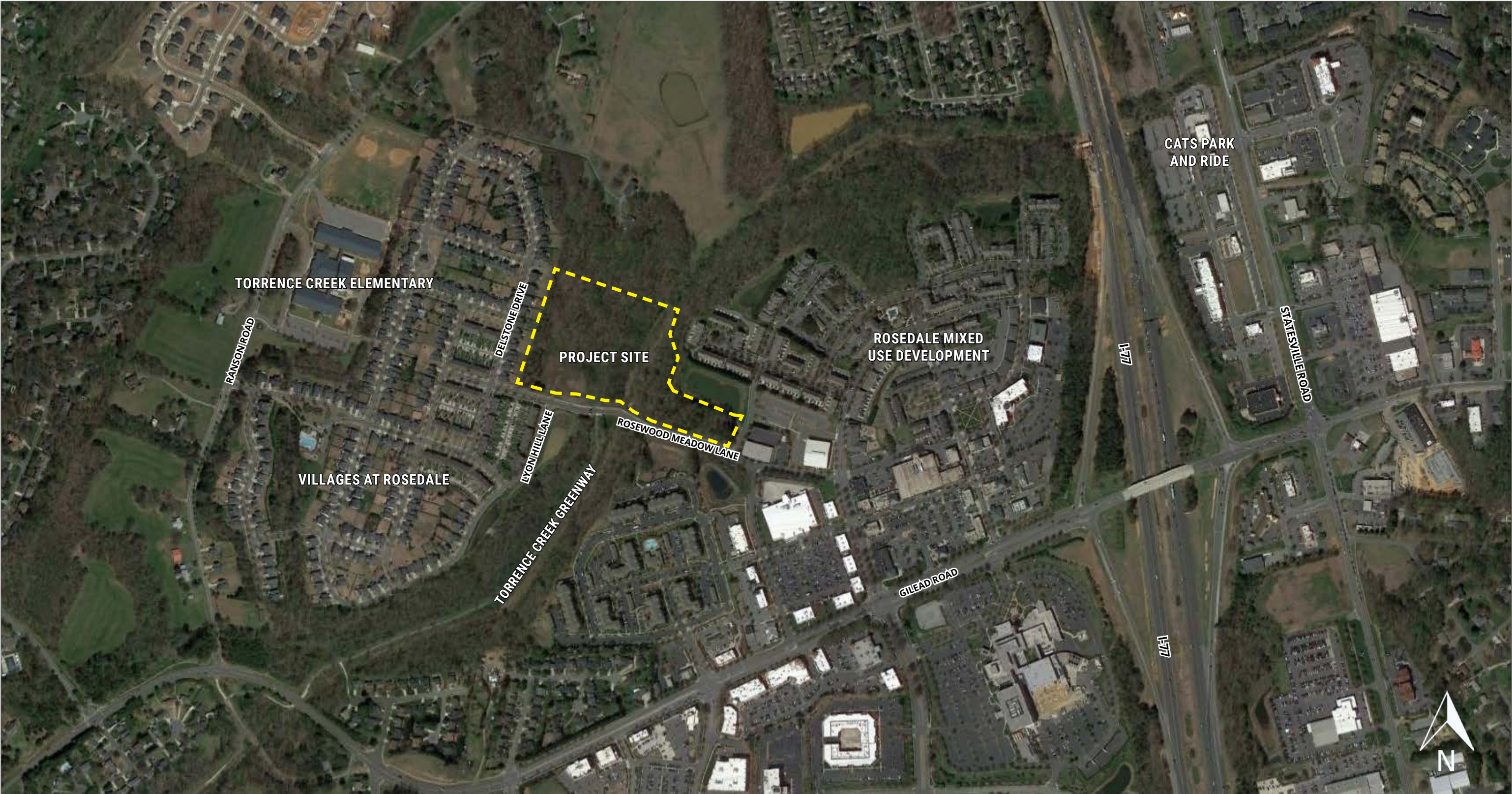
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# EXISTING CONDITIONS

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# PROJECT AREA MAP



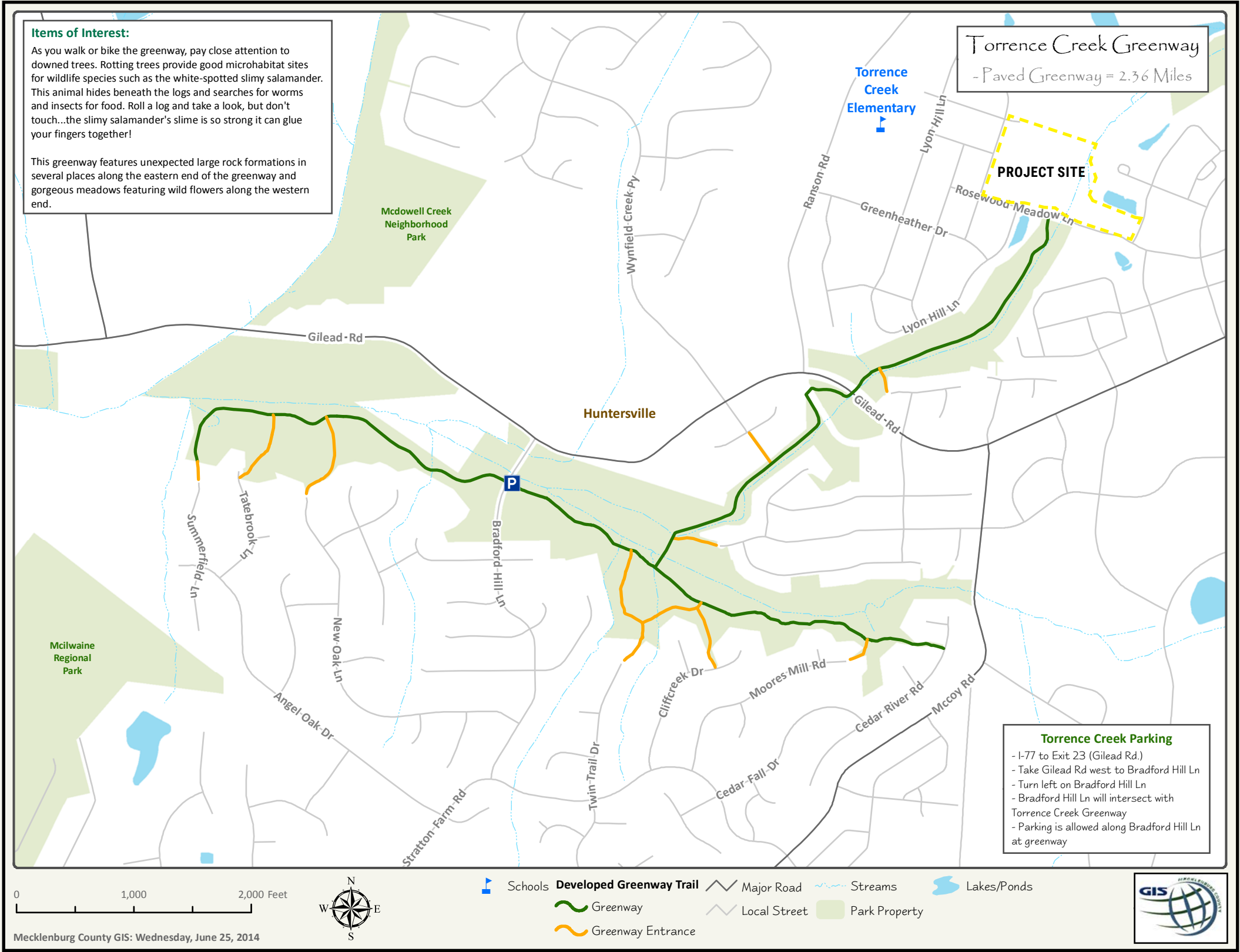


# PROJECT SITE MAP



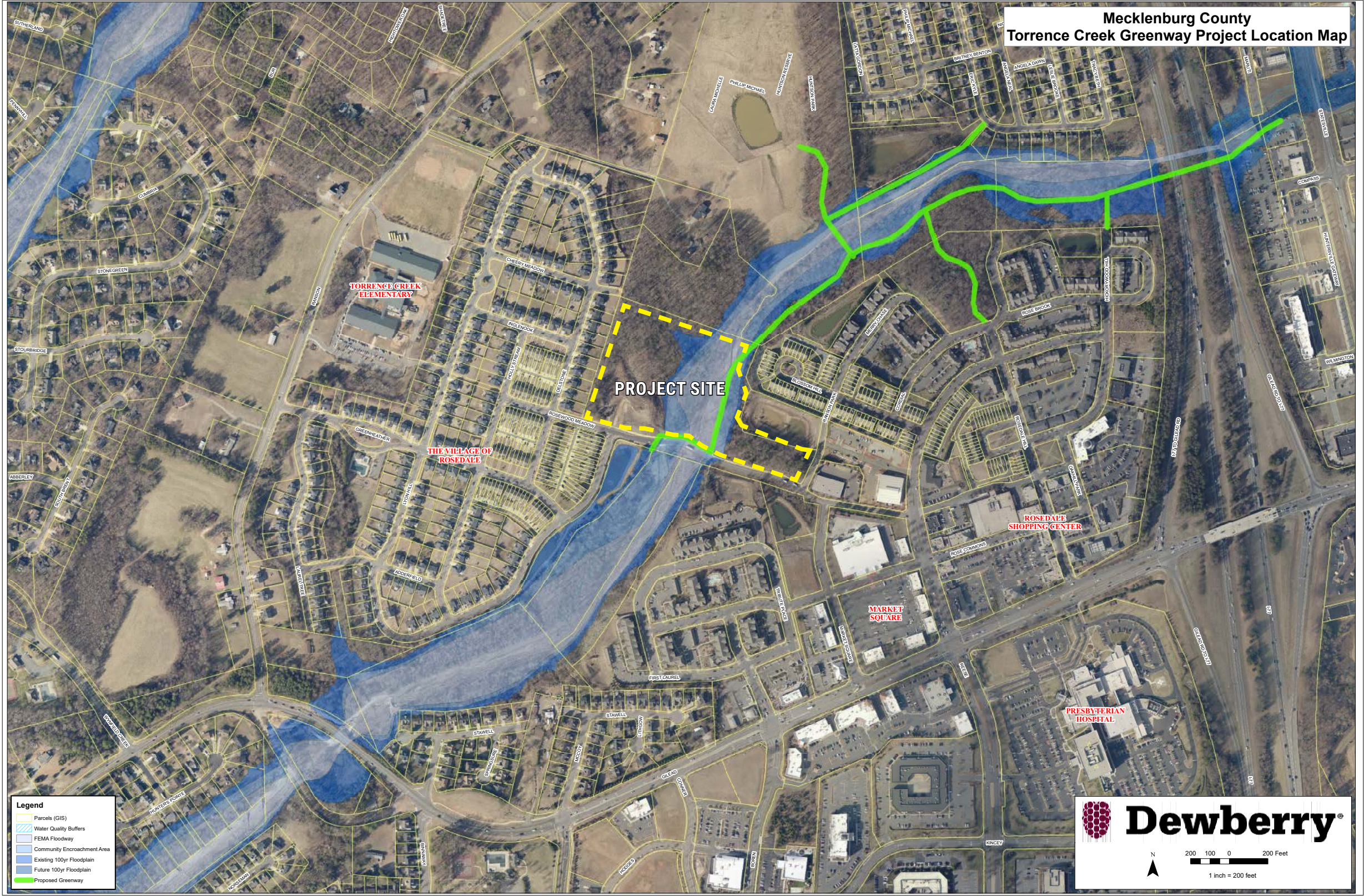


# EXISTING TORRENCE CREEK GREENWAY





# PLANNED TORRENCE CREEK GREENWAY





# EXISTING SITE CONDITIONS



- View of drainage basin from kudzu hill



- View from park site to existing Torrence Creek Greenway connection and Rosewood Meadow Lane
- Kudzu overgrowth



- Rock outcrop



- Forest play area



- Rock outcrop



# EXISTING SITE CONDITIONS



• Rock outcrop



• Rock outcrop



• Rock outcrop



• Forest understory



• Rock outcrop



# EXISTING SITE CONDITIONS



- Shade provided by forest
- Rock outcropping



- Opportunity for site features with flat topography



13

- Kudzu overgrowth
- Natural tree canopy
- Looking towards Torrence Creek



14

- Opportunity for site features with flat topography
- Looking towards Lyon Hill Lane



15

- Kudzu overgrowth
- Looking towards Torrence Creek Greenway and Rosewood Meadow Lane



# SITE ANALYSIS



## Development Areas

After a thorough site analysis, three development areas were identified on the park site. The three development areas highlight the most feasible and best opportunities for park elements to be located. Critical factors driving the location of the development areas include:

### FLOODPLAIN

With Torrence Creek running through the park site, the floodplain is a key guiding factor in developing the park master plan. The only park element that can be in the floodplain is trails. All other park elements must be located outside of the floodplain to create a safe and sustainable park facility.

### TOPOGRAPHY

The park site features varying topography with many steep sections. While the steep topography does limit development, the site features flat areas, providing feasible land for park elements.

### SITE FEATURES

With the varying topography, the park site has elevated areas that provide overlook opportunities for park users. Additionally, the site also features rock outcrops that can be harnessed for unique play elements.

### ACCESS

The future planned Torrence Greenway Creek extension runs through the park site, creating a need for residents and visitors to not only access the park but also have direct access to the greenway. With an existing sidewalk infrastructure along Ranson Park Drive and Rosewood Meadow Lane, the park site features a strong accessibility foundation. Additionally, it is important to take into consideration access in regards to the single family homes surrounding the park site.



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# **PRELIMINARY MASTER PLAN CONCEPTS**

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# PRELIMINARY RANSON ROSEDALE PARK MASTER PLAN CONCEPTS OVERVIEW

Utilizing the site analysis, The Dodd Studio worked with the Town of Huntersville to develop two preliminary Ranson Rosedale Master Plan concepts that harness the property's natural features and provide passive recreation opportunities. While Concept A and Concept B entail many of the same park elements, the primary focus for Concept A is the play areas and for Concept B it is the dog park. The following park elements are included in the preliminary concepts as follows:

## Concept A

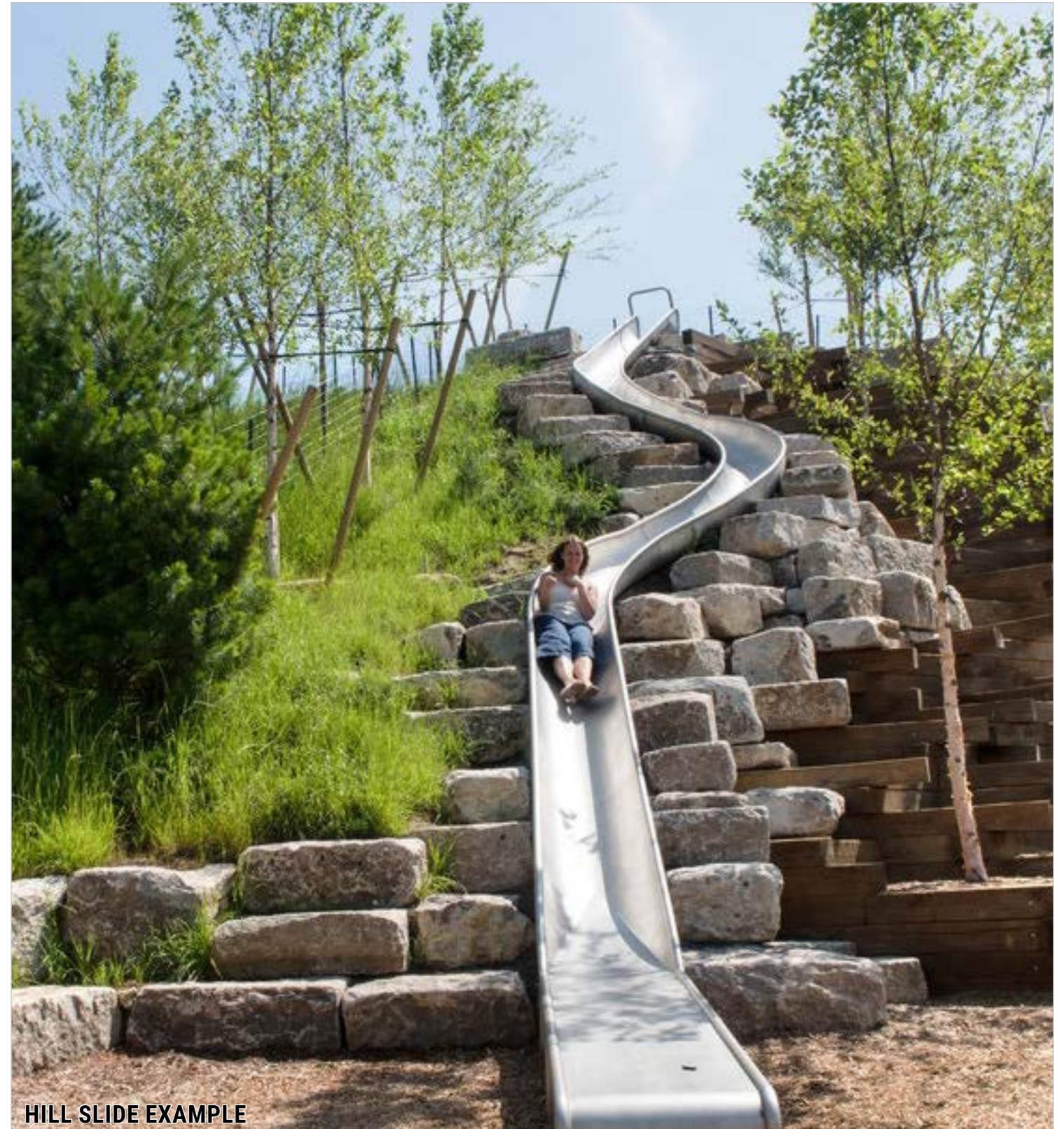
- 40-Foot buffer on west side of the Park where residential properties run along the park property boundary
- 35 Parking Space Lot
- Restroom Facility
- Lawn Area with Overlook
- Accessible Play Area
- Natural Hill Slide
- Natural Play Area (.7 ac.)
- Rock Outcrop
- Large Dog Park (1.0 ac.)
- Small Dog Park (.2 ac.)
- Shade Pavilion
- Green Space at the Dog Park
- Bridge over Torrence Creek
- Kudzu Removal
- Trails
  - +/- .3 mile Gravel Trail
  - +/- .5 mile Concrete Sidewalk
  - +/- .2 mile Torrence Creek Greenway
- 14 New On-Street Parking Spaces on Rosewood Meadow Lane
- Fitness Stations along trails



FITNESS STATION EXAMPLE



FITNESS STATION EXAMPLE



HILL SLIDE EXAMPLE



# PRELIMINARY RANSON ROSEDALE PARK MASTER PLAN CONCEPTS OVERVIEW

## Concept B

- 40-Foot buffer on west side of the Park where residential properties run along the park property boundary
- 50 Parking Space Lot
- Restroom Facility
- Lawn Area
- Accessible Play Area
- Natural Play Area (.7 ac.)
- Large Dog Park (1.0 ac.)
- Small Dog Park (.3 ac.)
- Shade Pavilion
- Bridge over Torrence Creek
- Kudzu Removal
- Trails
  - +/- .5 mile Gravel Trail
  - +/- .3 mile Concrete Sidewalk
  - +/- .2 mile Torrence Creek Greenway
- 14 New On-Street Parking Spaces on Rosewood Meadow Lane
- Fitness Stations along trails



DOG PARK EXAMPLE



NATURAL PLAY AREA EXAMPLE



CONCEPT A





CONCEPT B





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# **PUBLIC INPUT SESSION #1**

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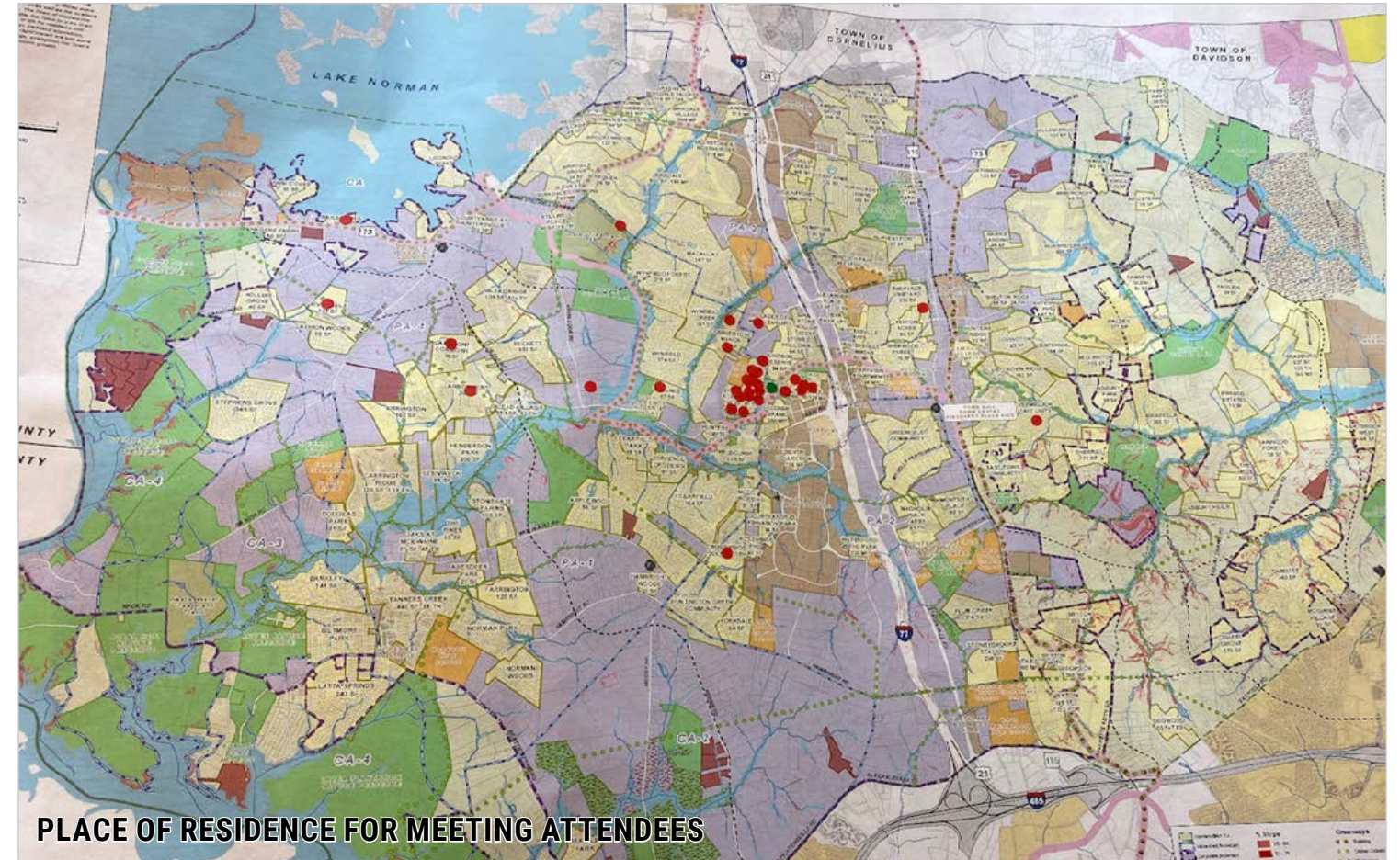


# PUBLIC INPUT SESSION #1

On Tuesday, October 22, 2019 the first drop-in public input session was held at Torrence Creek Elementary School from 6:30pm to 8:00pm. With over 50 people in attendance, the open house entailed four stations for attendees to visit:

- Site analysis of existing conditions
- Park elements vision boards
- Planned Torrence Creek Greenway extension route map
- Preliminary Ranson Rosedale Park Master Plan concepts

Attendees were able to provide feedback to the consultant team at the Preliminary Ranson Rosedale Park Master Plan station as well as fill out comment sheets. 34 comment sheets were collected.





## Top Three Park Elements Desired in this Park

### 1. NATURE BASED PLAY AREAS



### 2. TRAILS



### 3. DOG PARK

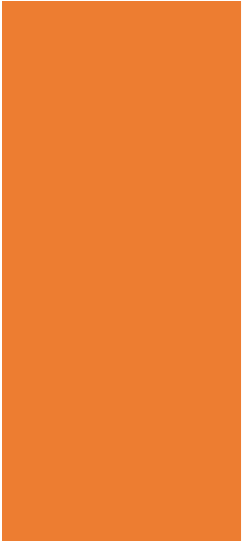




Concept A



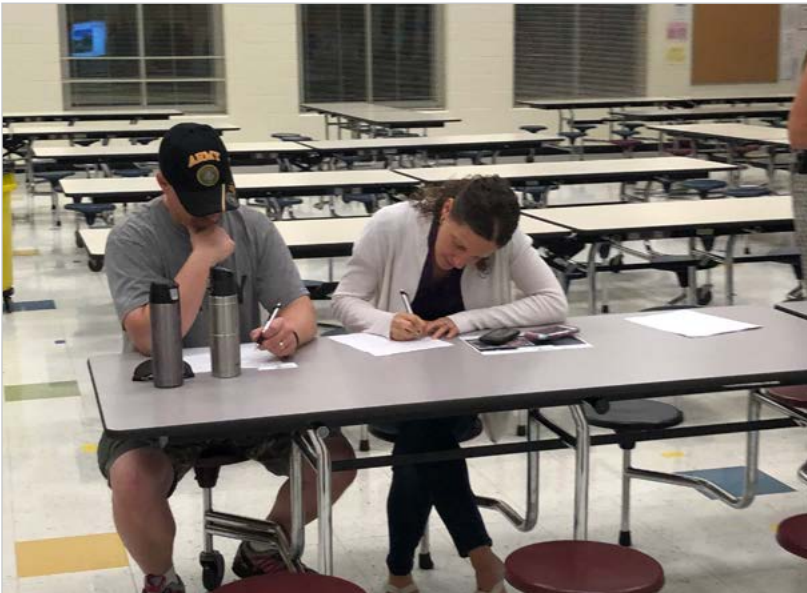
28 VOTES



6 VOTES



Concept B



Why Concept A?

- The dog park is located away from the community and homeowners.
- Concept A is better balanced. Concept B's focus is the dog park.
- It keeps dogs and children/playground areas separated to avoid conflict.
- The green space off of Rosewood Meadow Lane is good for exercise.

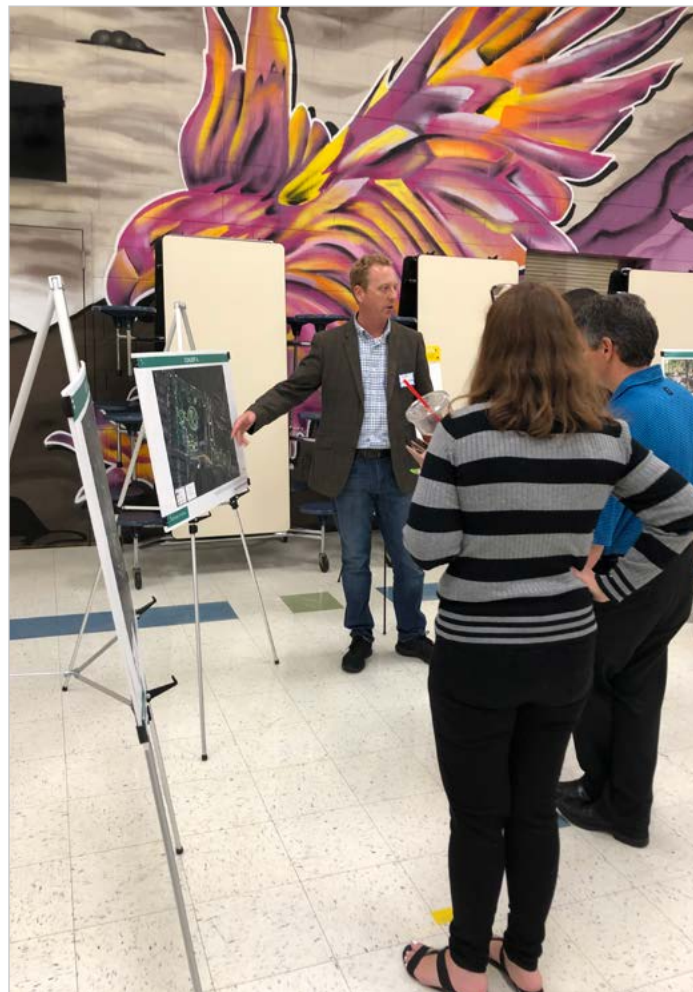




# PUBLIC INPUT SESSION #1

## What We Heard

- This is a good location for a park and it will be used.
- Shade is needed in the park – whether from a natural tree canopy or with sails.
- It is critical to preserve the natural areas and existing trees to create a recreation area that compliments the greenway and surrounding area. Native landscaping and nature based play areas also emphasize and add to a natural setting for the park.
- The type of fitness equipment and location of the stations are important.
- Residents desire direct access to the greenway.



## Concerns

### TRAFFIC

- Residents are worried that the park will cause an increase in traffic volume through the neighborhood. The amount of traffic is already a concern and the park might exacerbate this issue. Many drivers use Rosewood Meadow Lane as a cut through.
- Speeding drivers in the neighborhood need to be slowed down. Traffic calming elements – speed bumps, stop signs, raised crosswalk – are needed for safe bicycle and pedestrian access to the park.

### PARKING

- The Rosewood Meadow Lane parking lot is a concern due to the existing high traffic volume along that road. There might be issues with people entering and exiting the parking lot as well it will bring even more traffic to Rosewood Meadow Lane. Other parking locations should be evaluated.

### MATERIALS & MAINTENANCE

- Outdoor fitness areas will not be maintained and become an eyesore.
- Trail surface types are important for runners and walkers. Transitioning to different surfaces can be disruptive to a workout.
- It is important to use playground materials that can withstand weather year-round.
- The type of fencing around the dog park needs to add to aesthetic – try to avoid chain link fencing.
- Maintenance of the restrooms is a concern. Who will maintain it?

### PERSONAL SAFETY

- Personal safety and security is also a concern. Lighting and emergency blue light phones should be considered.

### RESIDENTIAL PROPERTY IMPACTS

- Fencing should be examined along the park boundary adjacent to residential properties.



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# **REVISED MASTER PLAN CONCEPTS**

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# REVISED RANSON ROSEDALE PARK MASTER PLAN OVERVIEW

During the first public input session, Concept A received the most votes from the public as the preferred preliminary master plan. Concept A was evaluated and updated to reflect the input and feedback received during the session as well.

Changes incorporated into the revised Ranson Rosedale Park Master Plan include the following:

- 35 parking space lot reduced in size to 23 parking spaces.
- Restroom facility relocated off the lawn.
- Accessible Play, Hill Slide and Natural Play Area refined with locations and elements.
- New 14 on-street parking spaces along Rosewood Meadow Lane removed.
- 15 parking space lot added to east side of park for dog park.
- Shade pavilion and green space and relocated.
- Gravel Trail added to create Inner Trail Loop.
- Large Dog Park reduced from 1 ac. to .7 ac.



ACCESSIBLE PLAY EXAMPLE



PARK RESTROOM EXAMPLE



# REVISED RANSON ROSEDALE PARK MASTER PLAN





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# **PUBLIC INPUT SESSION #2**

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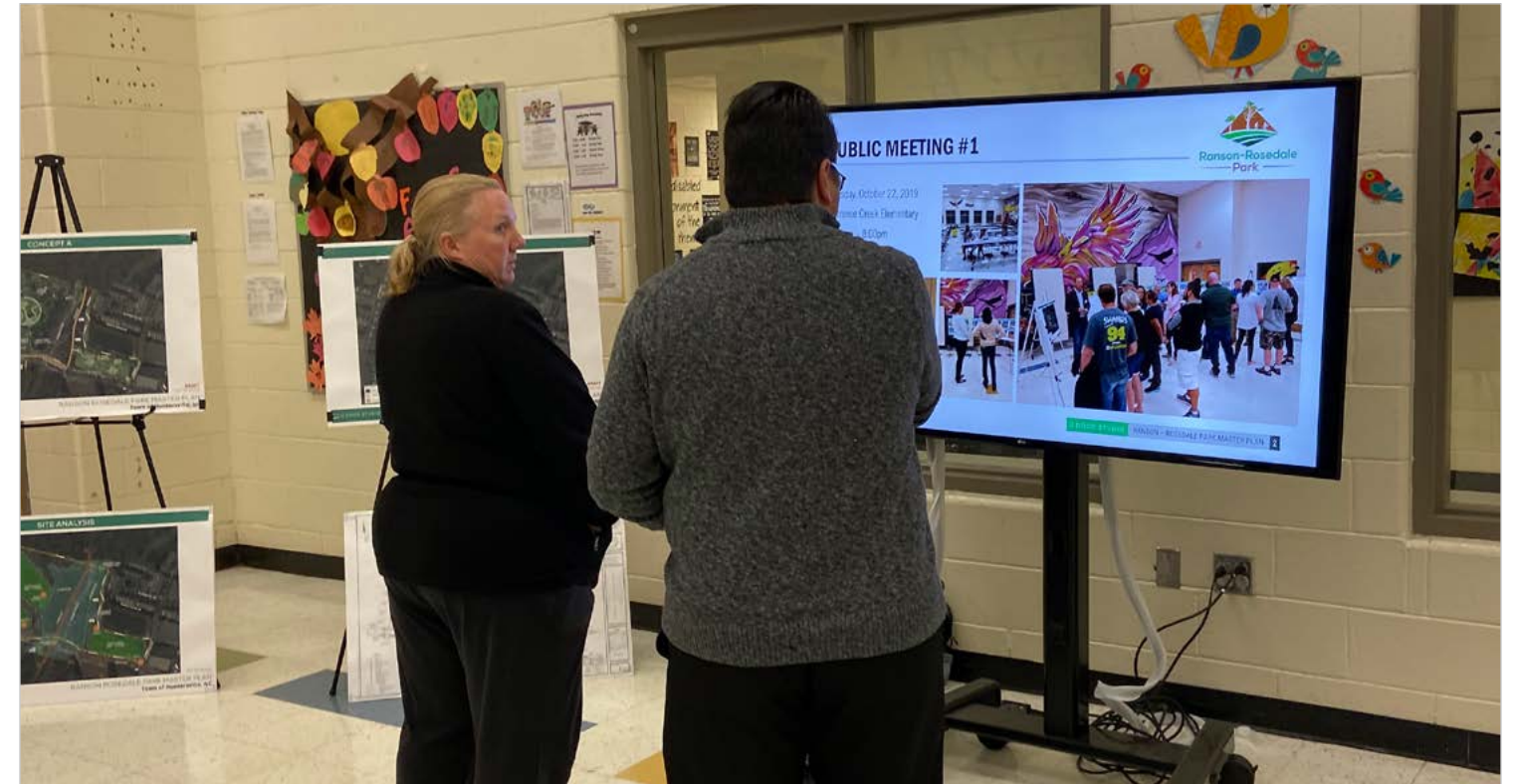


## PUBLIC INPUT SESSION #2

On Tuesday, December 3, 2019 the second drop-in public input session was held at Torrence Creek Elementary School from 6:30pm to 8:00pm. With over 20 people in attendance, the open house entailed four stations for attendees to visit:

- Park elements vision boards
- Summary of feedback received during first public input session (See Appendix)
- Preliminary Ranson Rosedale Park Master Plan Concept A and Concept B
- Revised Ranson Rosedale Park Master Plan concept

Attendees were able to provide feedback to the consultant team at the Revised Ranson Rosedale Park Master Plan station as well as fill out comment sheets. No comment sheets were filled out.





# PUBLIC INPUT SESSION #2

## What We Heard

### TRAILS

- It is great to have a greenway connection.
- It is great to have a loop trail in the park. Prefer a loop system instead of walking to a point and having to turn around.

### PLAY AREAS

- Hucks Road is a good example to explore for a neat nature-based play area.
- Should include a nature scavenger hunt and carvings in the park.

### STORMWATER

- There are stormwater drainage issues on Rosewood Meadow Lane. On heavy rain days, it is very unsafe both for drivers and pedestrians.

### DOG PARK

- It is good to have the designated dog park parking. It would be unsafe to unload dogs on Rosewood Meadow Lane with on-street parking.
- Water features should be explored for the dog park. It gets very hot during the summer and would be nice to have.

### LANDSCAPING

- Need to think about the plantings replacing the kudzu removal.
- The hill with the kudzu should be terraced – will help with stormwater/erosion issues and look nice.
- Invasives need to be removed along Torrence Creek.
- Keep as much natural areas/vegetation as possible – see owls and want to maintain the habitat.

### OTHER PARK ELEMENTS

- Lighting in the park is needed.





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# **FINAL RANSON ROSEDALE PARK MASTER PLAN**

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# FINAL RANSON ROSEDALE PARK MASTER PLAN OVERVIEW

After the second public input session, the revised Ranson Rosedale Park Master Plan was evaluated and updated to reflect the public input and feedback. Changes incorporated into the final Ranson Rosedale Park Master Plan include the following:

- The concrete trail around and through the Natural Play Area updated to a gravel trail.
- Seat wall added to the overlook.
- Greenway alignment shifted.
- Large Dog Park increased from .7 ac. to .8 ac.



SEAT WALL EXAMPLE



PLAY AREA EXAMPLE



# FINAL RANSON ROSEDALE PARK MASTER PLAN





# FINAL RANSON ROSEDALE PARK MASTER PLAN ENLARGEMENT



## FEATURED

- Natural Play Area
- Rock Outcrop
- Accessible Play
- Hill Slide
- Restroom
- 40' Buffer
- 23 Parking Space Lot
- Gravel and Concrete Trails
- Fitness Stations





# FINAL RANSON ROSEDALE PARK MASTER PLAN ENLARGEMENT



## FEATURED

- Natural Play Area
- Rock Outcrop
- Accessible Play
- Hill Slide
- Restroom
- Lawn
- Overlook with Seat Wall
- Kudzu Removal
- 40' Buffer
- 23 Parking Space Lot
- Gravel and Concrete Trails
- Torrence Creek Greenway Extension
- Fitness Stations





# FINAL RANSON ROSEDALE PARK MASTER PLAN ENLARGEMENT



## FEATURED

- Large Dog Park
- Small Dog Park
- Dog Park Green Space
- Dog Park Shade Pavilion
- 15 Parking Space Lot
- Gravel and Concrete Trails
- Torrence Creek Greenway Extension





# FINAL RANSON ROSEDALE PARK MASTER PLAN ENLARGEMENT



## FEATURED

- Natural Play Area
- Rock Outcrop
- Gravel and Concrete Trails
- Torrence Creek Greenway Extension
- Fitness Stations
- Bridge





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# APPENDIX

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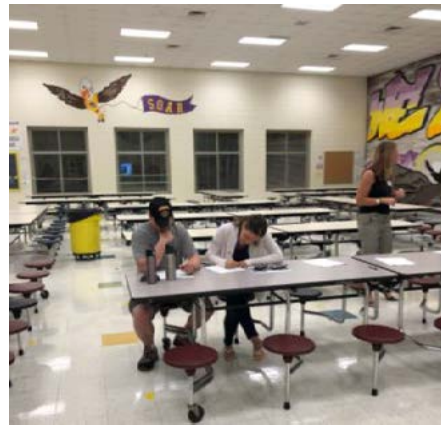
# POWERPOINT SUMMARY OF PUBLIC INPUT SESSION #1





## PUBLIC MEETING #1

- Tuesday, October 22, 2019
- Torrence Creek Elementary
- 6:30pm – 8:00pm
- Over 50 attendees





## PUBLIC MEETING #1



- Three stations
  1. Site analysis displaying existing conditions, opportunities and constraints
  2. Park elements image boards
    - What are the top three park elements you would like to see in this park?
  3. Two Preliminary Ranson-Rosedale Park Master Plan Concepts
    - Which concept do you prefer best?
- Attendees able to provide feedback to team with large notepads or on comments sheets
  - 34 Comment Sheets filled out



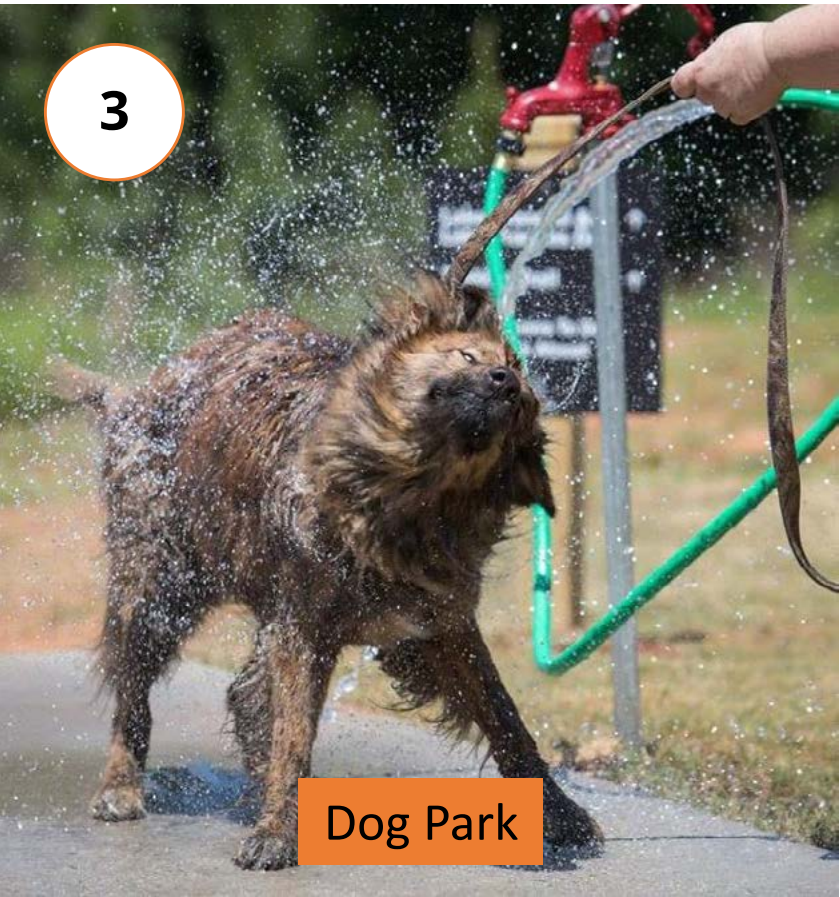
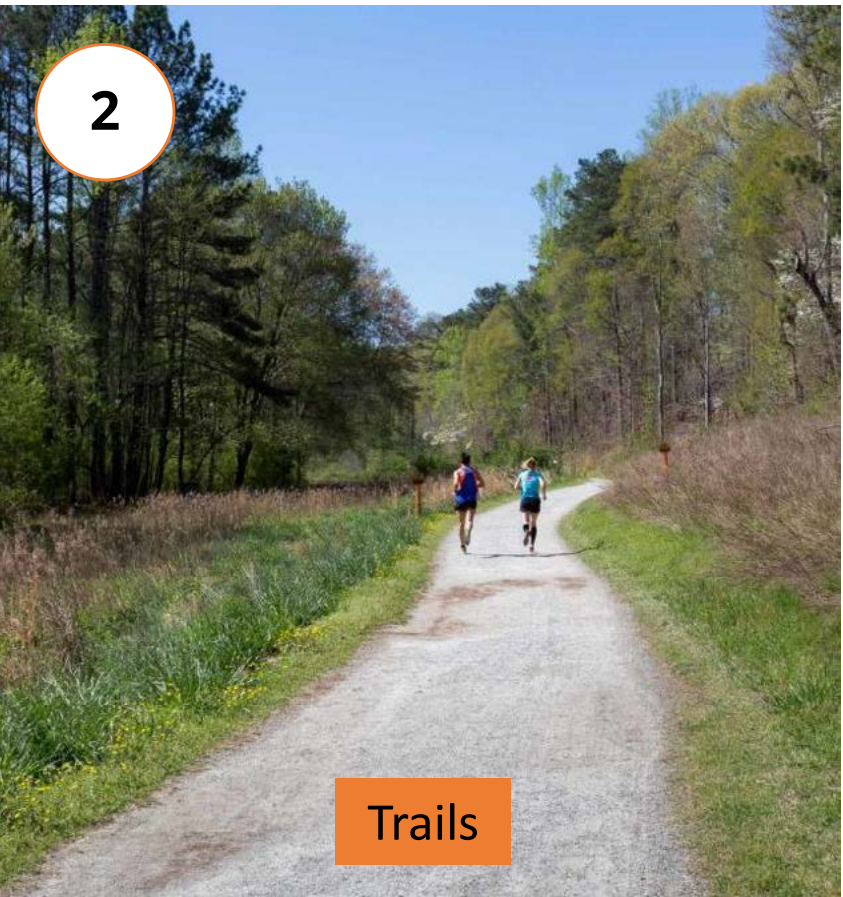




# PUBLIC MEETING #1



What are your top three park elements that you would like to see in this park?



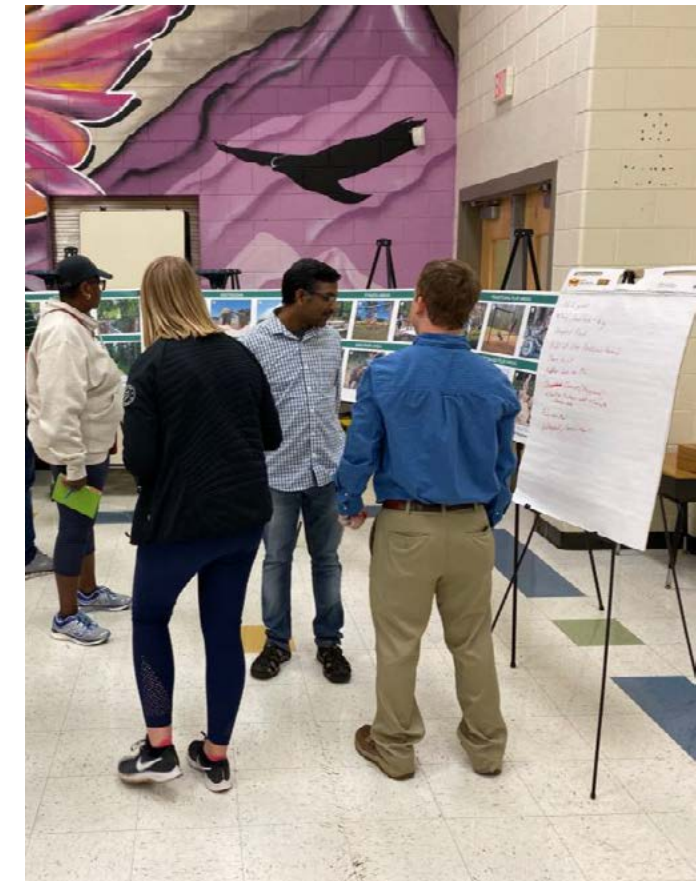


## PUBLIC MEETING #1



What are your top three park elements that you would like to see in this park?

1. Nature Based Play Areas
2. Trails
3. Dog Park
4. Enhancing and Preserving Natural Areas/Trees
5. Traditional Play Areas
6. Restrooms
7. Native Landscaping
8. Picnic Area
9. Fitness Station
10. Shaded Areas







PUBLIC MEETING #1



Which concept do you prefer best?



28

6





## PUBLIC MEETING #1



### Why Concept A?



- The dog park is located away from the community and the homeowners.
- Concept A is better balanced. Concept B's focus is the Dog Park.
- It keeps dog and children/playground areas separated to avoid conflict.
- The greenspace off Rosewood Meadow Lane is good for exercise.





PUBLIC MEETING #1



Concerns



Traffic

- High traffic volume
- Cut through
- Speeding drivers
- Traffic calming
- Bicycle and Pedestrian connectivity



Parking

- Traffic issues along Rosewood Meadow Lane
- Issues with drivers entering and exiting
- Will bring more traffic
- Other parking location
- On-street parking a problem



Materials/Maintenance

- Outdoor fitness areas maintenance
- Trail surface type
- Durable playground materials
- Fencing around dog park
- Restroom maintenance



Personal Safety

- Lighting
- Emergency blue light phones
- Close proximity to greenway



Residential Property Impacts

- Fencing adjacent to residential properties



## PUBLIC MEETING #1



### Other Feedback We Heard

- This is a good location for a park, and it will be used.
- Shaded areas are needed in the park.
- It is important to preserve the natural areas and existing trees on site.
- The type and location of fitness equipment is important.
  - Different age groups and abilities
- Direct access to the greenway is desired.





Town of  
**Huntersville**  
PARKS AND RECREATION





**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Michael Jaycocks, Parks & Recreation

**Date:** 1/6/20

**Subject:** Appointments to The Greenway, Trail and Bikeway Commission

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**EXPLAIN REQUEST:**

The Greenway, Trail and Bikeway Commission has 2 - 3 year terms and 1 - 1 year term open. Lori Russell and Diane McLaine have both reapplied for their expiring terms. Drew Vernado has left his unexpired term. See candidates below.

Lori Russell  
Diane McLaine  
Alisia Bergsman  
Lothar Kaierle  
Kathy Lewis  
Jason Ma  
Joe Sailors  
Marianne Thomas  
Kim Van Sickler  
Jonathan Zovistoski

**ACTION RECOMMENDED:**

Consider appointments to the Greenway, Trail and Bikeway Commission. (Michael Jaycocks)

**FINANCIAL IMPLICATIONS:**

0

**ATTACHMENTS:**

- [Greenway Applications.pdf](#)
- [\(1\) Greenway Map.pdf](#)





### Advisory Board Application

#### **Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

1st choice ☒ **Park and Recreation Commission** ☐ **Public Art Commission**  
☒ **Greenway, Trail and Bikeway Commission**

#### **Background Information:**

Name Alisia Bergsman Home Phone 704-975-8606

Home Address 7741 Chaddsley Dr. Zip Code 28078

E-Mail Address abergsman@gmail.com

Present Occupation Freelance Grant Writer/Writer Work Phone 704-975-8606

Place of Employment Self-employed

Approximate Hours Available Per Month for Serving On Advisory Board 10-15 hrs

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education Masters in International Relations - University of Queensland, Australia

Dual Bachelor's Degree in Psychology and Anthropology - University of Pittsburgh

Business and Civic Experience League of Women Voters Civics 101: 2018

Grand Oak SLT Team: 2017-2019, Piedmont IB Middle SLT: 2019 - present

ACLU/AIR Immigration Court Observer: 2018 - present; Huntersville 101: 2015

Areas of Expertise and Interests/Skills Grant writer, non-profit project management

Previous employment: Lutheran Immigration & Refugee Services; Refugee Support Center

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Alisia Bergsman  
(Signature of Applicant)

11/15/2019

(Date)

#### **Applications may be mailed to:**

Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

#### **Applications may also be hand delivered to:**

Huntersville Parks and Recreation Department  
Town Center Building  
105 Gilead Road, 3<sup>rd</sup> Floor  
Huntersville, NC 28078

***For more information about these advisory board openings, please call 704-766-2228***

## **Parks&Recreation**

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.766.2220 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)





### Advisory Board Application

**Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

☐ **Park and Recreation Commission**

☒ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

#### **Background Information:**

Name lothar (Thomas) Kaierle Home Phone +1 704 497 3419

Home Address 7710 Autumnview Court Zip Code 28078

E-Mail Address lothar.kaierle@yahoo.com

Present Occupation VP Sales Work Phone 704 391 5305

Place of Employment American Truetzschler 12300 Moores Chapel Rd, Charlotte

Approximate Hours Available Per Month for Serving On Advisory Board 6-10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

I have not Expiration Date \_\_\_\_\_

\_\_\_\_\_ Expiration Date \_\_\_\_\_

Education Master Technician Degree in Mechanical Engineering

TECHNICAL COLLEGE AICHACH, Aichach, Germany (1986)

Business and Civic Experience SENIOR SALES ENGINEERING

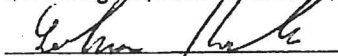
HOA President

Executive Board Member, Nonwovens Institute, NC-State University, Raleigh NC

Areas of Expertise and Interests/Skills I have always been connected to nature, but not an exercise fanatic. I enjoy the outdoors

and especially Huntersville Parks and Greenways. I believe my engineering degree and joy of the outdoors makes me a great candidate to serve on this committee  
I want to be part of the solution to ensure that trails and bikeways are available to all

I, undersigned, understand this application will be kept on the active file for a two (2) year period

 October 26, 2014  
(Signature of Applicant) (Date)

**Applications may be mailed to:**  
Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

**Applications may also be hand delivered to:**  
Huntersville Parks and Recreation Department  
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# Town of Huntersville

NORTH CAROLINA

## Advisory Board Application

Applicant must be a Huntersville Resident

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

### Background Information:

Name KATHY LEWIS Home Phone 803-480-9342

Home Address 12917 BLAKEMORE AVE Zip Code 28078

E-Mail Address kathylewis01@gmail.com

Present Occupation PROJECT MANAGER Work Phone 704-659-7163

Place of Employment KELLER TECHNOLOGY CORP. 11905 VANSTORY DR.

Approximate Hours Available Per Month for Serving On Advisory Board AS NEEDED

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education BACHELOR OF SCIENCE, ELECTRICAL ENGINEERING, <sup>OLD</sup> DOMINION UNIVERSITY

MBA, THE COLLEGE OF WILLIAM & MARY

Business and Civic Experience PROJECT MANAGER ; ENGINEERING MANAGER

ON SEVERAL LARGE GOVERNMENT ; COMMERCIAL CONTRACTS

Areas of Expertise and Interests/Skills ENGINEERING, I ALSO HAVE

PMP (PROJECT MANAGEMENT PROFESSIONAL) CERTIFICATION

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Kathy Lewis 12/6/19  
(Signature of Applicant) (Date)

Applications may be mailed to:  
Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

Applications may also be hand delivered to:  
Huntersville Parks and Recreation Department  
Town Center Building  
105 Gilead Road, 3<sup>rd</sup> Floor  
Huntersville, NC 28078

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# Town of Huntersville NORTH CAROLINA

## Advisory Board Application

**Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

☒ **Park and Recreation Commission**

☒ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

### **Background Information:**

Name JASON MA Home Phone 703-530-7532

Home Address 16318 BLACKSTONE RD Zip Code 28078

E-Mail Address JAYMA0000@gmail.com

Present Occupation PRIVATE CLIENT ADVISOR Work Phone 980-990-307-2586

Place of Employment BAKER OF AMERICA

Approximate Hours Available Per Month for Serving On Advisory Board 5-10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education MBA MARKET

BS COMMUNICATIONS

Business and Civic Experience 10 YEARS TELECOMMUNICATION

7 YEARS FINANCE

F3, CHEVROLET, LLS & VOLVO/TEL @ JV NASHUA

Areas of Expertise and Interests/Skills FINANCE, HEDGETS, RUNNING EVENTS

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature]  
(Signature of Applicant)

12/4/19  
(Date)

**Applications may be mailed to:**  
Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

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Town Center Building  
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# Town of Huntersville

NORTH CAROLINA

## Advisory Board Application

**Applicant must be a Huntersville Resident**

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ **Park and Recreation Commission**

☒ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

### **Background Information:**

Name Diane McLaine Home Phone 704-948-6080  
Home Address 15133 Oxford Hollow Zip Code 28078  
E-Mail Address SD McLaine @ Bellsouth.net  
Present Occupation Project Manager Work Phone 704-953-4970  
Place of Employment Wells Fargo  
Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Greenway, Trail, & Bikeway Expiration Date Dec 2019  
Expiration Date \_\_\_\_\_

Education Bachelor's Degree  
Ohio Wesleyan University

Business and Civic Experience Member GTBC 2005-2008  
when Master Plan was first created. Served again  
2018-19 and am currently the Commission Chair.

Areas of Expertise and Interests/Skills My management experience has  
allowed me to contribute as a Commission leader and Chair.  
(over →)

I, undersigned, understand this application will be kept on the active file for a two (2) year period

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

**Applications may be mailed to:**  
Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

**Applications may also be hand delivered to:**  
Huntersville Parks and Recreation Department  
Town Center Building  
105 Gilead Road, 3<sup>rd</sup> Floor  
Huntersville, NC 28078

**For more information about these advisory board openings, please call 704-766-2228**

## **Parks & Recreation**

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.766.2220 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)



# Town of Huntersville NORTH CAROLINA

## Advisory Board Application

### **Applicant must be a Huntersville Resident**

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

### **Background Information:**

Name Lori Russell Home Phone 704-724-4086

Home Address 15824 Prestwolds Lane Zip Code 28078

E-Mail Address lori.russell@allentate.com

Present Occupation Realtor Work Phone 704-724-4086

Place of Employment Allen Tate Realtors

Approximate Hours Available Per Month for Serving On Advisory Board any

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Greenway, Trail & Bikeway Expiration Date 12/19

Expiration Date \_\_\_\_\_

Education \_\_\_\_\_

Business and Civic Experience \_\_\_\_\_

Areas of Expertise and Interests/Skills \_\_\_\_\_

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Lori Russell 11/8/19  
(Signature of Applicant) (Date)

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Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

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### Advisory Board Application

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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### **Background Information:**

Name Joe Sailers Home Phone 704-661-8275

Home Address 9932 Westminster Dr. Zip Code 28078

E-Mail Address W9CWS@BellSouth.net

Present Occupation Insurance Work Phone 704-661-8275

Place of Employment Gelf-Walker's Assoc.

Approximate Hours Available Per Month for Serving On Advisory Board 20+

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Past Member Huntersville Planning Expiration Date 6-30-19

Part Chairman Mecklenburg County Recreation Expiration Date -

Education \_\_\_\_\_

Business and Civic Experience President - Long Creek Opt.

1st Governor - Opt. International

Part President American Society of Professional Engineers

Areas of Expertise and Interests/Skills Land Dev., Cost Accounting -

Flood Plans, Water/Green Right of Ways -

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Joe Sailers 12-4-19  
(Signature of Applicant) (Date)

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### Advisory Board Application

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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### **Background Information:**

Name MARIANNE THOMAS Home Phone 704.609.5558 (cell only)

Home Address 16940 Stinson Court Zip Code 28078

E-Mail Address mmthomas0502@gmail.com

Present Occupation Realtor/Broker Work Phone 704.892.6350

Place of Employment Lake Realty

Approximate Hours Available Per Month for Serving On Advisory Board However many needed - flex schedule

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

none Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education BA - Business

Business and Civic Experience Huntersville 101 (2019), Sales, financial institutions, wife, mother ☺

Areas of Expertise and Interests/Skills Strong communication skills, Strong Leadership, Public Speaking, Notary Public, Licensed Realtor

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Marianne Thomas December 4, 2019  
(Signature of Applicant) (Date)

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### Advisory Board Application

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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### **Background Information:**

Name Kim Van Sicker Home Phone 704-953-1560

Home Address 8601 Flanagan Ct. Zip Code 28078

E-Mail Address kimvansicker@gmail.com

Present Occupation Creative Course Consultant Work Phone 704-953-1560

Place of Employment Van-Griner Learning (custom higher-ed publisher)

Approximate Hours Available Per Month for Serving On Advisory Board 5

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education BS in Communications, Miami University, Oxford, OH.  
J.D., Capital University Law School

Business and Civic Experience Boy Scouts, Girl Scouts, Rotary,  
School extracurriculars, Huntersville 101 participant

Areas of Expertise and Interests/Skills volunteer management, event coordination,  
sales, biker, runner, hiker, Camp Gladiator

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Kim Van Sicker  
(Signature of Applicant)

12/5/19  
(Date)

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P.O. Box 2879  
Huntersville, NC 28070

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### Advisory Board Application

**Applicant must be a Huntersville Resident**

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### Background Information:

Name Jonathan (Jack) Zovistoski Home Phone 202-213-1771

Home Address 13021 Chopin Ridge Rd Zip Code 28078

E-Mail Address jzovistoski@gmail.com

Present Occupation Commerce Marketing Manager Work Phone 201-687-7411

Place of Employment Nesell Brands

Approximate Hours Available Per Month for Serving On Advisory Board 10-30

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education B.S. Finance; Siena College

M.B.A.; Kelley School of Business, Indiana University

Business and Civic Experience 6+ years of professional experience in

finance, corporate strategy, project management, and marketing

Areas of Expertise and Interests/Skills As a new member of the town, I am looking forward to helping shape our community. I enjoy delivering end-to-end strategic initiatives, fostering a collaborative environment, and creative problem solving.

I, undersigned, understand this application will be kept on the active file for a two (2) year period

(Signature of Applicant) [Signature]

(Date) 11/5/19

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P.O. Box 2879  
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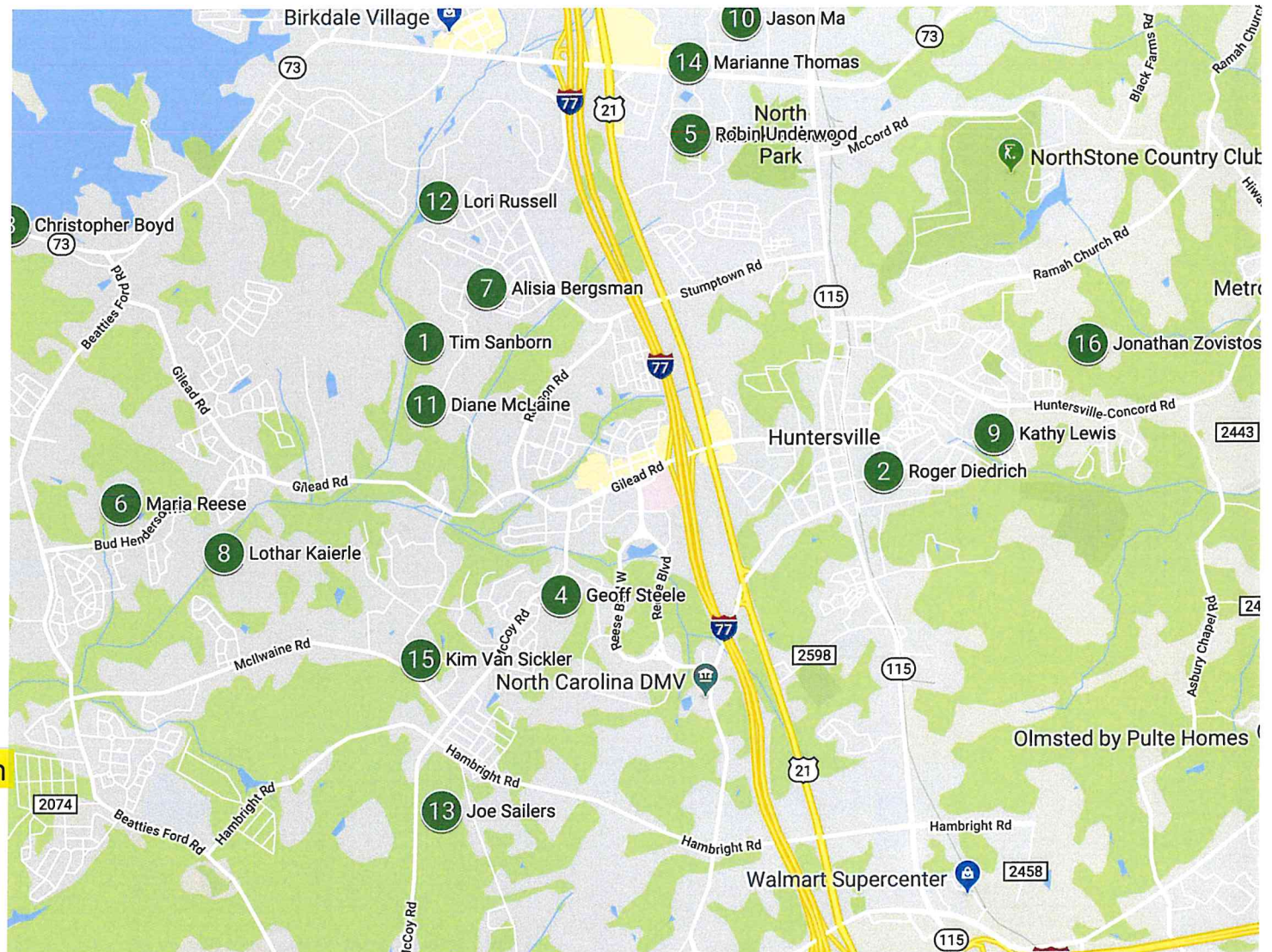
# Greenway, Trail and Bikeway Commission & Candidates

## GTBC & Candidates

- 1 Tim Sanborn
- 2 Roger Diedrich
- 3 Christopher Boyd
- 4 Geoff Steele
- 5 Robin Underwood
- 6 Maria Reese
- 7 Alisia Bergsman
- 8 Lothar Kaierle
- 9 Kathy Lewis
- 10 Jason Ma
- 11 Diane McLaine \*
- 12 Lori Russell \*
- 13 Joe Sailors
- 14 Marianne Thomas
- 15 Kim Van Sickler
- 16 Jonathan Zovistoski

New Candidates Highlighted in Yellow

\*Current GTB Commissioner





**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Michael Jaycocks, Parks & Recreation

**Date:** 1/6/20

**Subject:** Appointments to the Public Art Commission

---

**EXPLAIN REQUEST:**

The Public Art Commission has two - three year terms open. Scott Mumma has reapplied for his expired term. See applicants below.

Scott Mumma  
Cynthia Banks  
Jill Borcich  
Emily Harris  
Kathy Lewis  
Terralyn Mills

**ACTION RECOMMENDED:**

Consider appointments to the Public Art Commission. (Michael Jaycocks)

**FINANCIAL IMPLICATIONS:**

0

**ATTACHMENTS:**

- [Public Art Applications.pdf](#)
- [Public Art Map.pdf](#)





### Advisory Board Application

**Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

☐ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

#### **Background Information:**

Name Cynthia Banks Home Phone 704-992-9419

Home Address 8807 Ansley Park Place Zip Code 28078

E-Mail Address Quinton8coverizon.net

Present Occupation Retired Work Phone \_\_\_\_\_

Place of Employment NA

Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education B.A. - Behavioral Science; Certified in Myers Briggs

Business and Civic Experience Served on two Workforce Development Boards. Current Board member of Archstone Foundation. Previous Board member for United Way and a domestic violence

Areas of Expertise and Interests/Skills Interest in Public Art, Community Enhancement <sup>501c3</sup>

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Cynthia D. Banks 12-4-19  
(Signature of Applicant) (Date)

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Town Center Building  
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Huntersville, NC 28078

**For more information about these advisory board openings, please call 704-766-2228**

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# Town of Huntersville NORTH CAROLINA

## Advisory Board Application

### **Applicant must be a Huntersville Resident**

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

### **Background Information:**

Name EMILY A. HARRIS Home Phone 704-989-0034

Home Address 102 PROVIDENCE LANE Zip Code 28078

E-Mail Address esabaum@gmail.com

Present Occupation SENIOR STRATEGIST Work Phone \_\_\_\_\_

Place of Employment LOWE'S CORPORATE (MOORESVILLE)

Approximate Hours Available Per Month for Serving On Advisory Board \_\_\_\_\_

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_ Expiration Date \_\_\_\_\_

\_\_\_\_\_ Expiration Date \_\_\_\_\_

Education UNIVERSITY OF MICHIGAN - ANN ARBOR  
B.A., ENGLISH

Business and Civic Experience FORMER NEWS REPORTER

FOR CHARLOTTE OBSERVER AND CHICAGO TRIBUNE;  
GIRL SCOUT TROOP LEADER; VOLUNTEER, BRAVE STEP of CLT

Areas of Expertise and Interests/Skills MARKETING, COMMUNICATIONS,  
RESEARCH, IDEA EXECUTION, STRATEGY.

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Emily A. Harris  
(Signature of Applicant)

Nov. 12, 2019  
(Date)

I AM ALSO  
A MEMBER  
OF THE  
CHARLOTTE  
ART LEAGUE  
and A PAINTER

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Huntersville Parks and Recreation Department  
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Huntersville, NC 28070

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### Advisory Board Application

Applicant must be a Huntersville Resident

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### Background Information:

Name KATHY LEWIS Home Phone 803-480-9342

Home Address 12917 BLAKEMORE AVE Zip Code 28078

E-Mail Address kathylewis01@gmail.com

Present Occupation PROJECT MANAGER Work Phone 704-659-7163

Place of Employment KELLER TECHNOLOGY CORP. 11905 VANSTORY DR.

Approximate Hours Available Per Month for Serving On Advisory Board AS NEEDED

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education BACHELOR OF SCIENCE, ELECTRICAL ENGINEERING, OLD DOMINION UNIVERSITY

MBA, THE COLLEGE OF WILLIAM & MARY

Business and Civic Experience PROJECT MANAGER & ENGINEERING MANAGER

ON SEVERAL LARGE GOVERNMENT & COMMERCIAL CONTRACTS

Areas of Expertise and Interests/Skills ENGINEERING, I ALSO HAVE

PMP (PROJECT MANAGEMENT PROFESSIONAL) CERTIFICATION

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Kathy Lewis 12/6/19  
(Signature of Applicant) (Date)

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### Advisory Board Application

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*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

☒ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

#### **Background Information:**

Name TERRALYN MILLS Home Phone (917) 272-3352

Home Address 9716 CULCAIRN ROAD Zip Code 28078

E-Mail Address agent+terra@gmail.com

Present Occupation REAL ESTATE Work Phone (917) 272-3352

Place of Employment ABOQUETTE PROPERTIES + THE CORE TRAINING

Approximate Hours Available Per Month for Serving On Advisory Board 8

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date N/A

N/A Expiration Date N/A

Education BACHELOR'S OF ARTS IN PSYCHOLOGY - CRIMINAL

JUSTICE MINOR FROM THE UNIVERSITY OF CENTRAL FLORIDA

Business and Civic Experience \_\_\_\_\_

COMPLETED HUNTERSVILLE 101 COURSE

Areas of Expertise and Interests/Skills BEATIFICATION OF THE TOWN.

SMART DEVELOPMENT.

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature] 12/4/19  
(Signature of Applicant) (Date)

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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☐ Park and Recreation Commission

☐ Greenway, Trail and Bikeway Commission

☒ Public Art Commission

#### **Background Information:**

Name Scott Mamma Home Phone 704-785-0984

Home Address 10217 Blackstock Rd. Zip Code 28078

E-Mail Address Scott-Mamma@yahoo.com

Present Occupation Sales Manager Work Phone 704-335-2095

Place of Employment PSAV@ The Westin Charlotte

Approximate Hours Available Per Month for Serving On Advisory Board 20

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Huntersville Art Commiss. Expiration Date 12/19

(Current chair) Expiration Date \_\_\_\_\_

Education BA Psychology

Sociology & Criminal Justice

Business and Civic Experience 25+ years in hospitality industry

Currently selling technology for events; Several  
volunteer jobs with Big Brother, Hope Haven

Areas of Expertise and Interests/Skills Lifelong advocate of the Arts;

Special interests in collectibles & Antiques

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Scott Mamma  
(Signature of Applicant)

December 4, 2019  
(Date)

#### **Applications may be mailed to:**

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P.O. Box 2879  
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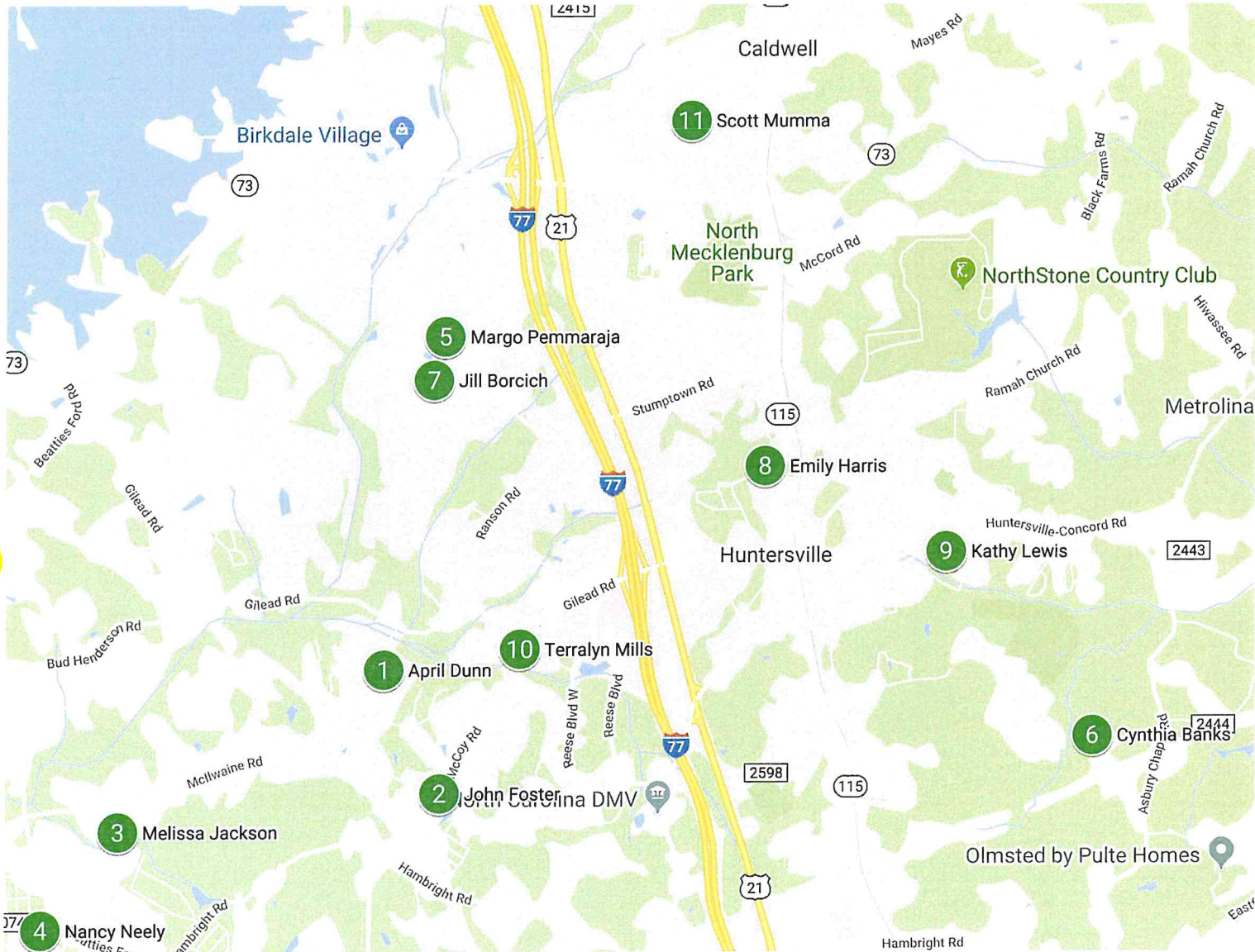
# Public Art Commission

## PAC Candidates

- 1 April Dunn
- 2 John Foster
- 3 Melissa Jackson
- 4 Nancy Neely
- 5 Margo Pemmaraja
- 6 Cynthia Banks
- 7 Jill Borcich
- 8 Emily Harris
- 9 Kathy Lewis
- 10 Terralyn Mills
- 11 Scott Mumma \*

New Applicants Highlighted in Yellow

\*Current PA Commissioner





**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Michael Jaycocks, Parks & Recreation

**Date:** 1/6/20

**Subject:** Appointments to the Parks and Recreation Commission

---

**EXPLAIN REQUEST:**

We have four - 3 year terms open on the Parks and Recreation Commission. Edward Parks has applied for his expired term. See applicants below.

Edward Parks  
Alisia Bergsman  
Kathy Lewis  
Jason Ma  
Terralyn Mills  
Arun Nair  
Shane Ruffin  
Joe Sailors  
Cassandra Williams  
Jonathan Zovistoski

**ACTION RECOMMENDED:**

Consider appointments to the Parks & Recreation Commission. (Michael Jaycocks)

**FINANCIAL IMPLICATIONS:**

0

**ATTACHMENTS:**

- [\(2\) Parks and Rec Map.pdf](#)
- [Parks and Rec Applications.pdf](#)



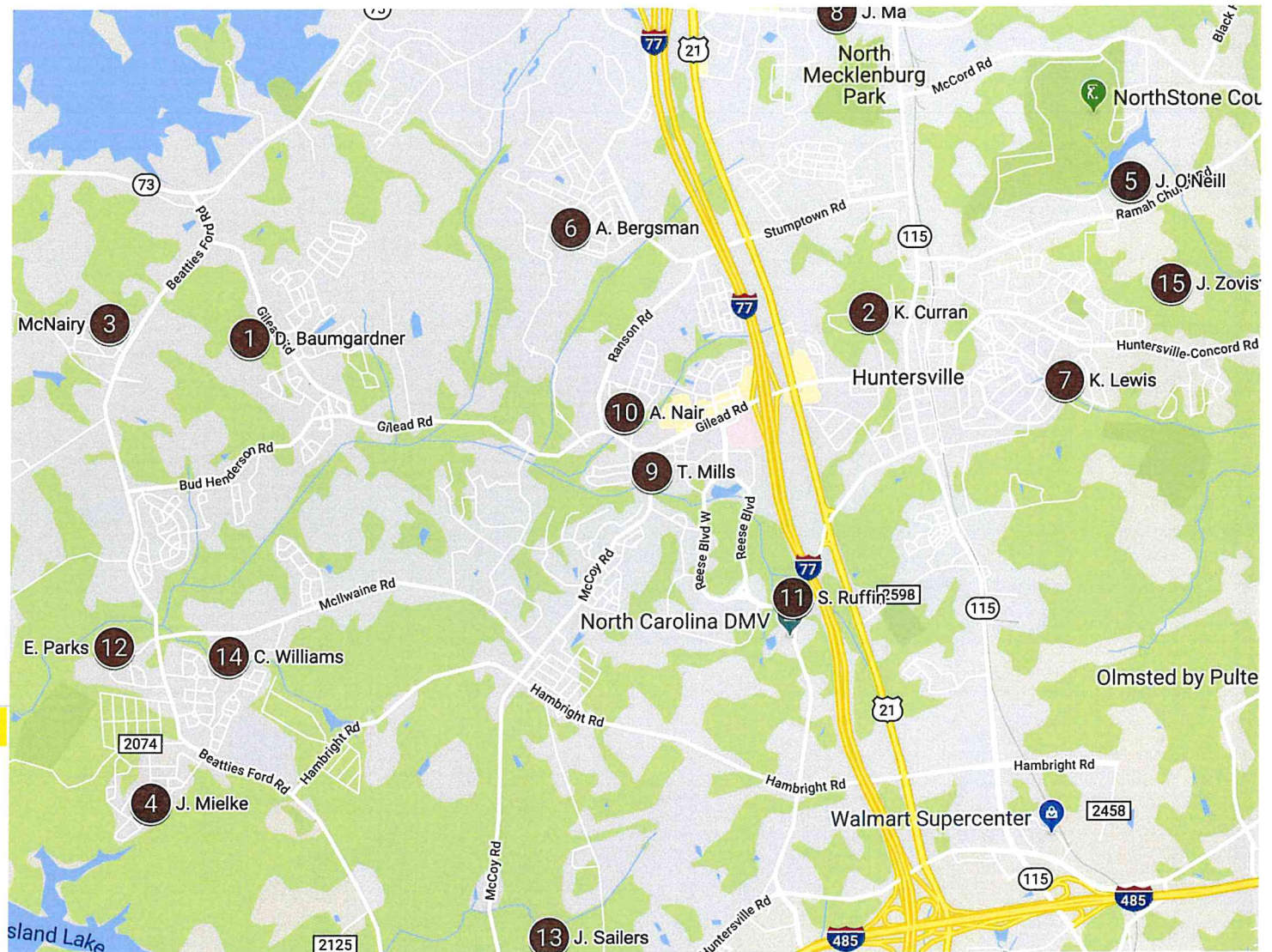
# Parks and Recreation Commission & Candidates

## PRC & Candidates

- 1 Deanna Baumgardner
- 2 Kent Curran
- 3 Magic Cypress-McNairy
- 4 John Mielke
- 5 John O'Neill
- 6 Alisia Bergsman
- 7 Kathy Lewis
- 8 Jason Ma
- 9 Terralyn Mills
- 10 Arun Nair
- 11 Shane Ruffin
- 12 Edward Parks \*
- 13 Joe Sailors
- 14 Cassandra Williams
- 15 Jonathan Zovistoski

New Applicants Highlighted in Yellow

\*Current PR Commissioner







### Advisory Board Application

**Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

1st choice ☒ **Park and Recreation Commission** ☐ **Public Art Commission**  
☒ **Greenway, Trail and Bikeway Commission**

#### **Background Information:**

Name Alisia Bergsman Home Phone 704-975-8606

Home Address 7741 Chaddsley Dr. Zip Code 28078

E-Mail Address abergsman@gmail.com

Present Occupation Freelance Grant Writer/Writer Work Phone 704-975-8606

Place of Employment Self-employed

Approximate Hours Available Per Month for Serving On Advisory Board 10-15 hrs

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education Masters in International Relations - University of Queensland, Australia

Dual Bachelor's Degree in Psychology and Anthropology - University of Pittsburgh

Business and Civic Experience League of Women Voters Civics 101: 2018

Grand Oak SLT Team: 2017-2019, Piedmont IB Middle SLT: 2019 - present

ACLU/AIR Immigration Court Observer: 2018 - present; Huntersville 101: 2015

Areas of Expertise and Interests/Skills Grant writer, non-profit project management

Previous employment: Lutheran Immigration & Refugee Services; Refugee Support Center

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Alisia Bergsman  
(Signature of Applicant)

11/15/2019

(Date)

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# Town of Huntersville

NORTH CAROLINA

## Advisory Board Application

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☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☒ Public Art Commission

### Background Information:

Name KATHY LEWIS Home Phone 803-480-9342

Home Address 12917 BLAKEMORE AVE Zip Code 28078

E-Mail Address kathylewis01@gmail.com

Present Occupation PROJECT MANAGER Work Phone 704-659-7163

Place of Employment KELLER TECHNOLOGY CORP. 11905 VANSTORY DR.

Approximate Hours Available Per Month for Serving On Advisory Board AS NEEDED

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education BACHELOR OF SCIENCE, ELECTRICAL ENGINEERING, <sup>OLD</sup> DOMINION UNIVERSITY

MBA, THE COLLEGE OF WILLIAM & MARY

Business and Civic Experience PROJECT MANAGER & ENGINEERING MANAGER

ON SEVERAL LARGE GOVERNMENT & COMMERCIAL CONTRACTS

Areas of Expertise and Interests/Skills ENGINEERING, I ALSO HAVE

PMP (PROJECT MANAGEMENT PROFESSIONAL) CERTIFICATION

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Kathy Lewis

(Signature of Applicant)

12/6/19

(Date)

Applications may be mailed to:  
Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

Applications may also be hand delivered to:  
Huntersville Parks and Recreation Department  
Town Center Building  
105 Gilead Road, 3<sup>rd</sup> Floor  
Huntersville, NC 28078

For more information about these advisory board openings, please call 704-766-2228

## Parks & Recreation

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.766.2220 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)



# Town of Huntersville NORTH CAROLINA

## Advisory Board Application

**Applicant must be a Huntersville Resident**

*Please check the boxes next to the Advisory Boards in which you are interested in applying for:*

☒ **Park and Recreation Commission**

☒ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

### **Background Information:**

Name JASON MA Home Phone 703-530-7532

Home Address 10318 BLACKSTONE RD Zip Code 28078

E-Mail Address JAYMA0000@gmail.com

Present Occupation PRIVATE CLIENT ADVISOR Work Phone 980-307-2586

Place of Employment BAKER OF AMERICA

Approximate Hours Available Per Month for Serving On Advisory Board 5-10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education MBA MARKET

BS COMMUNICATIONS

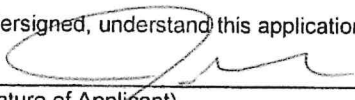
Business and Civic Experience 10 YEARS TELECOMMUNICATION

7 YEARS FINANCE

F3, CHEMOCARS, LLS & VOLUNTEER @ JV NASHAM

Areas of Expertise and Interests/Skills FINANCE, HSECTH, RUNNING EVENTS

I, undersigned, understand this application will be kept on the active file for a two (2) year period

  
(Signature of Applicant)

12/4/19  
(Date)

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P.O. Box 2879  
Huntersville, NC 28070

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☒ **Park and Recreation Commission**  
☐ **Greenway, Trail and Bikeway Commission**

☒ **Public Art Commission**

#### **Background Information:**

Name TERRALYN MILLS Home Phone (917) 272-3352

Home Address 9716 CULCAIRN ROAD Zip Code 28078

E-Mail Address agent+terra@gmail.com

Present Occupation REAL ESTATE Work Phone (917) 272-3352

Place of Employment ABOQUETTE PROPERTIES + THE CORE TRAINING

Approximate Hours Available Per Month for Serving On Advisory Board 8

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date N/A

N/A Expiration Date N/A

Education BACHELOR'S OF ARTS IN PSYCHOLOGY - CRIMINAL

JUSTICE MINOR FROM THE UNIVERSITY OF CENTRAL FLORIDA

Business and Civic Experience \_\_\_\_\_

COMPLETED HUNTERSVILLE 101 COURSE

Areas of Expertise and Interests/Skills BEATIFICATION OF THE TOWN.

SMART DEVELOPMENT.

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature]  
(Signature of Applicant)

12/4/19  
(Date)

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Huntersville, NC 28070

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# Town of Huntersville NORTH CAROLINA

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☒ Park and Recreation Commission

☐ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

### Background Information:

Name ARUN K NAIR Home Phone 704-448-0001

Home Address 9125 GREENHEATHER DR Zip Code 28078

E-Mail Address arunnairenc@gmail.com

Present Occupation AVP Work Phone 704-773-4331

Place of Employment WELLS FARGO BANK, CHARLOTTE

Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS Expiration Date 8/31/2021

Expiration Date \_\_\_\_\_

Education B.S. in Computer Science & Engineering  
MBA in Entrepreneurial Leadership

Business and Civic Experience Vice Leader for International Relations Committee  
of CRC, Legislative Chair for International Minority Coalition,  
Chaired Fair Housing Jury Panel for City of Charlotte, etc.

Areas of Expertise and Interests/Skills I have been my community's HOA President & Landscape  
Chair, etc. where I have involved in improving the look of our neighborhood. Hopefully  
I can help improving our town.

I, undersigned/understand this application will be kept on the active file for a two (2) year period

Arun Nair  
(Signature of Applicant)

Dec 6, 2019

(Date)

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Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

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☒ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

#### **Background Information:**

Name Edward Parks Home Phone 704-999-0560

Home Address 12723 Vantage Point Ln Zip Code 28078

E-Mail Address edward@parks@901.com

Present Occupation Analyst Work Phone \_\_\_\_\_

Place of Employment Lowe's Corporate

Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Parks & Recreation Board Expiration Date Dec 2019

Education Masters in Business Florida State

BA in Economics Florida State

Business and Civic Experience Parks & Rec Huntersville, Management,  
Real Estate Development, HR

Areas of Expertise and Interests/Skills Process improvement, Research,

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature] 12-10-19  
(Signature of Applicant) (Date)

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P.O. Box 2879  
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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

#### **Background Information:**

Name Shane Ruffin Home Phone 704-900-4974

Home Address 12725 Hopewell AVE #303 Zip Code 28078

E-Mail Address Shaneruffin@gmail.com

Present Occupation Development Director Work Phone 704-997-3216

Place of Employment United Way of Central Carolinas

Approximate Hours Available Per Month for Serving On Advisory Board 2-4

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education B.S. Middle Tennessee State University  
Recreation Admin / Health minor

Business and Civic Experience Numerous Boards, Councils, etc related  
to Recreation programs / Youth / Sports

Areas of Expertise and Interests/Skills I WAS A Ymca Executive for  
20 YEARS prior to moving Home to NC in August 2019

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature]  
(Signature of Applicant)

12/6/2019  
(Date)

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Huntersville, NC 28070

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### Advisory Board Application

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Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission  
☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

#### **Background Information:**

Name Joe Sailers Home Phone 704-661-8275  
Home Address 9932 Westminister Dr. Zip Code 28078  
E-Mail Address ws9cws@BellSouth.net  
Present Occupation Insurance Work Phone 704-661-8275  
Place of Employment Gelf - Walker & Assoc.  
Approximate Hours Available Per Month for Serving On Advisory Board 20+

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

Past Member Huntersville Planning Expiration Date 6-30-19  
Part Chairman Mecklenburg County Recreation Expiration Date -  
Education \_\_\_\_\_

Business and Civic Experience President - Long Creek Opt.  
Lt Governor - Opt. International  
Part President American Society of Professional Engineers  
Areas of Expertise and Interests/Skills Land Dev., Cost Accounting -  
Flood Plans, Water/Green Right of Ways -

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Joe Sailers 12-4-19  
(Signature of Applicant) (Date)

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P.O. Box 2879  
Huntersville, NC 28070

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☒ **Park and Recreation Commission**

☐ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

#### **Background Information:**

Name Cassandra Williams Home Phone 704-464-6528

Home Address 11829 Journeys End Trl Zip Code 28078

E-Mail Address Sandybrown8@yahoo.com

Present Occupation Quality Manager Work Phone 704-792-8165

Place of Employment Newell Brands (Rubbermaid)

Approximate Hours Available Per Month for Serving On Advisory Board 10-15hrs

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Expiration Date \_\_\_\_\_

Education Materials Science & Engineering, BS

Business and Civic Experience Participates in Community Service events with Social Sorority

Over 15yrs of experience in the business sector collaborating with domestic & foreign business

Registered CMS volunteer and PTA participant

Areas of Expertise and Interests/Skills Project planning, Project Management,

I am interested in becoming an active participant in planning the future of my community that my family and I live, work, and play

I, undersigned, understand this application will be kept on the active file for a two (2) year period

Cassandra Williams

(Signature of Applicant)

12/6/2019

(Date)

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# Town of Huntersville NORTH CAROLINA

## Advisory Board Application

**Applicant must be a Huntersville Resident**

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

### Background Information:

Name Jonathan (Jack) Zovistoski Home Phone 202-213-1771

Home Address 13021 Chopin Ridge Rd Zip Code 28078

E-Mail Address jzovistoski@gmail.com

Present Occupation E-commerce Marketing Manager Work Phone 201-687-7411

Place of Employment Neuvel Brands

Approximate Hours Available Per Month for Serving On Advisory Board 10-30

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

Education B.S. Finance; Siena College

M.B.A.; Kelley School of Business, Indiana University

Business and Civic Experience 6+ years of professional experience in finance, corporate strategy, project management, and marketing

Areas of Expertise and Interests/Skills As a new member of the town, I am looking forward to helping shape our community. I enjoy delivering end-to-end strategic initiatives, fostering a collaborative environment, and creative problem solving.

I, undersigned, understand this application will be kept on the active file for a two (2) year period

(Signature of Applicant) [Signature]

(Date) 11/5/19

Applications may be mailed to:

Huntersville Parks and Recreation Department  
P.O. Box 2879  
Huntersville, NC 28070

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Town Center Building  
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Huntersville, NC 28078

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**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Pattie Ellis, Finance

**Date:** 1/6/20

**Subject:** 2013 GO Transportation Bonds

---

**EXPLAIN REQUEST:**

The 2013 GO Transportation Bonds of \$2,030,000 were originally allocated to the US 21 & Gilead Road project. This budget amendment recognizes interest income of \$70,340 on the 2010 bonds and authorizes these funds to the US 21 & Gilead Road project.

**ACTION RECOMMENDED:**

Approve Amended Capital Project Ordinance and approve budget amendment for interest income.  
(Pattie Ellis)

**FINANCIAL IMPLICATIONS:**

No net impact to fund balance; offsetting revenue and expense.

**ATTACHMENTS:**

- [Capital Prj Ord- Revised Fund 93.docx](#)



**TOWN OF HUNTERSVILLE  
US 21 & GILEAD ROAD INTERSECTION AND  
MAIN STREET PROJECT  
AMENDMENT TO CAPITAL PROJECT ORDINANCE**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorizes the upgrade to the intersection of US 21 and Gilead Road. The project includes additional turn lanes and through lanes, bicyclist and pedestrian accommodations, medians and access management improvements.

**SECTION 2.** This budget amendment authorizes the utility relocation for both the Main Street project and US 21 & Gilead project.

**SECTION 3.** The officers of the unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

**SECTION 4.** The following amounts are appropriated for the project:

Construction, utility relocation, purchase of	
right of way, landscaping	<u>\$3,098,121.51</u>
<b>TOTAL PROJECT COSTS</b>	<u><b>\$3,098,121.51</b></u>

**SECTION 5.** The following revenues are anticipated to be available to complete this project:

2012 Authorized GO Bonds	\$2,030,000.00
2012 Premium on GO Bonds	27,781.51
2003 Authorized GO Bonds	970,000.00
Interest on 2012 GO Bonds	<u>70,340.00</u>
<b>TOTAL REVENUE</b>	<u><b>\$3,098,121.51</b></u>

**SECTION 6.** The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to meet obligations until such time as funding is received. When funds are received, repayments to the General Fund will be made.

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Pattie Ellis, Finance

**Date:** 1/6/20

**Subject:** Budget Amendment

---

**EXPLAIN REQUEST:**

Appropriate Electric Fund retained earnings (353890.9999) of \$650,000 to Electric capital projects due to several capital projects tracking ahead of schedule than were budgeted.

**ACTION RECOMMENDED:**

Approve budget amendment appropriating Electric Fund retained earnings of \$650,000 to Electric capital projects due to several capital projects tracking ahead of schedule than were budgeted. (Pattie Ellis)

**FINANCIAL IMPLICATIONS:**

Decrease of fund balance.

**ATTACHMENTS:**

-



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Pattie Ellis, Finance

**Date:** 1/6/20

**Subject:** Property Tax Refunds

---

**EXPLAIN REQUEST:**

Attached is the Property Tax refund report from Mecklenburg County Assessor's Office. The report contains two refunds totaling \$111.65 which includes \$2.19 interest.

**ACTION RECOMMENDED:**

Approve Property Tax Refund Report. (Pattie Ellis)

**FINANCIAL IMPLICATIONS:**

Decrease in revenue of \$111.65.

**ATTACHMENTS:**

- [Huntersville refund with interest 2019 12 2.xlsx](#)

**HUNTERSVILLE Refunds**

Tax Year	Bill Number	Parcel #	Source Type	Adj #	Adj Reason	Date of Adj.	Refund Recipient Name	Refund Address Line 1	City	State	Zip	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 1/10/2020 (\$)
2019	0001536708-2019-2019-0000-00		BUS	580232	BER Decision	11/21/19	GARDNER MARK ASSOCIATES INC	9623 NORTH DOWNS LANE	HUNTERSVILLE	NC	28078	1/7/2020	1.46	0.03
2019	0008094512-2019-2019-0000-00	01923222	REI	580361	BER Decision	11/19/19	MISCHO, VIKKI L	13328 UNION SQUARE DR	HUNTERSVILLE	NC	28078	1/7/2020	108.00	2.16
Total													\$ 109.46	\$ 2.19



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Tracy Houk, Parks & Recreation

**Date:** 1/6/20

**Subject:** Downtown Greenway Surveying, Construction and Engineering Services Contract

---

**EXPLAIN REQUEST:**

This contract is for the next steps in moving forward with surveying, engineering, construction documents, permitting and construction administration needed to complete the downtown greenway project. Dewberry was selected previously from a RFQ process and has completed the preliminary planning for this greenway.

**ACTION RECOMMENDED:**

Approve Surveying, Construction and Engineering Services Contract for Downtown Greenway. (Tracy Houk)

**FINANCIAL IMPLICATIONS:**

\$83,890 (\$100,000 approved in FY20)

**ATTACHMENTS:**

- [Updated Contract - 12.19.19.pdf](#)
- [CMS Location Exhibit-2-.pdf](#)



101 Huntersville-Concord Rd.  
Huntersville, NC 28078  
(704) 875-6541  
Contract for Professional Services

FIRM: Dewberry Engineers Inc. a New York Corporation  
9300 Harris Corners Parkway, Suite 220  
Charlotte, NC 28269  
PROJECT: Downtown Huntersville Greenway  
PROJECT ADDRESS: Huntersville, NC 28078

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 Dewberry Engineers Inc. a New York Corporation (the "Firm") located at 9300 Harris Corners Parkway Suite 220, Charlotte, NC 28269.

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:
2. The Firm agrees to provide professional design, surveying, engineering, construction administration and water resources services needed to complete the project, collectively "Professional Services." Such Professional 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.
3. The Firm will be responsible for providing properly licensed professionals to complete the Work in accordance with the standard of care ordinarily used by members of the profession performing the Work practicing under similar circumstances and at the same time in Mecklenburg County. 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, surveyors, landscape architects, technicians, employees or subcontractors.
4. 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.
5. The Firm must be properly licensed and in good ethical and professional standing with the appropriate North Carolina Board licensing boards for the professionals performing the Work, and must be properly authorized to conduct business in the state of North Carolina.
6. The Town reserves the right to terminate this Agreement for a material breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.). 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.



7. 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.
8. 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.
9. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the Town.
10. 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 sums 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 Section 1 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, the Firm 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\_\_\_\_\_.

COMPANY

Town of Huntersville

BY: \_\_\_\_\_

\_\_\_\_\_

Print Name

Town Manager

Its: \_\_\_\_\_

Position Title

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

\_\_\_\_\_

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, B, C and D 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 collectively 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 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.** If Firm's price or the regular market price of any of the Work covered hereunder is lower than the price stated in the Contract Documents on the date of performance of the Work, Firm agrees to give the Town the benefit of such lower price on such Work. 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 shall be defective in any respect whatsoever, 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 defective condition. The Firm's obligations of indemnification shall survive any termination of this Agreement.
9. **Invoices and Payment Terms.** Invoice and Payment Terms are set forth in Section 5 in the Contract for Professional 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 agrees 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 agrees 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 like professionals practicing under similar circumstances and at the same time in Mecklenburg County. Firm makes no 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 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 default, the Town shall be entitled to keep and use all design work provided by the Firm 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 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. **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.
25. **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.
26. **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.



## **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. Public Liability and Property Damage**

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**

### **SCOPE OF SERVICES**

1. **Easement Acquisition:** The TEAM shall identify parcels to be impacted by the proposed trail and prepare preliminary easement documents as appropriate for identified parcels. The TEAM shall coordinate contact with property owner and negotiate on behalf of the CLIENT using previously identified options and limits to obtain necessary easements and/or property acquisitions. The TEAM shall provide regular updates regarding the status of negotiations. The TEAM will prepare and submit for recording all easement and acquisitions documents based on Town of Huntersville Real Estate Department standards.
2. **Construction Documents:** Upon receipt of comments from the CLIENT, the TEAM will prepare construction documents for the greenway trail and connectors. The construction document preparation will include the following:
  - Title sheet,
  - General notes sheet,
  - Existing conditions Plan,
  - Sediment & Erosion Control Plans,
  - Site Layout Plans,
  - Grading & Drainage Plans,
  - Landscape Plans,
  - Structural Plans,
  - Site & Amenity Details,
  - Specifications Manual
  - a. The TEAM will prepare 75% documents and to the Client for review and comment. In addition, a preliminary cost estimate will be prepared and included with the 75% submittal. All documents will be submitted electronically in pdf format.
  - b. The TEAM will incorporate CLIENT comments and prepare 100% documents for review and final approval from the CLIENT. Plans and a 100% cost estimate will be included in the submittal. In addition, a list of all comments received during the 75% review will be submitted along with written responses indicating how each comment was addressed. All documents will be submitted electronically in pdf format.
  - c. Upon receipt of 100% comments, the TEAM will make the necessary revisions and submit written responses to each comment to the CLIENT for approval. All documents will be submitted electronically in pdf format.
  - d. Following CLIENT approval of the 100% documents by the CLIENT, Dewberry will submit to the following agencies for the permit approvals.
    - Mecklenburg County Land Use & Environmental Services Agency (LUESA)
      - Code Compliance
    - Mecklenburg County Water & Land Resources Department & City of Charlotte Stormwater Services Department
      - SWIM Buffer Approvals
    - North Carolina Department of Environment and Natural Resources (NCDENR)
      - Division of Water Quality: Wetland Permitting (if required will be added as an additional service)
      - Division of Land Quality: Sedimentation & Erosion Control Permits
    - Town of Huntersville
      - Planning & Zoning Approval
    - Charlotte Mecklenburg Utility Department (CMU)
      - Easement/ROW Compliance
    - US Army Corps of Engineers



- 401/404 Wetland Permits (if required will be added as an additional service)
  - Section 10 Permit Approval (if required will be added as an additional service)
- North Carolina Department of Transportation
  - Encroachment Permit
- Any other applicable agencies

Dewberry will address agency comments, modify contract documents, and resubmit to agencies for final approval.

3. **Bidding Assistance:** Dewberry will provide bidding assistance to the CLIENT. Bidding assistance will be limited to the following:

- a. Attendance at a pre-bid meeting (if required),
- b. Review of bidder questions,
- c. Issuance of addendum,
- d. Attendance at the bid opening,
- e. Review of bids, and
- f. Issuance of an award recommendation letter

4. **Construction Administration:** After execution of the Construction Contract, the Consultant shall in a prompt and timely manner administer the Construction Contract and all work required by the Bidding, Construction, and Contract Documents. The Consultant shall endeavor to protect the CLIENT against defects and deficiencies in the execution and performance of the work. The Construction Administration Phase tasks shall be provided as a lump sum fee based on an assumed construction period of nine (9) months for the entire Greenway. Required tasks for the Contract Administration Phase include, but are not limited to, the following:

- a. **Preconstruction Meeting:** A pre-construction meeting with contractors/suppliers shall be administered/ conducted by the Consultant and shall include the participation of the CLIENT's project manager(s) and any inspectors that may be required to attend by Chapter 17 of the NC Building Code. The Consultant shall coordinate with the Contractor in establishing a schedule for construction or phasing schedule of the project in accordance with either the time bid or the time established in the contract documents. The Consultant shall generate written minutes of all meetings and distribute to attendees.
- b. **Construction Progress Meetings:** The Consultant shall schedule and conduct on-site construction progress meetings once every other week for the contractor's representatives, the CLIENT, and stakeholders. The Consultant's representative shall attend these meetings. In addition, other professional/sub-consultants who prepared or contributed to the bid documents shall attend these meetings as is appropriate to the work in progress or as is made necessary by field conditions or issues. The Consultant shall be responsible for preparing and distributing meeting minutes to all participants before the next meeting.
- c. **Questions and Clarifications:** The Consultant shall review and respond to the requests for information (RFI) submitted by the Contractor, and make modifications to the Construction Documents to correct errors & omissions, clarify intent, or to accommodate change orders. When RFIs are received, respond to the need to rectify errors or omissions by the consultant, their reproduction and distribution costs shall be borne by the Consultant. The Consultant shall also make recommendations to the CLIENT for solutions to special problems or changes necessitated by conditions encountered in the course of construction.
- d. **Construction Communications Protocol:** Communications between the CLIENT and Contractor shall be through the Consultant.
- e. **Site Visits:** The Consultant's representative shall perform on-site observations with written reports on a minimum weekly basis or as further needed due to the progress of the work or the need to provide clarification to the Contract Documents, or for other purposes determined by the CLIENT as necessary to observe if the Project is constructed according to the approved Contract Documents. The professionals/sub-consultants who prepared the bid documents shall visit the site during their respective related construction at least once every two weeks or as necessary to verify construction progress in accordance with the Contract Documents. They shall submit a written field report to the Consultant, who

in turn shall transmit the field report to the CLIENT. In addition, site visits may be required of the Consultant or any professional/sub-consultant who prepared or contributed to the bid documents to resolve field problems that may be a result of errors, omissions, or ambiguities in the drawings or specifications. Site visits required to clarify information or as required by errors, omissions, or ambiguities in the drawings and/or specifications shall be performed at no additional expense to the CLIENT. The Consultant's representative shall monitor the site and identify actions or measures required to meet and/or maintain NCG01 compliance.

- f. **Dispute Resolution:** Per Contract Attachment-11, The Consultant shall provide dispute resolution services as required by N.C.G.S. 143-128(f1), which requires that disputes arising under an agreement for the erection, construction, alteration or repair of a building be subject to a dispute resolution process specified by the CLIENT.
- g. **Contingency Allowance Adjustments & Change Orders:** The Consultant shall be responsible for preparing contingency allowance adjustments and change orders for review and approval by the CLIENT. The Consultant shall review and evaluate change order requests from the Contractor before submission to CLIENT. The Consultant shall have the authority to order minor changes in the work not involving an adjustment in the contract sum or an extension of contract time which are consistent with the intent of the contract documents.
- h. **Shop Drawings & Submittals:** The Consultant shall receive and review for approval from the Contractor: shop drawings, product data, samples, and other submittals. The Consultant shall coordinate with the Contractor in establishing and implementing procedures for logging in and expediting the processing and approval of all such subcontractor submittals and shall take the necessary steps to keep the project on schedule.
- i. **Request for Payments:** The Consultant shall review, evaluate and approve the Contractor's proposed Schedule of Values and the Contractor's Requests for Payment on an AIA payment form (G702) including but not limited to the amounts for completed work line items and verification that the requested amount is appropriate for the progress of construction. The issuance of a Certificate for Payment from the Consultant to the CLIENT shall contain a representation that (1) the work has been progressed to the point indicated, (2) the quality of the work is in accordance with the Contract Documents, and that (3) the Contractor is entitled to the amount certified. The Consultant shall not approve or process Requests for Payments which do not include attached certified State and County Sales/Use Tax Statements.
- j. **Substantial Completion:** Upon written certification from the Contractor that the work is substantially complete, the Consultant shall perform a substantial completion review of the Contractor's work. As a result of this review, the Consultant shall prepare a list of incomplete or unsatisfactory items and forward the list and a Certificate of Substantial Completion to the CLIENT for execution. The Contractor shall have a set amount of time for completion of the list of items needing correction as established in the contract documents.
- k. **Final Completion:** Upon written certification from the Contractor that his work is finally complete, the Consultant shall perform a final completion review of the Contractor's work. If the work is still incomplete, those items needing correction or completion shall be identified from the Substantial Completion list. Once there are no pending issues, and the as-built drawings have been delivered by the contractor, the Consultant shall prepare a Certificate of Compliance prior to approval of final payment of the Contractor.
- l. **Construction Testing:** All construction testing and investigations shall be reviewed by the Consultant, but contracted and managed by the CLIENT. When testing results indicate work which is not in accordance to the Contract Documents, the Consultant shall direct the Contractor to correct the work. The Consultant shall verify completion of the correction. The Consultant shall assist the CLIENT in developing the scope of services for construction testing and investigations.
- m. **Project Closeout and Warranty:** The Consultant shall observe the work to verify that the items needing correction listed at the time of Substantial and/or Final Completion have been corrected/completed. Once there are no pending issues, and the as-built drawings and all required close-out documents have been delivered by the contractor, the Consultant shall prepare a Certificate of Compliance prior to approval of final payment of the Contractor.



- Required Close-Out Documents: The Consultant shall gather the following close out documentation from the Contractor if required by the CLIENT.
- Liquidated Damages Assessment: The Consultant shall be responsible for assessing Liquidated Damages, if the contractor does not reach substantial completion within the contract period and/or does not reach Final Completion within the time specified by the contract documents. This shall be done in writing, and according to the conditions of the contract.
- Record Drawings: The Consultant shall provide a complete set of reproducible "Record Drawings", within 60 days of receipt of all as-built drawings from the Contractor. The Consultant shall also provide a digital file of all drawings and specifications on a CD-ROM disk or other electronic storage device to the CLIENT. The format of the digital drawing files should be AutoCAD current release (DWG) and Adobe Acrobat (PDF). The format of the digital specification files should be MSWord, current release.
- Warranty Evaluation: The Consultant will make recommendations to CLIENT during execution of the work regarding construction and equipment warranties, and provide problem evaluation services as needed during the warranty period.

## EXHIBIT C

### REIMBURSABLE EXPENSES

1. Physical Survey: Upon completion of the Research and Development phase, Dewberry will complete a boundary and topographic survey for the project area as directed by the CLIENT to include the following:
  - a. Dewberry will tie into state plane control for both horizontal and vertical datum. Vertical datum will be NAVD 1988. The horizontal datum will be NAD 83/2011.
  - b. Topographic survey to include: Ground elevations in survey limits to generate 1 foot contours, location and elevations of curbs and driveways including top of curb, gutter lines, edge of pavement and centerline of driveway elevations. Although 2 foot contours are called for in the request for proposal (RFP), Dewberry feels obtaining 1 foot contours within the project limits is a cost effective way to minimize land disturbance and environmental impacts. Existing physical features including building corners, stairways, retaining walls, signs, light poles, sidewalks, drives, parking areas, landscape areas around existing buildings including shrubs and trees, and any other feature that may influence the location and design of the proposed improvements are also included.
  - c. Location and inventory of underground gravity utilities including existing storm and sanitary sewer located within the survey limits. Inventory to include rim grades, inverts and pipe materials.
  - d. Location of underground non-gravity utility markings for utilities such as telephone, electric, cable, water, will be located including valves, hydrants, pedestals and power transformers. Underground utility markings will be performed by NC One Call.
  - e. Location of the road right of way and edge of pavement on both sides, throughout the project area.
  - f. Location of existing tree line and all trees 8" or greater within the design survey corridor.
  - g. A survey drawing of the field data will be created in AutoCAD format.
2. Environmental Assessment: Dewberry will delineate the limits of the stream that lies adjacent to the final greenway alignment and identify any permitting requirements.
3. Geotechnical Investigation: Dewberry will engage a sub-consultant to perform site borings and provide a report of site conditions. Scope of borings and report will be based on the trail alignment developed during schematic design.
4. Easement Plat Preparation – Develop easement plat for 20' permanent trail easement and 30' temporary construction easement across Charlotte-Mecklenburg School (CMS) property, (Parcel ID# 017-12-113).

## FEE

For the scope of services outlined above, Dewberry will be paid a lump sum fee in accordance with the following schedule:

Easement Acquisition .....	<b>\$1,100 Lump Sum</b>
Construction Documents .....	<b>\$28,200 Lump Sum</b>
Bidding Support .....	<b>\$4,440 Lump Sum</b>
Construction Administration.....	<b>\$32,550 Lump Sum</b>

## REIMBURSABLE EXPENSES

Physical Survey.....	<b>\$9,500 Lump Sum</b>
Environmental Assessment .....	<b>\$2,800 Lump Sum</b>
Geotechnical Investigation .....	<b>\$3,700 Lump Sum</b>
Easement Plat Preparation .....	<b>\$1,600 Lump Sum</b>



## **CLARIFICATIONS/EXCLUSIONS**

- Rezoning services are excluded. It is assumed that the proposed improvements are by right and will not require modifications to the previously approved masterplan.
- All items not specifically included in the Basic Scope of Services above, is specifically excluded from this proposal.
- Utility designation and test pits are excluded from this proposal, but can be completed for an additional fee.
- It is assumed that all improvements will be located outside of the flood plain and that a flood impact study is not required.
- A traffic study is not included in this proposal, but can be completed for an additional fee.
- Boundary, location, topographic, ALTA, and tree surveys are not included in this proposal, but can be completed for an additional fee.
- Completion of bid assistance, construction administration assistance, and/or construction inspection are not included in this proposal, but can be completed for an additional fee.
- Property access agreements are not included in this proposal.
- Wetland functional analysis is not included in this proposal.
- Preparation of stream attribute forms is not included in this proposal.
- NC SAM and NC WAM field assessments are not included in this proposal.
- Wetland mitigation, banking, and permitting is not included in this proposal.
- Environmental Site Assessments (phase II and III) are not included in this proposal.
- Endangered species surveys (i.e. mussel surveys) beyond surveys included in the scope of services above is not include in this proposal.
- Permit fees to be paid by CLIENT.
- Excludes Water Quality Impact Assessment.
- Excludes Floodplain Studies.
- Grant application preparation is not included in this proposal but can be provided for an additional fee.
- Full-time and/or part-time inspection services are not included, but can be completed for an additional fee.

## **ADDITIONAL SERVICES**

This proposal is based upon our current understanding of local, state and federal requirements and regulations and our understanding of the project as described herein. Any modifications to these requirements and regulations, or other requirements not provided for herein, which require additional services will be performed by Dewberry Engineers Inc. and billed in accordance with the Hourly Billing Rate Schedule, (Attachment A), which is annexed to this proposal and incorporated into it by reference.

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#### **AUTHORIZATION**

If this proposal meets with your approval, please return one (1) executed original to this office. Receipt of the executed proposal will serve as our authorization to proceed. If you have questions, please do not hesitate to contact us. Dewberry is excited about the opportunity to assist the Town of Huntersville with this project



# Standard Hourly Billing Rate Schedule

Dewberry	Hourly Rates
<b>Professional</b>	
Principal	\$280.00
Architect I,II,III	\$85.00, \$100.00, \$115.00
Architect IV,V,VI	\$130.00, \$145.00, \$165.00
Architect VII,VIII,IX	\$185.00, \$200.00, \$220.00
Interior Designer I,II,III,IV	\$85.00, \$95.00, \$110.00, \$150.00
Engineer I,II,III	\$100.00, \$110.00, \$125.00
Engineer IV,V,VI	\$140.00, \$160.00, \$180.00
Engineer VII,VIII,IX	\$200.00, \$215.00, \$235.00
Professional I, II, III	\$95.00, \$110.00, \$125.00
Professional IV, V,VI	\$140.00, \$155.00, \$170.00
Professional VII, VIII, IX	\$190.00, \$215.00, \$235.00
<b>Technical</b>	
Geographer/GIS I,II,III	\$85.00, \$95.00, \$110.00
Geographer/GIS IV,V,VI	\$120.00, \$135.00, \$150.00
Geographer/GIS VII,VIII,IX	\$180.00, \$200.00, \$225.00
Designer I,II,III	\$100.00, \$115.00, \$135.00
Designer IV,V,VI	\$150.00, \$175.00, \$200.00
CADD Technician I,II,III,IV	\$70.00, \$85.00, \$95.00, \$120.00
Surveyor I,II,III	\$60.00, \$70.00, \$80.00
Surveyor IV,V,VI	\$100.00, \$105.00, \$120.00
Surveyor VII,VIII,IX	\$140.00, \$165.00, \$185.00
Technical I,II,III	\$70.00, \$85.00, \$105.00
Technical IV, V, VI	\$115.00, \$130.00, \$150.00
<b>Construction</b>	
Construction Professional I,II,III	\$120.00, \$135.00, \$160.00
Construction Professional IV,V,VI	\$180.00, \$200.00, \$225.00
Inspector I,II,III	\$80.00, \$100.00, \$115.00
Inspector IV,V,VI	\$135.00, \$145.00, \$160.00
<b>Survey Field Crews</b>	
Fully Equipped 1, 2, 3, 4 Person Crews	\$120.00, \$150.00, \$180.00, \$210.00
With Laser Scanner 1, 2 Person	\$170.00, \$200.00
<b>Administration</b>	
Admin Professional I,II,III,IV	\$65.00, \$85.00, \$100.00, \$125.00
Non-Labor Direct Costs	Cost + 15%

\*\* Company Confidential and Proprietary

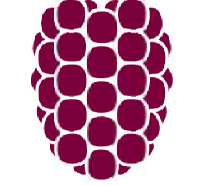


Town of Huntersville  
Downtown Greenway Project Location Map



**Legend**

- Proposed Greenway
- Approximate Location of Existing Bike Trails
- Future Proposed Greenway
- 20' Permanent Greenway Easement (PGE)
- 30' Temporary Construction Easement (TCE)
- Water Quality Buffers
- Parcels (GIS)

 **Dewberry**

N

100 50 0 100 Feet

1 inch = 100 feet



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Bobby Williams, Administration

**Date:** 1/6/20

**Subject:** Adopt Resolution Authorizing Funding for Huntington Green Sidewalk Project (Reimbursable through CDBG Grant)

---

**EXPLAIN REQUEST:**

Earlier this year, the Town of Huntersville successfully applied for CDBG funding to construct approximately 6,230 linear feet of sidewalk along Hambright and McCoy Roads to serve residents in the Huntington Green community and connect them with transit and other amenities. This resolution authorizes the Town to spend funds as needed on this project, to be reimbursed by Community Development Block Grant funds over FY20 and FY21.

On October 19th, the Board adopted a resolution authorizing professional services for environmental assessment of the project area. The environmental review is required by HUD before any funding/reimbursement on the project can occur and is not included as part of the estimated project cost of \$650,000 that was approved earlier this year the Mecklenburg County CDBG program.

**ACTION RECOMMENDED:**

Adopt Resolution Authorizing Funding for Huntington Green Sidewalk Project (Reimbursable through CDBG Grant) . (Bobby Williams)

**FINANCIAL IMPLICATIONS:**

Town will spend funds as invoiced by contractors but ultimately be reimbursed by CDBG funds for all allowable expenses under grant.

**ATTACHMENTS:**

- [Res Auth Funding of Sidewalk.docx](#)



RESOLUTION AUTHORIZING FUNDING FOR HUNTINGTON GREEN SIDEWALK PROJECT  
REIMBURSABLE CDBG GRANT

WHEREAS, the Mecklenburg County is an entitlement community and receives annual funding for its Community Development Block Grant Program; and

WHEREAS, the Town of Huntersville is a participating jurisdiction in Mecklenburg County's CDBG program; and

WHEREAS, the Town seeks to use available funds to serve low and moderate income neighborhoods and provide public improvements such as sidewalks in this area; and

WHEREAS, the Town has previously identified the qualifying 131-acre residential neighborhood of Huntington Green as having a need for sidewalks along Hambright and McCoy Roads, respectively; and

WHEREAS, the Town applied for and was awarded CDBG funds in the amount of \$650,000 for engineering, design and construction of the sidewalk to be spent over two fiscal years (FY20 and FY21) on 6,230 linear feet of sidewalk that will address the lack of connections for this 405-parcel community and provide safe pedestrian access to the surrounding community, schools, faith based organizations, services and public transit; and

WHEREAS, the Town's funds for construction will be reimbursed in full by the CDBG grant,

NOW, THEREFORE BE IT RESOLVED, the Town of Huntersville authorizes the Town Manager to proceed with the capital project within the terms contained herein, with all contracts coming before the board for approval and authorizes the Finance Director from time to time to transfer as a loan from the General Fund in an amount necessary to meet obligations until such time as funding is received (when funds are received, repayments to the General Fund will be made).

This Resolution shall be effective upon adoption

Adopted this the 6<sup>th</sup> day of January, 2020.

ATTEST:

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Janet Pierson, Town Clerk

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John Aneralla, Mayor

Approve as to Form:

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Angela Beeker, Town Attorney



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Angela Beeker, Administration

**Date:** 1/6/20

**Subject:** Town of Huntersville Uniform Guidance Procurement Policy

---

**EXPLAIN REQUEST:**

The Town is required to have a federal procurements policy in place for projects involving the receipt of federal monies. The policy, attached, is compliant, and is attached for adoption by the Town Board.

**ACTION RECOMMENDED:**

Adopt the Town of Huntersville Uniform Guidance Procurement Policy. (Angela Beeker)

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

- [TOH Uniform Guidance Procurement Policy.docx](#)

## Town of Huntersville Uniform Guidance Procurement Policy

- I. Objective. The objective of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction and repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

### II. Policy

- A. Application of Policy. This policy applies to contracts for construction or repair or for the procurement of goods or services that are funded in whole or in part by federal funds, direct or reimbursed, including contracts under grants and loans where the Town is a subgrantee or sub-recipient of federal funds (collectively, "Federal Contracts"), except to the extent the federal funding is not subject to the Uniform Guidance codified in 2 C.F. R. Part 200.

All Federal Contracts are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state passthrough agency that awarded the funds. The requirements of this Policy also apply to any subrecipient of federal funds. Town departments may adopt additional policies to the extent required by a particular federal agency or federal grant, and in the event of a conflict the departmental policies shall take precedence over this Policy. The Town department that received the federal funding for the Federal Contract is responsible for ensuring compliance with this Policy and all other grant requirements.

- B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Town will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. Approval and Modification. The procedures and requirements contained in this Policy are administrative and may be changed by a Departmental Director for their Department but only as necessary to comply with state and federal law.

### III. General Procurement Standards and Procedures: The following standards and procedures apply to all Federal Contract solicitations:

- A. Necessity. Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. Town departments should check with the federal surplus property agency prior to buying new items when feasible and less expensive.



Strategic sourcing should be considered with other Town departments and/or agencies that have similar needs to consolidate procurements and services to obtain better pricing.

- B. Cost Reduction. Town departments are encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. Town departments are further encouraged to use value engineering clauses in Federal Contracts for construction or repair that are of sufficient size to offer reasonable opportunities for cost reductions.
- C. Clear Specifications. All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders or proposers must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that unduly restrict competition.
- D. Notice of Federal Funding. All bid solicitations for Federal Contracts must acknowledge the use of federal funding. In addition, all prospective bidders or proposers must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- E. Compliance by Contractors. All Federal Contract solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- F. Use of Brand Names. When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how they reach the required result to the Federal Contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. Lease versus Purchase. Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. MWSBE Participation. For all Federal Contract procurements that equal or exceed the Micro-Purchase Threshold (currently \$10,000), the Town department responsible for the solicitation must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
  - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this Section.
- I. Documentation. Town departments must maintain records detailing the history of all Federal Contract procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, Federal Contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase orders, and the Federal Contract. All documentation relating to the award of any Federal Contract must be made available to the granting agency upon request.
- J. Cost Estimate. For all Federal Contract procurements that are expected to equal or exceed the Simplified Acquisition Threshold as defined in Article V (currently \$250,000), the Town department responsible for the procurement shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction or repair contracts may be developed by the project designer.
- Profit must be negotiated as a separate element of the price for each Federal Contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- K. Open Competition. Solicitations shall be prepared and conducted in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- L. Geographic Preference. No geographic preferences may be imposed in awarding Federal Contracts except to the extent permitted by federal law.



- M. Contractors' Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such procurements.
- N. Prequalification. All lists of prequalified bidders must be kept current and must include enough qualified sources to ensure maximum open and free competition. Potential bidders shall not be precluded from qualifying during the solicitation period.
- O. Town Board Approval. Unless otherwise Board approval for a Federal Contract is required by this Policy, or by federal or state law, the thresholds established by Town Board from time to time will determine when Town Board approval for a Federal Contract is required.
- P. Procurement of Recovered Materials. The Town and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

IV. Requirements Applicable to All Federal Contracts. All Federal Contracts will comply with the following requirements:

- A. Contract Award. Federal Contracts shall be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Purchase Contracts and Construction Contracts that exceed the Micro-Purchase Threshold (as defined in Article V of this Policy) will be awarded to the lowest responsive, responsible bidder.
- B. Fixed Price. Federal Contract solicitations must state that bidders and proposers shall submit bids and proposals on a fixed price basis and that the Federal Contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost Federal Contracts are prohibited. Time and materials Federal Contracts will not be used unless no other form of contract is suitable and the Federal Contract includes a "not to exceed" amount. A time and materials Federal Contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds. Additionally, if a time and materials Federal Contract is awarded the Town department administering the contract must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- C. No Evasion. No Federal Contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- D. Contract Requirements. All Federal Contracts shall be in writing, and shall include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II. Federal Contracts shall further include provisions to comply with 2 C.F.R 200.315 regarding intangible property and the federal government's right to data produced under a Federal Contract.
- E. Debarment. No Federal Contract shall be awarded to a contractor included on the federally debarred bidder's list.
- F. Contractor Oversight. The Town department administering the Federal Contract must maintain oversight of the Federal Contract to ensure that contractor is performing in accordance with the Federal Contract terms, conditions, and specifications.

#### V. Specific Procurement Procedures

Town departments shall comply with this Section in soliciting bids and proposals for Federal Contracts. Solicitation requirements depend on the type of Federal Contract, which types include:

- Contracts for construction or repair work ("Construction Contracts");
- Contracts for the procurement of apparatus, supplies, materials or equipment ("Purchase Contracts");
- Contracts for the procurement of architectural, engineering or surveying services ("AES Contracts"); and
- Contracts for the procurement of services other than A&E Contracts ("Service Contracts").

Solicitation requirements also depend on the amount of the Federal Contract, determined by the following thresholds which are set and adjusted from time to time by the Federal Acquisition Regulation at 48 CFR Subpart 2.1:

- Micro-Purchase Threshold (currently \$10,000)
- Simplified Acquisition Threshold (currently \$250,000)

Also relevant to the type of solicitation method required is the formal bid threshold established by North Carolina law from time to time, either through G.S. §143-129 or special legislation relating to the Town of Huntersville (the "NC Formal Bid Thresholds"). As of the date of this Policy, the NC Formal Bid Threshold for Purchase Contracts for the Town is \$90,000, and the NC Formal Bid Threshold for Construction Contracts is \$500,000.

References to both the federal and state thresholds in this Policy shall mean the then current thresholds. The Town Attorney shall serve as a resource for the Town departments in tracking and updating these thresholds as adjustments are made over time.



- A. Micro-Purchase Procedure. Service Contracts, Purchase Contracts and Construction Contracts that do not exceed the Micro-Purchase Threshold (currently \$10,000) shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:
1. The Federal Contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
  2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Small Purchase Procedure. Service Contracts, Purchase Contracts that exceed the Micro Purchase Requirement but are less than the NC Formal Bid Threshold for Purchase Contracts, and Construction Contracts that exceed the Micro Purchase Threshold (currently \$10,000) but are less than the Simplified Acquisition Threshold (currently \$250,000) shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an "adequate number" of qualified sources. Note that the federal grantor agency may issue guidance interpreting what constitutes an "adequate number" of quotes.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
  3. Cost or price analysis is not required prior to soliciting bids. Sealed Bid Procedure. Purchase Contracts and Construction Contracts that equal or exceed the lower of the Simplified Acquisition Threshold or the NC Formal Bid Threshold, shall be procured using a combination of the most restrictive requirements of the Uniform Guidance Sealed Bid Procedure (2 C.F.R. § 200.320(c)) and North Carolina formal bidding procedures (G.S. 143-129). The Sealed Bid Procedure must also be used for Service Contracts over the Simplified Acquisition Threshold when complete specifications are possible, a fixed price contract is feasible and selection can be made principally on price.
- C. As of the date of this Policy, the Sealed Bid Procedure must be used for:
- Purchase Contracts of \$90,000 or more;
  - Construction Contracts of \$250,000 or more;
  - Service Contracts of \$250,000 or more that can be feasibly procured through the Sealed Bid Procedure.

The Sealed Bid Procedure requirements are:

1. Cost or price analysis is required prior to soliciting bids. (This cost estimate may be provided by the project designer.)  
Complete specifications or purchase description must be made available to all bidders.
2. The Contract must be fixed price (lump sum or unit price).
3. The solicitation must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening, except to the extent electronic advertising has been authorized by Town Board (and provided that for Construction Contracts that are less than the NC Formal Threshold

formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to Town Board the right to reject any or all bids only for sound documented reasons.

4. All bids received must be in paper form, and must be submitted in a sealed envelope. If the bid is for a construction contract, the sealed envelope must contain the name of the bidder and their State license number clearly marked on the outside of the sealed envelope. If mailed, the mailing envelope does NOT count as the sealed envelope for purposes of submitted a sealed bid.
5. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
6. Open bids at the public bid or proposal opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed, and a minimum of 2 bids must be received in order to open any bids. For Construction Contracts over the NC Formal Bid Threshold (currently \$500,000 respectively) at least 3 bids must be received in order to open any bids.
7. Award to the lowest responsive, responsible bidder. Bids may be rejected only for sound documented reasons. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
8. For Construction Contracts, a 5% bid bond is required of all bidders. The bid bond must be contained within the sealed envelope containing the bid (not the mailing envelope). Additionally for Construction Contracts performance and payment bonds of 100% of the Federal Contract price are required of the winning bidder.

Note: Construction Contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
  2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
  3. The project shall be bid using a statutorily authorized bidding method (separate prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- D. Competitive Proposal Procedure. Service Contracts that equal or exceed the Simplified Acquisition Threshold (currently \$250,000) may be procured using the Uniform Guidance Competitive Proposal Procedure (2 C.F.R. § 200.320(d)) when complete specifications are not possible, a fixed price contract is not feasible or it is not in the best interest of the federally funded program to make the selection principally on price. The Competitive Proposal Procedure is generally used when conditions are not appropriate for the use of sealed bids.



The Competitive Proposal Procedure requirements are:

1. The Request for Proposals (RFP) must be publicized. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an adequate number of qualified firms.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 (and as summarized in Article III, Section H).
  3. Identify all evaluation factors and their relative importance in the RFP.
  4. Consider all responses to the publicized RFP to the maximum extent practical.
  5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
  6. Award to the responsible proposer whose proposal is most advantageous to the program with price and other factors considered.
- G. AES Contracts costing less than the federal Simplified Acquisition Threshold (currently \$250,000) shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
  3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Town department responsible for the procurement.
  4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
  5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully completed, repeat negotiations with the secondbest qualified firm.
  6. Award the Federal Contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.
  7. Note: When federal funds are being used for part of all of the Project, the Town Manager shall not exempt AES Contracts under \$50,000.
- H. AES Contracts equaling or exceeding the Simplified Acquisition Threshold (currently \$250,000) shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)(5)) as follows:
1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
  3. Identify all evaluation factors and their relative importance in the RFQ.

4. Proposals must be solicited from an “adequate number of qualified sources.” Note that the individual federal grantor agency may issue guidance interpreting “adequate number.”
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the Federal Contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully completed, repeat negotiations with the second-best qualified firm.
10. Award the Federal Contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.

VI. Exceptions. Noncompetitive procurements are allowed only under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source: when the item is available from only one source. The Town department responsible for the solicitation shall document the justification for and lack of available competition for the item. A sole source Federal Contract must be approved by Town Board.
- B. Public Exigency: when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition: when competition is determined to be inadequate after attempts to solicit bids from a number of sources.
- D. Federal Contract: when the purchase is made from a Federal Contract available on the U.S. General Services Administration schedules of Federal Contracts.
- E. Awarding Agency Approval: with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the Federal Contract without competition is consistent with state law.



**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Brad Priest, Planning

**Date:** 1/6/20

**Subject:** R19-13 - Huntersville Distribution Park

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**EXPLAIN REQUEST:**

R19-13 is a request by Investments LP Howard Louise G Family to rezone approximately 65.5 acres located on Jamesburg Drive north of Sam Furr Road (tax parcels #s 01121108 and 01121110) from Corporate Business (CB) to Corporate Business Conditional District (CB-CD). The purpose of the rezoning is to modify the Corporate Business 80 foot buffer requirement and develop a 697,000 sqft flex commercial multi-building site.

**ACTION RECOMMENDED:**

Call a public hearing for Monday, February 3, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-13, a request by Investments LP Howard Louise G Family to rezone approximately 65.5 acres from Corporate Business to Corporate Business Conditional District. (Brad Priest)

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

-

**Town of Huntersville  
Town Board  
January 6, 2020**

**To:** Town Board

**From:** Brian Richards, Planning

**Date:** 1/6/20

**Subject:** R19-17 Sam Furr Independent Living - Call for Public Hearing

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**EXPLAIN REQUEST:**

Call a public hearing for Monday, February 3, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-17, a request by the South Creek Construction to rezone 35.8 acres from TR to NR-CD for a 320 unit congregate housing development; Parcel 01123104. (Brian Richards)

**ACTION RECOMMENDED:**

Call a public hearing for Monday, February 3, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-17, a request by the South Creek Construction to rezone 35.8 acres from TR to NR-CD for a 320 unit congregate housing development; Parcel 01123104. (Brian Richards)

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

-