



TOWN OF CORNELIUS

Cornelius Town Hall

BOARD OF COMMISSIONERS

October 5, 2020

Agenda

TOWN BOARD - 6:00 PM

- 1. CALL TO ORDER**
- 2. DETERMINATION OF QUORUM**
- 3. APPROVAL OF AGENDA**
- 4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 5. MAYOR/COMMISSIONERS/MANAGER REPORTS**
- 6. CITIZEN CONCERNS/COMMENTS**
 - A. Public Comment Guidelines**
- 7. CONSIDERATION OF APPROVAL**
 - A. REZ 01-20 The Forest at Bailey's Glen Phase 3 V.2**
 - B. REZ 08-17 Alexander Farm**
- 8. OLD BUSINESS**
 - A. Code of Ordinances, Title III, Chapter 35 - Town Business Facilities and Vacant Land**
- 9. PRESENTATIONS**
 - A. NCDOT 2020-2029 STIP Update**
- 10. CONSENT AGENDA**
 - A. Tax Refunds**
- 11. COMMISSIONER CONCERNS**
- 12. ADJOURNMENT**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

The Board will hear public comment at this time in-person and by email. In-person comments will require COVID-19 screening and temperature checks when entering the building and allowed into the Board Chambers one at a time. Emails should be sent to TownofCornelius@cornelius.org. Please include your name and address and your comment will be read into the record upon receipt.

- Comments submitted anonymously will not be read into the record.
- Comments are limited to three minutes per comment. The Board will allocate no more than (20 minutes) per meeting to the reading of submitted Public Comment.
- Comments are to be directed to the entire board as a whole and not individuals.
- Comments are expected to be civil and within reasonable standards of courtesy.
- Comments that include vulgarity, slander, name calling, personal attacks or threats will not be read into the record.

All comments will be maintained as a public record and included in the minutes of the meeting.

Manager's Recommendation:

Hear public comments.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 Print

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Aaron Tucker – Planning Director

Action Requested:

Bluestream Partners, LLC is requesting to rezone and develop 13.53 acres of property located at 18375 Barnhardt Rd and an adjacent parcel (PID#'s 00754105 & 00754106), The property is currently zoned CZ (Conditional Zoning). The proposed development will be 11 single-family homes and an amenity center for The Forest at Bailey's Glen.

The Planning Board recommended approval of this project on August 10th, 2020. The Town Board conducted public hearing #2 on September 21st.

Manager's Recommendation:

Approve an Ordinance to amend the zoning map with conditions and a Resolution declaring that REZ 01-20 is consistent with the Town's Land Use Plan and reasonable in the public's interest.

ATTACHMENTS:

Name:	Description:	Type:
REZ_01-20_Application.pdf	Application	Backup Material
Forest_at_BG_Phase_3_V2_Zoning.pdf	Zoning Map	Backup Material
Forest_at_BG_Phase_3_V2_LU.pdf	Land Use Map	Backup Material
Forest_at_BG_Phase_3_V2_Vicinity.pdf	Vicinity Map	Backup Material
Forest_at_BG_Phase_3_V2_Property.pdf	Property Map	Backup Material
REZ_01-20_The_Forest_at_Bailey_s_Glen_Phase_3_V.2_Staff_Report_(10-5-20).docx	Staff Report	Backup Material
REZ_01-20_Site_Plan_1st_Submittal.pdf	Site Plan	Backup Material
Baileys_Forest_Amenity_Center.pdf	Amenity Center Elevations	Backup Material
PB_Consistency_Statement_REZ_01-20_(The_Forest_at_Bailey_s_Glen_Phase_3_V.2_)(8-10-2020).pdf	Planning Board Consistency Statement	Backup Material
Forest_at_Baileys_Glen_public_comment_via_email.pdf	Public Comments via Emails	Backup Material
Ordinance_on_Rezoning_Property_REZ_01-20_(The_Forest_at_Bailey_s_Glen_Phase_3_V.2_).docx	Ordinance	Backup Material
RESOLUTION_OF_THE_TOWN_OF_CORNELIUS_BOARD_REZ_01-20_(The_Forest_at_Bailey_s_Glen_Phase_3_V.2_)_Consistency_Statement.docx	Resolution	Backup Material



TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

LAND DEVELOPMENT APPLICATION FORM

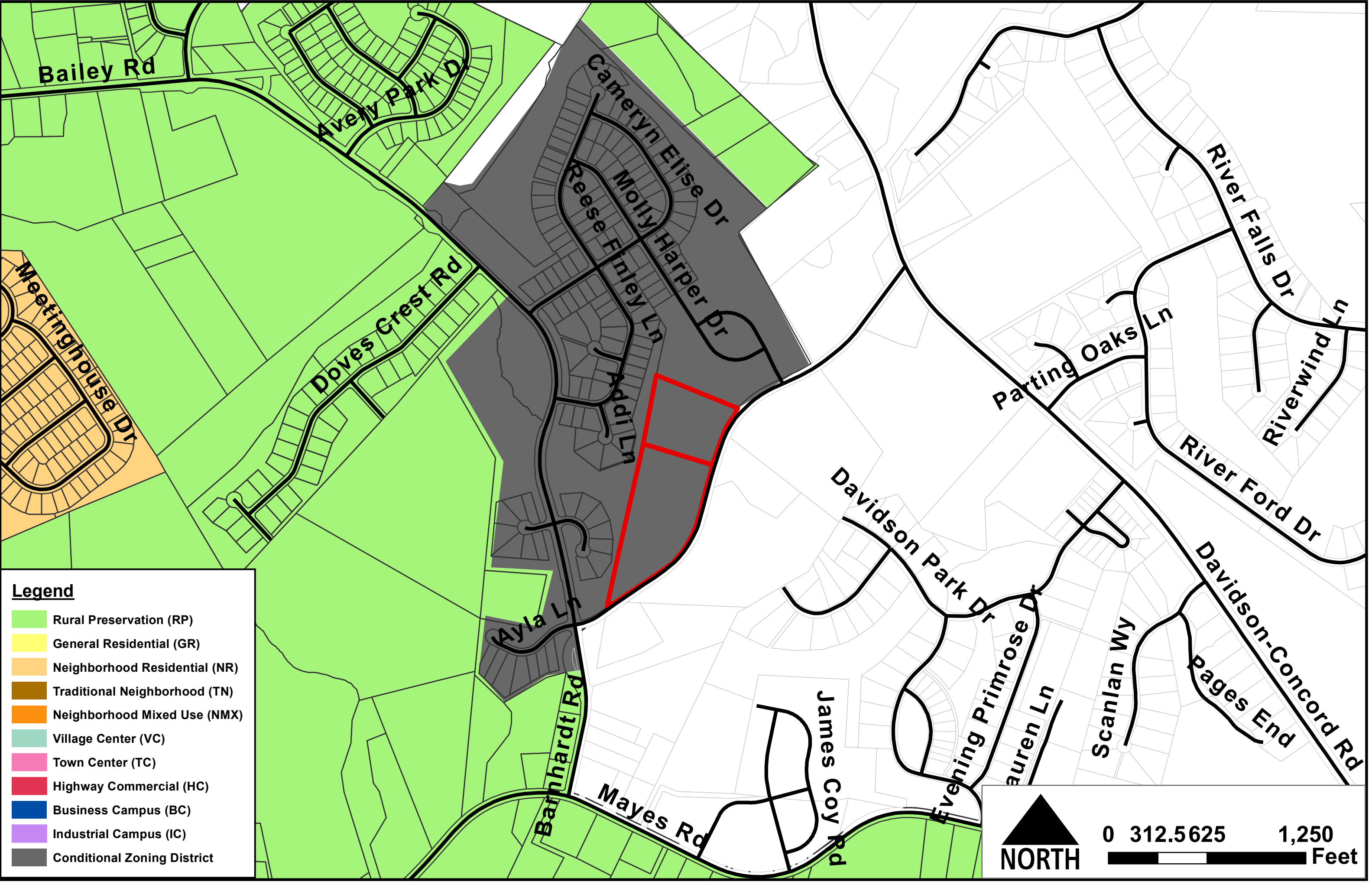
Staff Only:
Date Rec'd: 12/20/2019
Rec'd by: AT
Case #: REZ 01-20

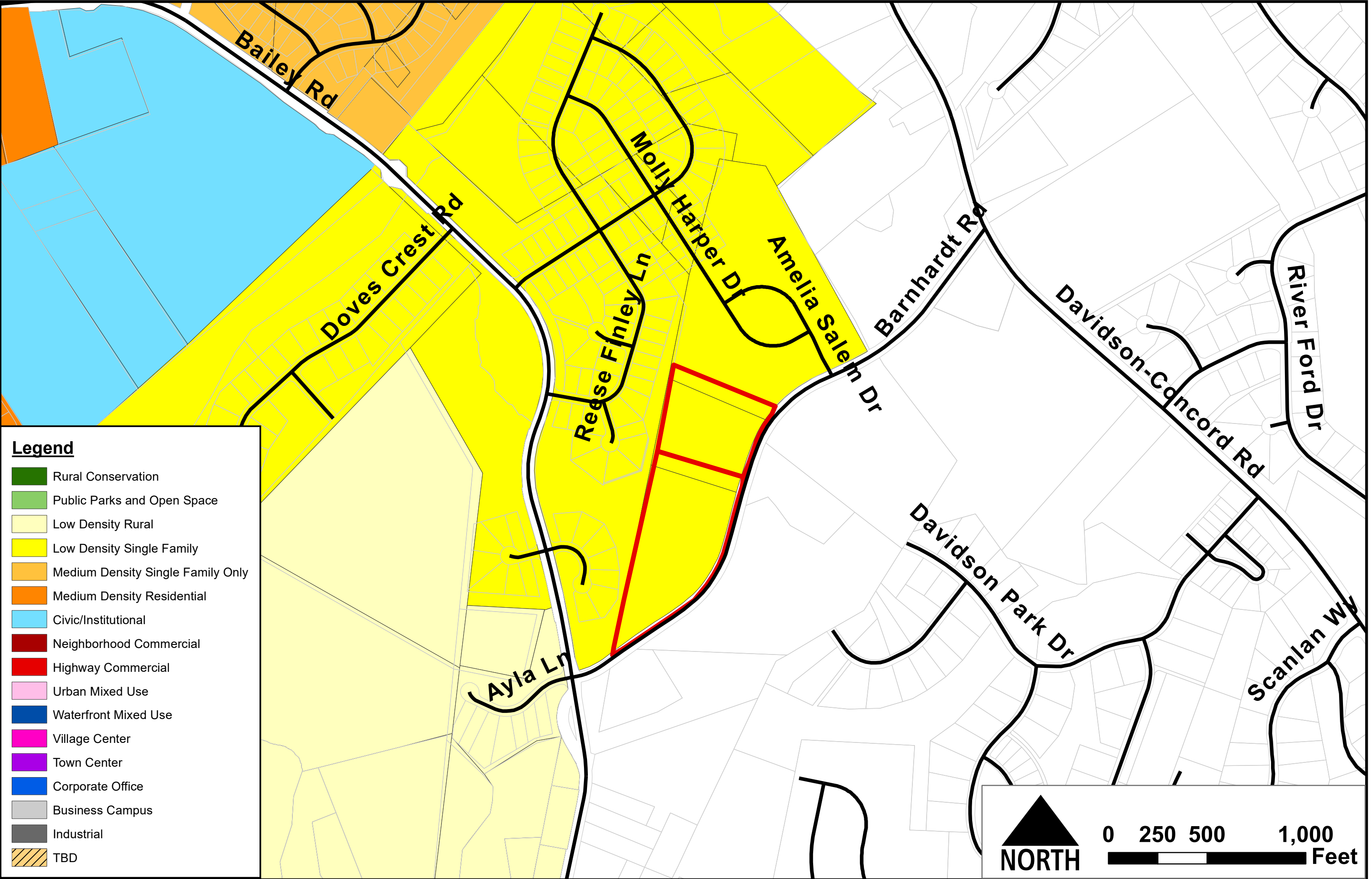
1. Application Type	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Sketch Plan/Plat (Major Sub):</u> _____ Fee _____ <input type="checkbox"/> <u>Preliminary Plat (Major Sub):</u> _____ Fee _____ <input type="checkbox"/> <u>Final Plat (Major Sub):</u> _____ Fee _____ <input type="checkbox"/> <u>Construction Documents:</u> _____ Fee _____ <input type="checkbox"/> <u>General Rezoning:</u> _____ Fee _____ 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Conditional Zoning (CZ):</u> _____ Fee <u>1,250</u> <input type="checkbox"/> <u>Special Use Permit (SUP):</u> _____ Fee _____ <input type="checkbox"/> <u>Major Architectural Variation:</u> _____ Fee _____ <input type="checkbox"/> <u>Minor Architectural Variation:</u> _____ Fee _____ <input type="checkbox"/> <u>Other:</u> _____ Fee _____
Fee Total: # 1,250	
2. Project Information	
Date of Application: <u>12-19-19</u> Name of Project: <u>The Forest at Bailey's Glen Phase 3 v. 2</u>	
Location: <u>Banhardt Road</u> Property Size (acres): <u>13.53</u> # of Units/Lots: <u>11</u>	
Current Zoning: <u>See attached summary</u> Proposed Zoning: <u>CZ</u>	
Current Land Use: <u>single family</u> Proposed Land Use: <u>single family + amenity center</u>	
Tax Parcel Number(s): <u>00754105 + 00754106</u>	
3. Contact Information <u>Bwestream Partners, LLC</u> Owner, Applicant, or Developer <u>17522 Sailnew Drive</u> Address <u>Cornelius, NC 28031</u> City, State Zip <u>704-895-0606</u> <u>704-895-0604</u> Telephone Fax <u>Jacob Palillo</u> <u>12-19-19</u> Signature Print Name Date Email: <u>jpalillo@aol.com</u>	<u>Coleenest & Stone, P.A.</u> Agent(s) (Engineer, Architect, Etc.) <u>200 S. Tryon, Ste 1400</u> Address <u>Charlotte, NC 28202</u> City, State Zip <u>704-376-1555</u> - Telephone Fax <u>Stephanie Holland</u> <u>12-19-19</u> Signature Print Name Date Email: <u>sholland@coleeneststone.com</u>
4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:	
<input checked="" type="checkbox"/> <u>Signed "Original" application</u> <input checked="" type="checkbox"/> <u>Project Fee(s) - See Fee Schedule</u> <input checked="" type="checkbox"/> <u>Written Summary/Description of Request</u> can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code <input type="checkbox"/> <u>Property Survey</u> (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. <input checked="" type="checkbox"/> <u>Site/sketch plan</u> (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots	<input type="checkbox"/> <u>Illustrative (color) site/sketch plan</u> for presentation purposes with same layers as described above <input type="checkbox"/> <u>Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist</u> may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS). <input type="checkbox"/> <u>Charlotte Water Capacity Assurance Review Application</u> Provide copy with application, and send original to CW. <input type="checkbox"/> <u>Illustrative (color) elevations</u> for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples <input type="checkbox"/> <u>Digital Files</u> of all items listed above

CZ Application for The Forest at Bailey's Glen Phase 3v2


Summary of existing zoning:


1. The property was originally zoned Rural Preservation(RP) by the Town of Cornelius with the ETJ.
2. In March of 2019, an application was filed to rezone the property to Conditional Zoning(CZ) for 13 additional lots and an amenity center.
3. On June 17, 2019, the Cornelius Town Board of Commissioners unanimously voted to zone the property Conditional Zoning(CZ).
4. On August 7, 2019, the Town was provided notice of a civil complaint filed to the North Carolina Superior Court by Mr. Kevin Violette and Violette Farms, LLC regarding the zoning action.






Legend

-  Rural Conservation
-  Public Parks and Open Space
-  Low Density Rural
-  Low Density Single Family
-  Medium Density Single Family Only
-  Medium Density Residential
-  Civic/Institutional
-  Neighborhood Commercial
-  Highway Commercial
-  Urban Mixed Use
-  Waterfront Mixed Use
-  Village Center
-  Town Center
-  Corporate Office
-  Business Campus
-  Industrial
-  TBD



NORTH

0 250 500 1,000



Feet

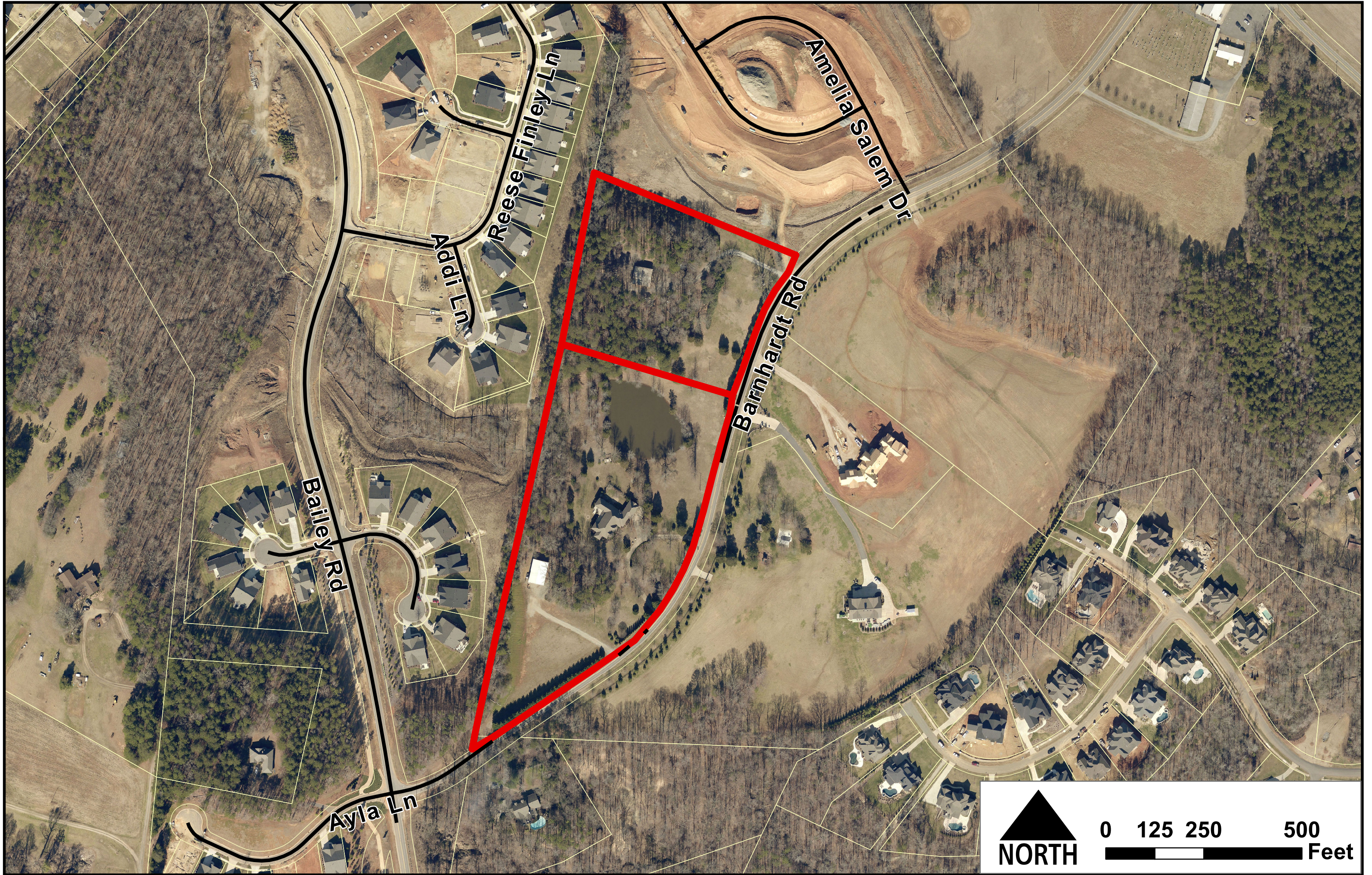
Hough High School

The Forest at Bailey's Glen

Barnhardt Rd



0 375 750 1,500
Feet





REZ 01-20
The Forest at Bailey's Glen Phase 3 V.2

Conditional Zoning Request

Town Board Meeting
October 5, 2020

OWNER/APPLICANT: Jake Palillo
Bluestream Partners, LLC
17532 Sailview Drive
Cornelius, NC 28031

AGENT: Stephanie Holland
Cole Jenest & Stone, P.A.
200 S. Tryon Street #1400
Charlotte, NC 28209

PROPERTY LOCATION: 18375 Barnhardt Road and an adjacent parcel to the north on Barnhardt Road (PID#s: 00754105 & 00754106)

PROPERTY SIZE: 13.53 acres total

CURRENT LAND USE: Single Family Residential

PROPOSED LAND USE: 11 single-family homes and an amenity center

EXISTING ZONING: CZ (Conditional Zoning)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses – These parcels are located on Barnhardt Road adjacent to the existing Forest at Baileys Glen development. To the north and west is The Forest at Bailey's Glen which is zoned RP-CZ (Rural Preservation-Conditional Zoning). To the south and east are several single family homes that are in the Town of Davidson's zoning jurisdiction.
2. Topography – The parcels are relatively flat except for the area around a pond. The proposed amenity center will be on the west side of the pond.
3. Vegetation – The parcels are partially wooded.
4. Infrastructure – Currently, water and sewer access and capacity is available. The proposed amenity area would have two driveways on Barnhardt Road.

STAFF COMMENTS:

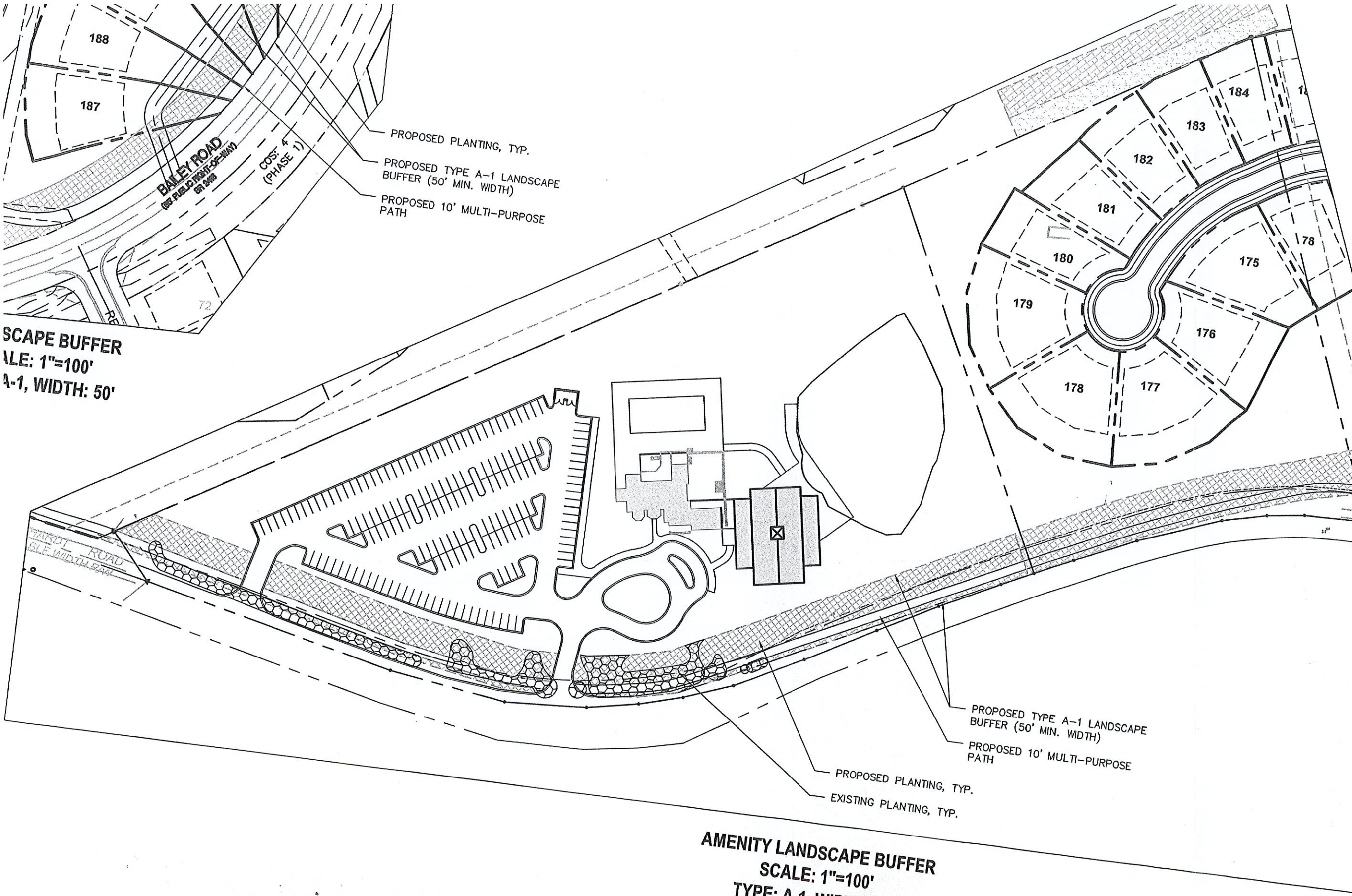
1. Project Overview – Bluestream Partners, LLC is requesting to rezone and develop 13.53 acres of property located at 18375 Barnhardt Rd and an adjacent parcel (PID#’s 00754105 & 00754106), The property is currently zoned CZ (Conditional Zoning). The proposed development will be 11 single-family homes and an amenity center for The Forest at Bailey’s Glen.
2. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014 designates these properties as “Low Density Single Family,” which allows for single family residential as a primary use and community centers as a secondary use. The proposed plan is consistent with the 2014 Land Use Plan.
3. Community Meeting – The applicant held the required community meeting on Thursday, February 27, 2020.
4. Town Board Public Hearing #1 – The meeting was held on March 2, 2020.
5. Planning Board – The meeting was held on June 29, 2020 and on August 10, 2020. The Planning Board recommended approval subject to the following conditions.
6. Town Board Public Hearing #2 – The meeting was held on September 21, 2020.

STAFF RECOMMENDATIONS:

Staff recommends approval of this project subject to the following conditions. The applicant has agreed to these conditions.

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Dumpster enclosure must comply with Chapter 3 of the Town of Cornelius Land Development Code (LDC).
5. All exterior amenity lighting shall comply with Section 7.5 of the LDC. Full cutoff fixtures must be used for exterior parking lot lighting and a lighting plan must be submitted with the construction drawings. Light poles shall not exceed 15’ with cutoff lights installed.
6. Must provide a 50’ Type A-1 landscape buffer along Bailey Road and Barnhardt Road.

7. All signage for the development shall be permitted by Mecklenburg County and shall comply with Chapter 10 of the LDC.
8. Stormwater issues will be addressed during construction document review and site inspections by Charlotte-Mecklenburg Storm Water Services.
9. Must meet all NCDOT driveway requirements, to include site triangles, for the amenity area on Barnhardt Road.
10. The amenity center shall not be leased, rented, or used by any parties other than those that reside in the Bailey's Glen or The Forest at Bailey's Glen developments.
11. All prior conditions from The Forest at Bailey's Glen Phase 1 and Phase 2 (aka. Baileys Glen II) remain in effect.
12. The applicant has agreed to voluntary annexation of this property into the Town of Cornelius Corporate Limits. Voluntary annexation requires a petition meeting all State statutory requirements for the entire property, and must be presented to the Town and approved by the Town Board prior to the recordation of the first final plat.
13. The development shall comply with Sections 92.25 and 92.26 Noise of the Town of Cornelius, Code of Ordinances. Outside amplified music will terminate at 10pm.
14. Any required sidewalks installed along Barnhardt Road will be outside the NC DOT right of way and developer will work within the grade to install sidewalks.



SCAPE BUFFER
SCALE: 1"=100'
TYPE: A-1, WIDTH: 50'

AMENITY LANDSCAPE BUFFER
SCALE: 1"=100'
TYPE: A-1, WIDTH: 50'



FRONT ELEVATION

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BAILEY'S FOREST AMENITY MAIN BUILDING

ELEVATION PROPOSAL - RJA PROJECT 1916 - 04/11/2019

THESE ELEVATIONS ARE PRELIMINARY USE ONLY AND SHALL NOT BE USED FOR FINAL PRICING, PERMITTING, CONSTRUCTION OR AS AN EXHIBIT IN ANY OFFICIAL AGREEMENTS. THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING TO BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY HAVE MINOR VARIATIONS FROM THIS ILLUSTRATION THAT ADHERE TO THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED.



**ROBERT JOHNSON
architects**
1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342.1058
F 704 / 342.3043
E info@rjarchitects.com



LEFT ELEVATION

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RIGHT ELEVATION

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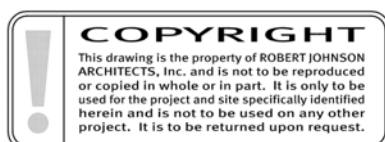
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FRONT ELEVATION



BAILEY'S FOREST AMENITY NEW EVENT SPACE

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**REASONABLENESS AND CONSISTENCY
OF PROPOSED ZONING MAP AMENDMENTS**

REZ 01-20 The Forest at Bailey's Glen Phase 3 V.2 (CZ)

Bluestream Partners, LLC, applicant, initiated the process to rezone and develop the property located at 18375 Barnhardt Rd and an adjacent parcel (PID#'s 00754105 & 00754106), which consists of 13.53 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Planning Board considers the proposed plan to be reasonable and consistent with the Town of Cornelius Land Use Plan "Low Density Single Family" category in that single family residential is a primary use and community centers are a secondary use that serve the greater community and the proposed plan is in the public interest.

A handwritten signature in dark ink, appearing to read "Lee Peterson", is written over a horizontal line.

Lee Peterson, Planning Board Chair

August 10, 2020

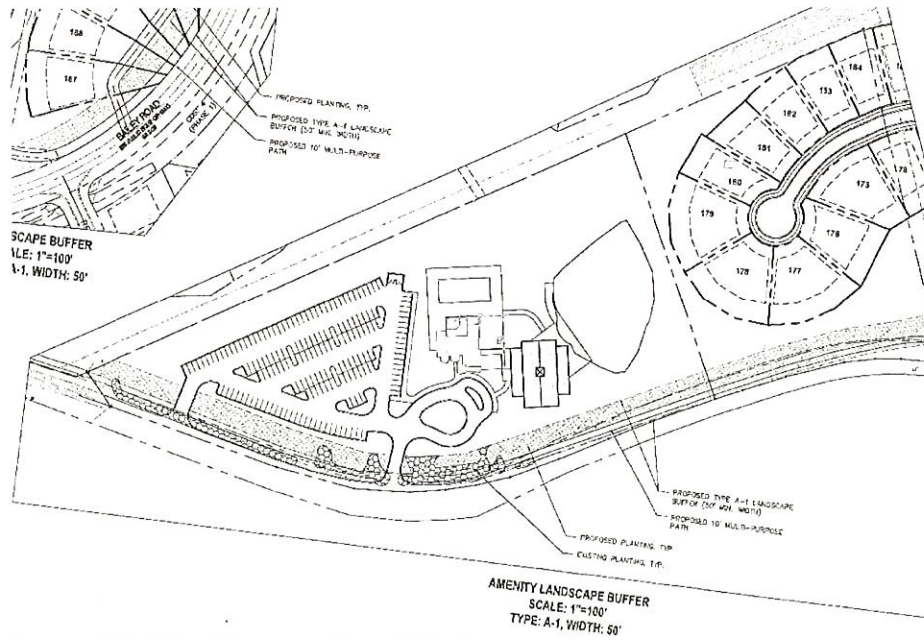
Exhibit A

Exhibit B

Conditions of REZ 01-20

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Dumpster enclosure must comply with Chapter 3 of the Town of Cornelius Land Development Code (LDC).
5. All exterior amenity lighting shall comply with Section 7.5 of the LDC. Full cutoff fixtures must be used for exterior parking lot lighting and a lighting plan must be submitted with the construction drawings. Light poles shall not exceed 15' with cutoff lights installed.
6. Must provide a 50' Type A-1 landscape buffer along Bailey Road and Barnhardt Road.
7. All signage for the development shall be permitted by Mecklenburg County and shall comply with Chapter 10 of the LDC.
8. Stormwater issues will be addressed during construction document review and site inspections by Charlotte-Mecklenburg Storm Water Services.
9. Must meet all NCDOT driveway requirements, to include site triangles, for the amenity area on Barnhardt Road.
10. The amenity center shall not be leased, rented, or used by any parties other than those that reside in the Bailey's Glen or The Forest at Bailey's Glen developments.
11. All prior conditions from The Forest at Bailey's Glen Phase 1 and Phase 2 (aka. Baileys Glen II) remain in effect.
12. The applicant has agreed to voluntary annexation of this property into the Town of Cornelius Corporate Limits. Voluntary annexation requires a petition meeting all State statutory requirements for the entire property, and must be presented to the

Town and approved by the Town Board prior to the recordation of the first final plat.

13. The development shall comply with Sections 92.25 and 92.26 Noise of the Town of Cornelius, Code of Ordinances. Outside amplified music will terminate at 10pm.
14. Any required sidewalks installed along Barnhardt Road will be outside the NC DOT right of way and developer will work within the grade to install sidewalks.

Lori Harrell

From: Gary Fournier
Sent: Wednesday, September 23, 2020 2:23 PM
To: Lori Harrell
Cc: Aaron Tucker
Subject: FW: Town Hall meeting/hearing Sept 21 regarding Baileys Glen development

Public comment for REZ 01-20 The Forest at Bailey's Glen Phase 3 V.2

Gary Fournier, CZO
Planner
Town of Cornelius
704-896-2460 ext 125
gfournier@cornelius.org
www.cornelius.org/planning



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From: Bert/Carol Campbell <rjc_cec@hotmail.com>
Sent: Monday, September 21, 2020 7:59 PM
To: Planning Info <planninginfo@cornelius.org>
Cc: timshardball@yahoo.com; Jacob Palillo <jpalillo@aol.com>
Subject: Town Hall meeting/hearing Sept 21 regarding Baileys Glen development

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

I am Dr Robert Campbell. My wife Carol and I live at 12116 Addi La in the Forest of Bailey's Glenn.

I virtually attended your planning meeting and here is my response within 24 hrs.

There are several points to be made. The person and his attorney challenging the development of our community center lives in Davidson. He says he is in his right to have a shooting range and dirt track which frankly seems often like a noise violation but all within Davidson code.

On the other hand we have 500 or more tax payers living in Cornelius from many parts of this great nation. We have no direct connection to the community center in Bailey's proper and would like to have our similar center here. We do not race our cars up and down Barnhart like the youngster do and for the most part I suspect are the best law abiding citizens the town of Cornelius could have.

We vote in Cornelius not Davidson and we pay our taxes to Cornelius not Davidson so the singular question is "who should be represented."

Thank you for your service and a great community.
Dr Capbell

Lori Harrell

From: Gary Fournier
Sent: Wednesday, September 23, 2020 2:22 PM
To: Lori Harrell
Cc: Aaron Tucker
Subject: FW: Forest Clubhouse town meeting

Public comment for REZ 01-20 The Forest at Bailey's Glen Phase 3 V.2

Gary Fournier, CZO
Planner
Town of Cornelius
704-896-2460 ext 125
gfournier@cornelius.org
www.cornelius.org/planning



Email correspondence to and from this sender is subject to the NC Public Records Law and may be disclosed to third parties.

From: Larry Criswell <lacriswell11@gmail.com>
Sent: Tuesday, September 22, 2020 1:40 PM
To: Planning Info <planninginfo@cornelius.org>
Subject: Forest Clubhouse town meeting

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

My wife Emilia and I strongly endorse the new clubhouse to be located off of Barnhart Road in Cornelius, proposed by the developer Jake Palilo. I attended two meetings on this same clubhouse last year and spoke at both meetings in favor of the clubhouse. We had heard that it had been approved. If there is to be a change to that, I was never notified like I was the last two times this went before the Town Council. My property touches the five acres and the home with a lake that is under consideration. Please approve again by all means. Thank you,

Larry Criswell
12111 Addi Lane
Cornelius, NC 28031

--
lacriswell11@gmail.com

Lori Harrell

From: Gary Fournier
Sent: Wednesday, September 23, 2020 2:21 PM
To: Lori Harrell
Cc: Aaron Tucker
Subject: FW: Approving Bailey's Glen Forest clubhouse

Public comment for REZ 01-20 The Forest at Bailey's Glen Phase 3 V.2

Gary Fournier, CZO
Planner
Town of Cornelius
704-896-2460 ext 125
gfournier@cornelius.org
www.cornelius.org/planning



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On 9/22/20, 6:19 PM, "ANDREA LUSTER" <brlu@aol.com> wrote:

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

I, Andrea Luster am a resident of Bailey's Glen Forest. I listened to the meeting last night and look forward to getting the approval so that our community which is constantly enlarging, gets the recreation that we deserve. It's unbelievable that someone who has the money to waste on legal costs is delaying something that so many of us deserve to have.

I hope the board finalizes the issue at the next board meeting, so that I can look forward to my clubhouse breaking ground as soon as possible.

Thank you,
Andrea Luster
15114 Reese Finley Lane
Cornelius NC 28031

Sent from my iPad

AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP

REZ 01-20 (The Forest at Bailey's Glen Phase 3 V.2)

WHEREAS, the Town of Cornelius has received an application requesting that the zoning classification of parcels of land subject to the zoning regulations of the Town be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

WHEREAS, property owners contiguous to the subject parcels have been notified by first class mail of the public hearing on the question of the reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Board of Commissioners of the Town of Cornelius; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that Tax Parcel Numbers 00754105 and 00754106, consisting of approximately 13.53 acres located on Barnhardt Road, which is currently zoned Conditional Zoning District be amended as *Conditional Zoning (CZ) District* as shown on *Exhibit A* and as further subject to the conditions shown on *Exhibit B* attached hereto and incorporated herein by reference.

Adopted this the 5th day of October, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

Exhibit A

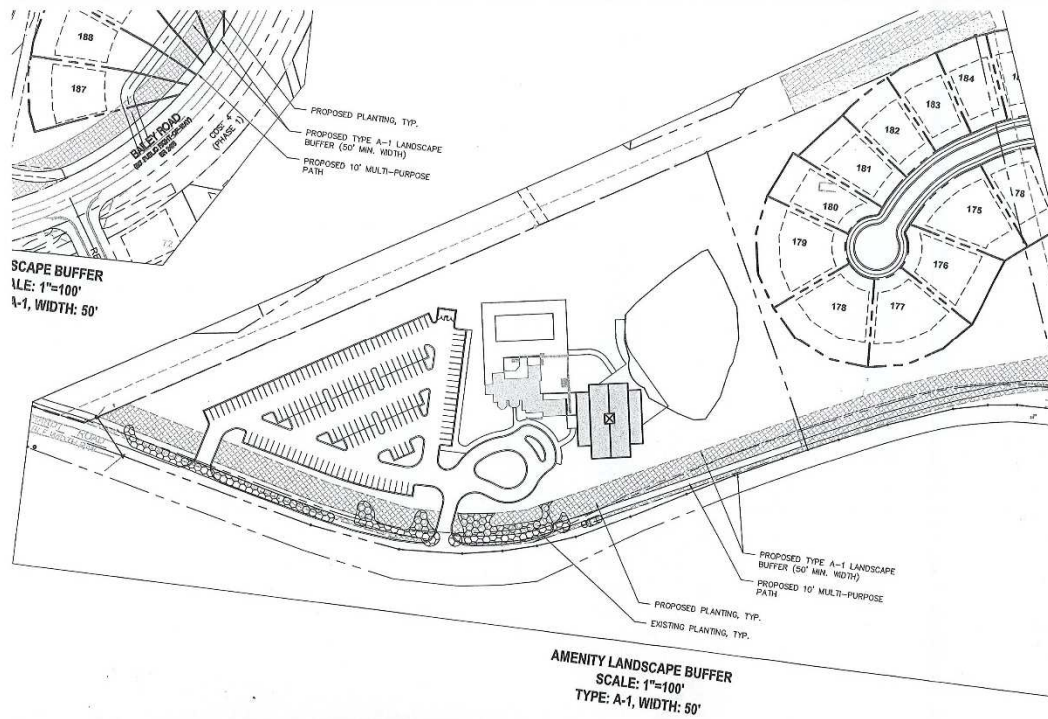


Exhibit B

Conditions of REZ 01-20

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Dumpster enclosure must comply with Chapter 3 of the Town of Cornelius Land Development Code (LDC).
5. All exterior amenity lighting shall comply with Section 7.5 of the LDC. Full cutoff fixtures must be used for exterior parking lot lighting and a lighting plan must be submitted with the construction drawings. Light poles shall not exceed 15' with cutoff lights installed.
6. Must provide a 50' Type A-1 landscape buffer along Bailey Road and Barnhardt Road.
7. All signage for the development shall be permitted by Mecklenburg County and shall comply with Chapter 10 of the LDC.
8. Stormwater issues will be addressed during construction document review and site inspections by Charlotte-Mecklenburg Storm Water Services.
9. Must meet all NCDOT driveway requirements, to include site triangles, for the amenity area on Barnhardt Road.
10. The amenity center shall not be leased, rented, or used by any parties other than those that reside in the Bailey's Glen or The Forest at Bailey's Glen developments.
11. All prior conditions from The Forest at Bailey's Glen Phase 1 and Phase 2 (aka. Baileys Glen II) remain in effect.
12. The applicant has agreed to voluntary annexation of this property into the Town of Cornelius Corporate Limits. Voluntary annexation requires a petition meeting all State statutory requirements for the entire property, and must be presented to the Town and approved by the Town Board prior to the recordation of the first final plat.
13. The development shall comply with Sections 92.25 and 92.26 Noise of the Town of Cornelius, Code of Ordinances. Outside amplified music will terminate at 10pm.
14. Any required sidewalks installed along Barnhardt Road will be outside the NC DOT right of way and developer will work within the grade to install sidewalks.

**RESOLUTION OF THE TOWN OF CORNELIUS BOARD OF
COMMISSIONERS PERTAINING TO THE REASONABLENESS AND
CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS**

REZ 01-20 (The Forest at Bailey's Glen Phase 3 V.2)

WHEREAS, Bluestream Partners, LLC, applicant, initiated the process to rezone and develop properties located on Barnhardt Road (PID's: 00754105 and 00754106), which consists of 13.53 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*; and

WHEREAS, the Town of Cornelius Planning Board reviewed and recommended approval of rezoning the above described property on August 10, 2020; and

WHEREAS, the Applicant has agreed to the conditions shown in *Exhibit B*; and

WHEREAS, in accordance with the provisions of North Carolina General Statutes 160A-382 and 383, the Town Board considers the proposed plan to be reasonable and consistent with the Town of Cornelius Land Use Plan "Low Density Single Family" category in that single family residential is a primary use and community centers are a secondary use, and adopts the following statement.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Cornelius Board of Commissioners that the rezoning _____ IS _____ IS NOT consistent with the Town's adopted comprehensive land use plan as proposed and _____ IS _____ IS NOT reasonable and in the public interest.

Adopted this 5th day of October, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A

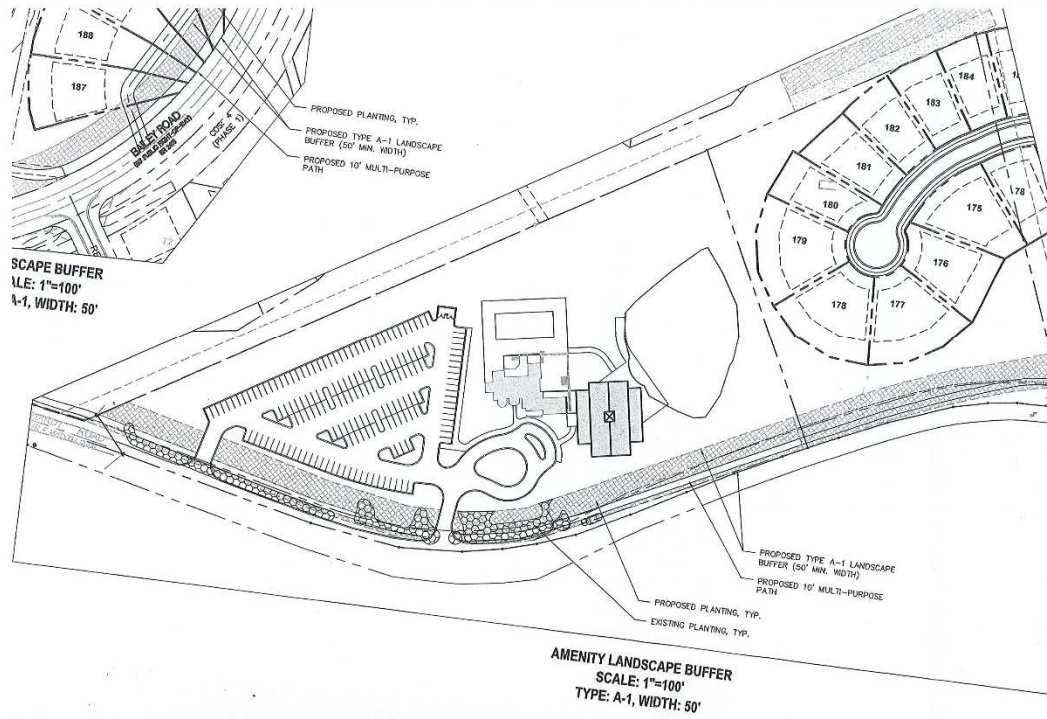


Exhibit B

Conditions of REZ 01-20

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3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
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6. Must provide a 50' Type A-1 landscape buffer along Bailey Road and Barnhardt Road.
7. All signage for the development shall be permitted by Mecklenburg County and shall comply with Chapter 10 of the LDC.
8. Stormwater issues will be addressed during construction document review and site inspections by Charlotte-Mecklenburg Storm Water Services.
9. Must meet all NCDOT driveway requirements, to include site triangles, for the amenity area on Barnhardt Road.
10. The amenity center shall not be leased, rented, or used by any parties other than those that reside in the Bailey's Glen or The Forest at Bailey's Glen developments.
11. All prior conditions from The Forest at Bailey's Glen Phase 1 and Phase 2 (aka. Baileys Glen II) remain in effect.
12. The applicant has agreed to voluntary annexation of this property into the Town of Cornelius Corporate Limits. Voluntary annexation requires a petition meeting all State statutory requirements for the entire property, and must be presented to the Town and approved by the Town Board prior to the recordation of the first final plat.
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14. Any required sidewalks installed along Barnhardt Road will be outside the NC DOT right of way and developer will work within the grade to install sidewalks.

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Aaron Tucker, Planning Director

Action Requested:

The applicant requests to rezone 54 acres of property located at the northeastern quadrant of West Catawba Avenue and Westmoreland Road. The development summary calls for mixed building heights, 77 single-family detached lots, 130 unit resort style retirement community, and approximately 120,000 square feet of commercial development to be constructed from 2021-2023. The development also includes a 3.2 acre park (outside Duke Energy right-of-way).

The Planning Board recommended approval of this project on August 24th, 2020. Town Board Public Hearing #2 was conducted on September 21st, 2020.

Manager's Recommendation:

Approve an Ordinance to amend the zoning map with conditions and a Resolution declaring that REZ 08-17 is consistent with the Town's Land Use Plan and reasonable in the public's interest.

ATTACHMENTS:

Name:	Description:	Type:
 4598 - Alexander Farms CZ Rezoning Application.pdf	Application	Exhibit
 Alexander Property Zoning.jpg	Zoning Map	Exhibit
 Alexander Property Land Use.jpg	Land Use Map	Exhibit
 Alexander Property Vicinity.jpg	Vicinity Map	Exhibit
 Alexander Property Property.jpg	Property Map	Exhibit
 Alexander Farm Plan Set combined 1 and 2.pdf	Plan Set	Exhibit
 Alexander Farms Presentation 08_10_20_40.pdf	Sidewalks	Exhibit
 Alexander Farms Presentation 08_10_20.pdf	Elevations	Exhibit
 REZ 08-17 (TB2) Alexander Farm Staff Report.pdf	Staff Report	Exhibit
 Alexander Farms public comment via_email.pdf	Public Comments via Emails	Backup Material
 Ordinance REZ 08-17 Alexander Farm.pdf	Ordinance	Exhibit
 Resolution REZ 08-17 Alexander Farm Consistency Statement.pdf	Resolution	Exhibit



TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

Staff Only:

Date Rec'd: _____

Rec'd by: _____

Case #: _____

LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):	<input type="checkbox"/>	_____	• Conditional Zoning (CZ)	<input type="checkbox"/> 1250
• Preliminary Plat (Major Sub):	<input type="checkbox"/>	_____	• Special Use Permit (SUP)	<input type="checkbox"/> _____
• Final Plat (Major Sub):	<input type="checkbox"/>	_____	• Major Architectural Variation	<input type="checkbox"/> _____
• Construction Documents:	<input type="checkbox"/>	_____	• Minor Architectural Variation	<input type="checkbox"/> _____
• General Rezoning	<input type="checkbox"/>	_____	• Other: <u>vested rights</u>	<input checked="" type="checkbox"/> 250
Fee Total:				1500

2. Project Information

Date of Application: 10/2/17 Name of Project: Alexander Farms
 Location: NE corner W. Catwba / Westmoreland Property Size (acres): 54.71 # of Units/Lots: 3
 Current Zoning: OS: NMX, OS: NR Proposed Zoning: CZ
 Current Land Use: vacant Proposed Land Use: See written description
 Tax Parcel Number(s): 00511105, 00511106, 00541108

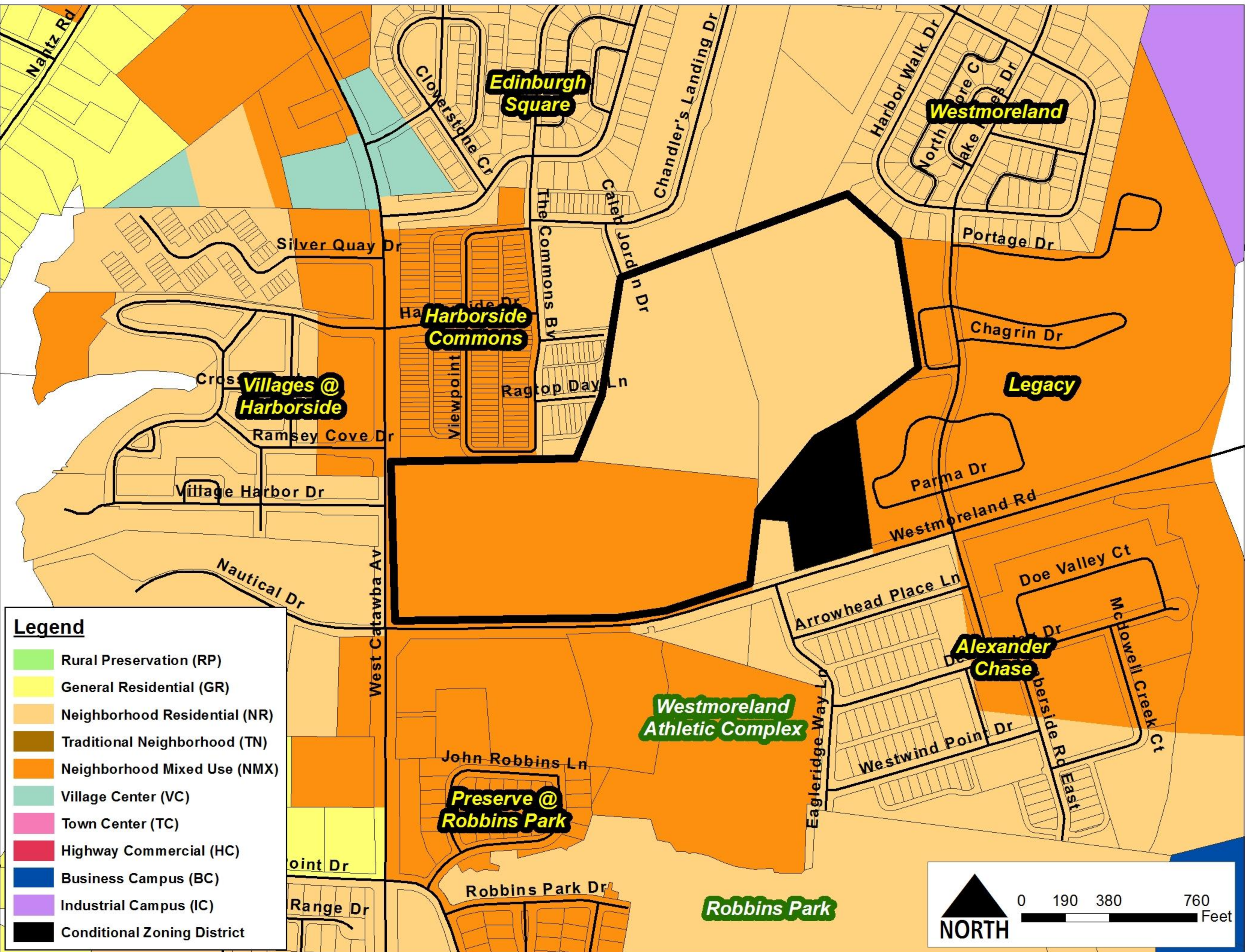
3. Contact Information

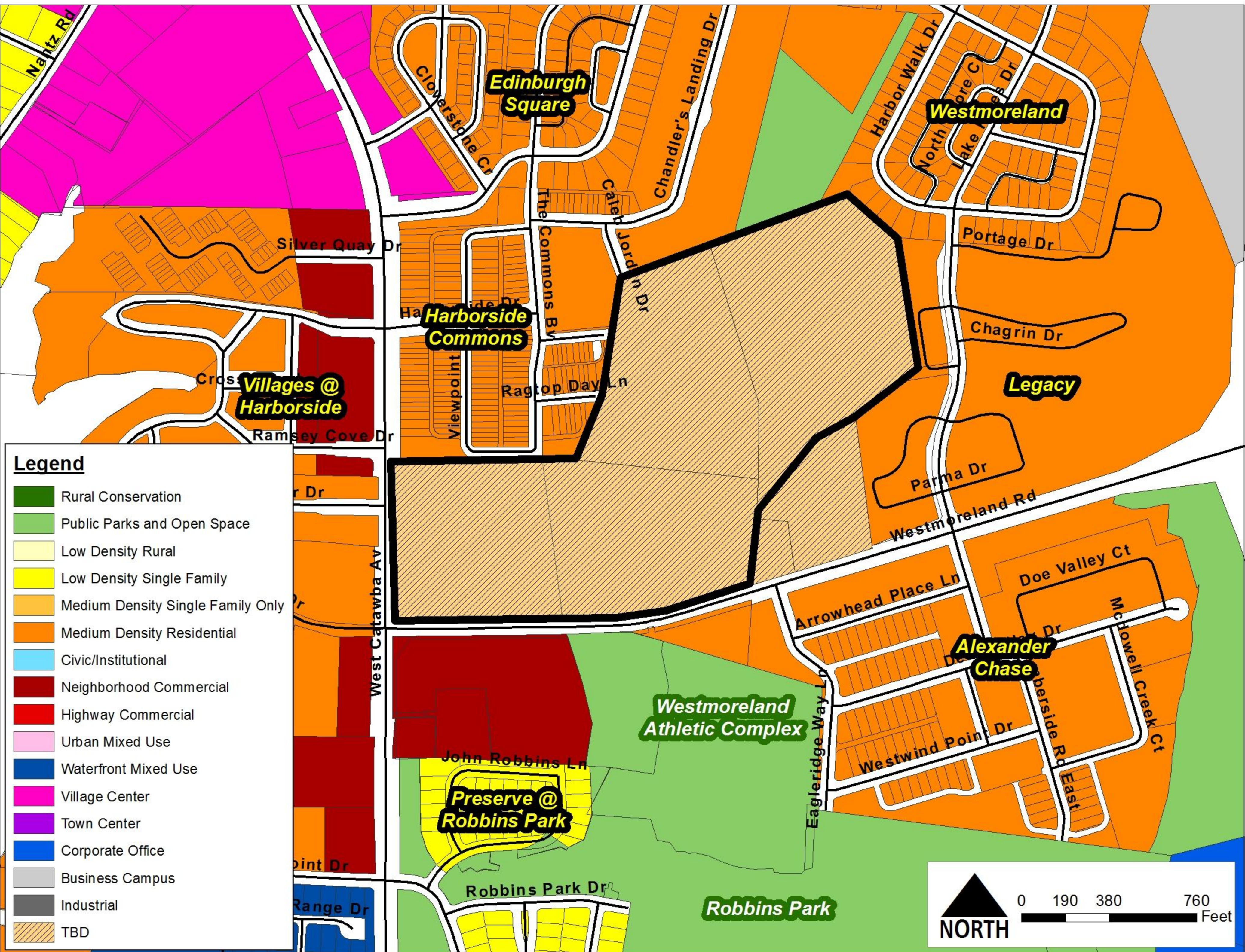
Alexander Farms MO, LLC
 Owner, Applicant, or Developer
2165 Laura Dr.
 Address
Belleair Beach, FL 33786
 City, State Zip
917-647-3872
 Telephone
Jesse M. Horne
 Signature
Jesse M. Horne
 Print Name
Jesse M. Horne
 Date
jesse@winddevelopment.net
 Email

Cole Jonest : Stone
 Agent(s) (Engineer, Architect, Etc.)
200 S. Tryon St., Ste. 1400
 Address
Charlotte, NC 28202
 City, State Zip
704-376-1555
 Telephone
[Signature]
 Signature
[Signature]
 Print Name
[Signature]
 Date
bjenest@colejoneststone.com
 Email

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

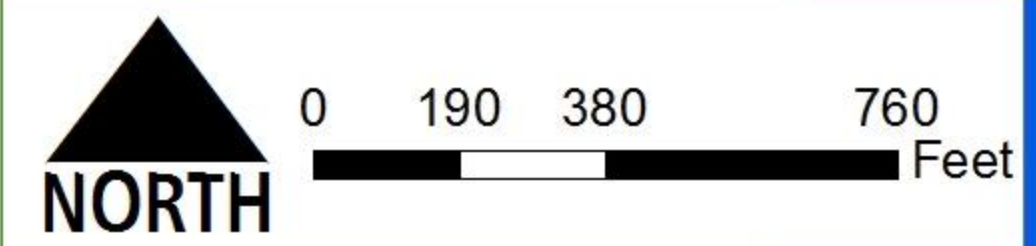
- | | |
|---|---|
| <input type="checkbox"/> <u>Signed "Original" application</u> | <input type="checkbox"/> <u>Illustrative (color) site/sketch plan</u> for presentation purposes with same layers as described above |
| <input type="checkbox"/> <u>Project Fee(s)</u> - See Fee Schedule | <input type="checkbox"/> <u>Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist</u> may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS). |
| <input type="checkbox"/> <u>Written Summary/Description of Request</u> can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code | <input type="checkbox"/> <u>Charlotte Water Capacity Assurance Review Application</u> Provide copy with application, and send original to CW. |
| <input type="checkbox"/> <u>Property Survey</u> (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. | <input type="checkbox"/> <u>Illustrative (color) elevations</u> for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples |
| <input type="checkbox"/> <u>Site/sketch plan</u> (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots | <input type="checkbox"/> <u>Digital Files</u> of all items listed above |

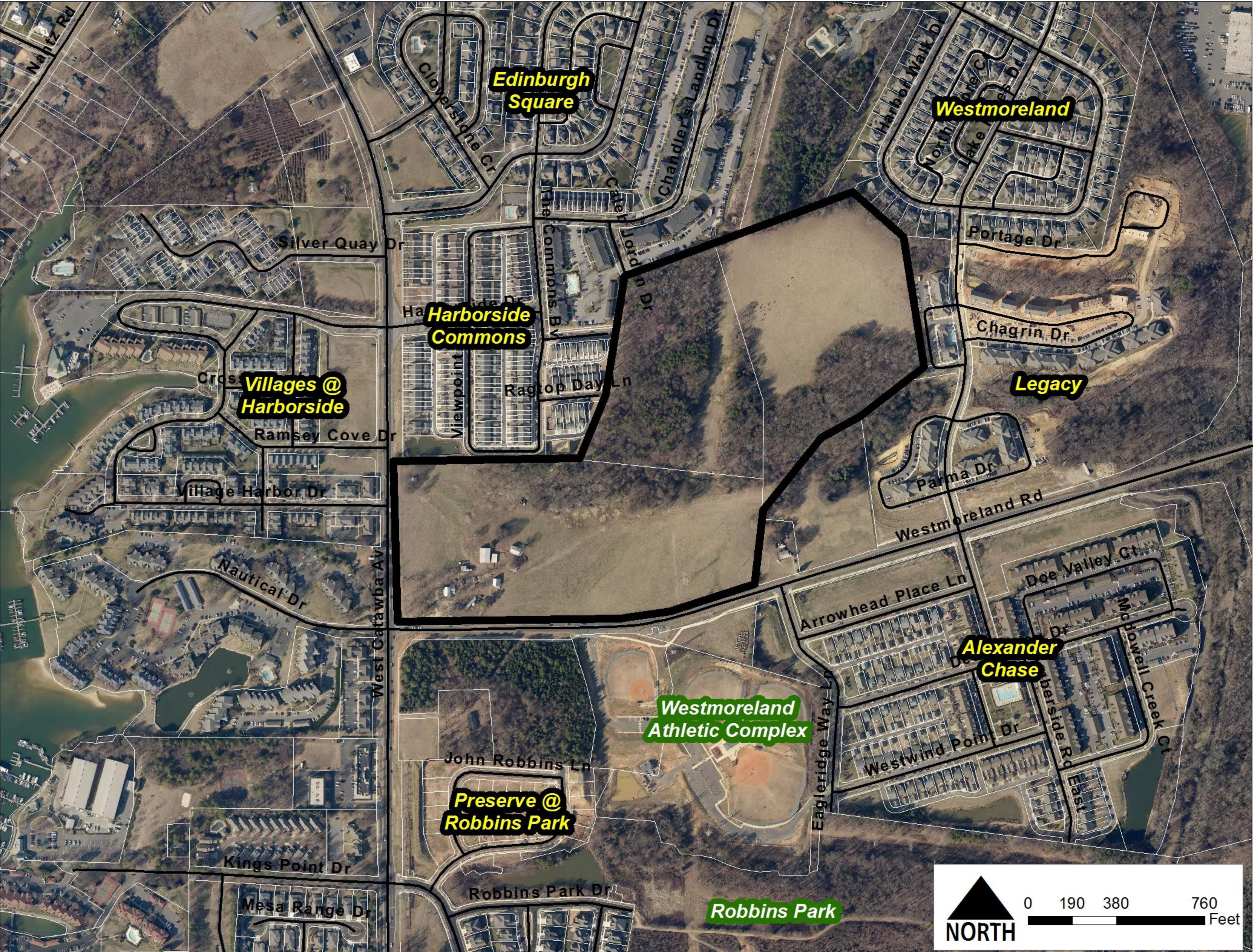




Legend

- Rural Conservation
- Public Parks and Open Space
- Low Density Rural
- Low Density Single Family
- Medium Density Single Family Only
- Medium Density Residential
- Civic/Institutional
- Neighborhood Commercial
- Highway Commercial
- Urban Mixed Use
- Waterfront Mixed Use
- Village Center
- Town Center
- Corporate Office
- Business Campus
- Industrial
- TBD





Edinburgh Square

Westmoreland

Harborside Commons

Villages @ Harborside

Legacy

Alexander Chase

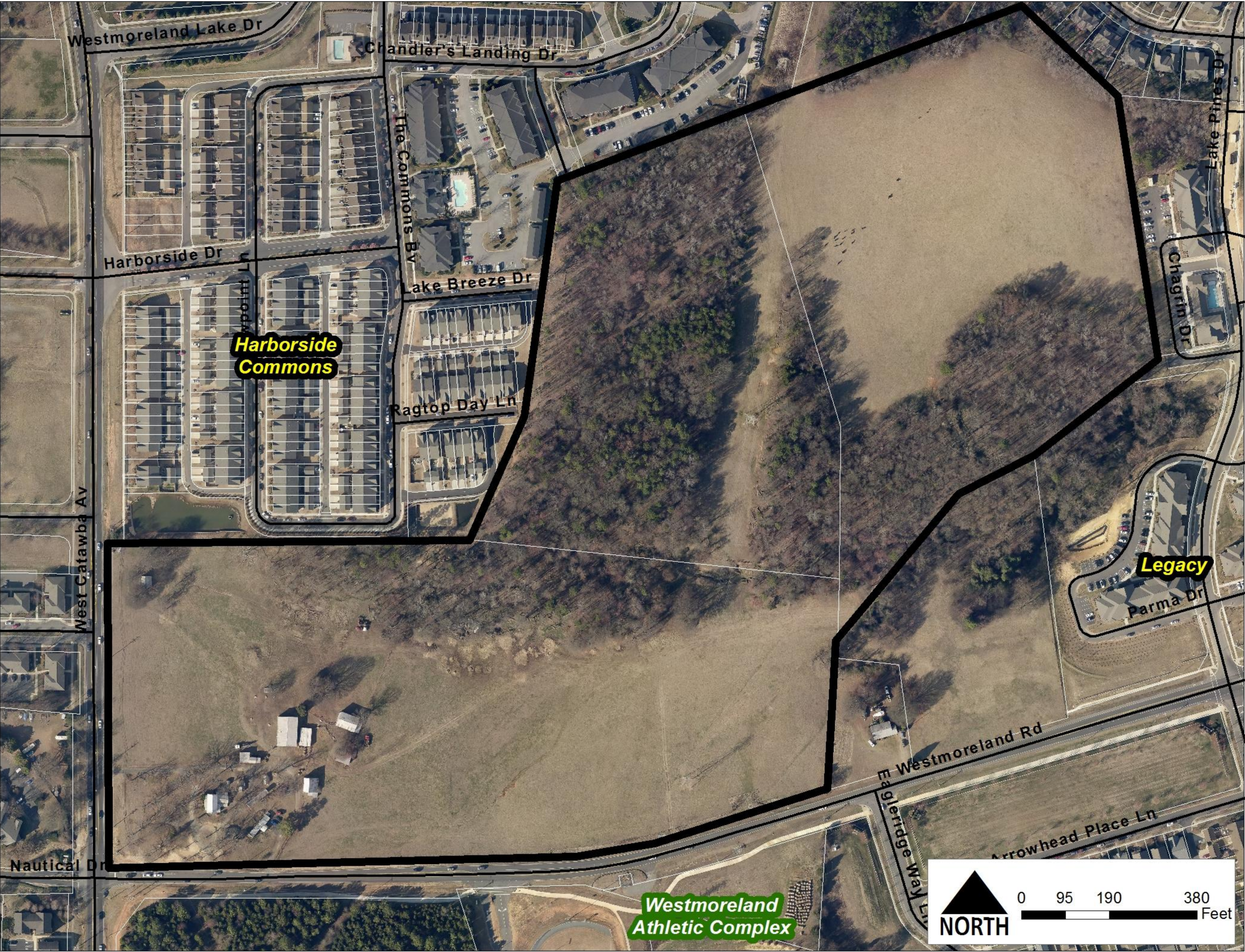
Preserve @ Robbins Park

Westmoreland Athletic Complex

Robbins Park



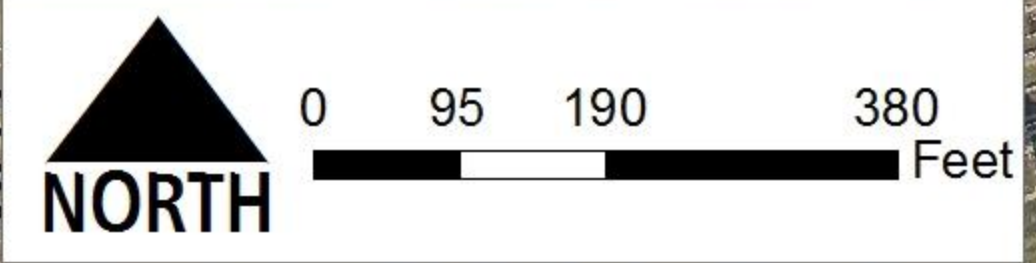
0 190 380 760 Feet



**Harborside
Commons**

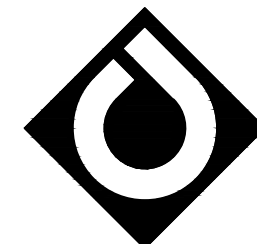
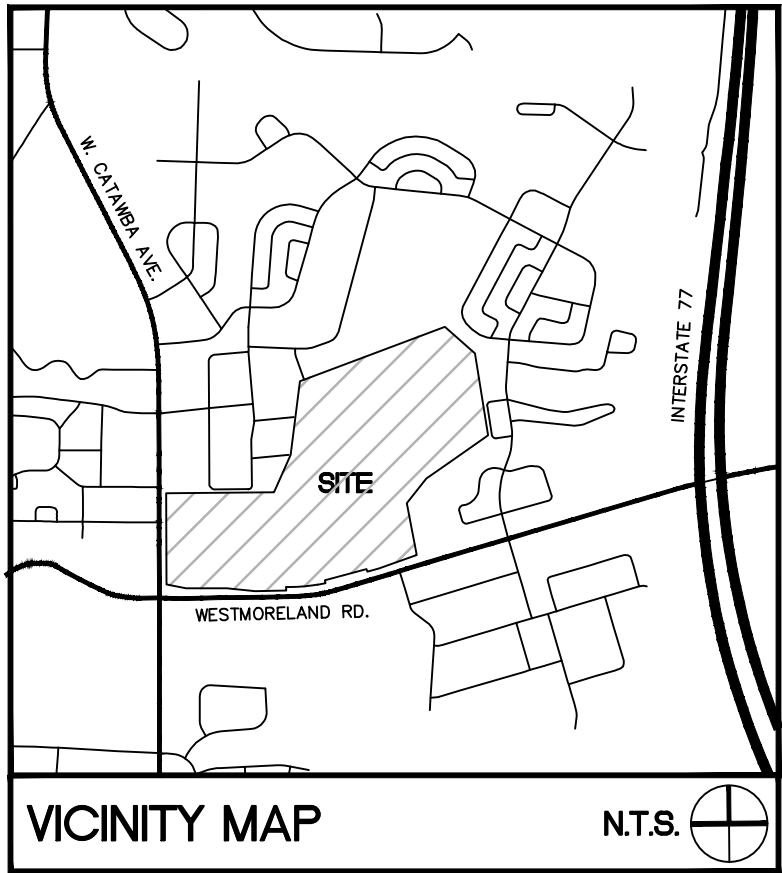
Legacy

**Westmoreland
Athletic Complex**



ALEXANDER FARMS

CORNELIUS, NC
EPM # 410840



**ColeJenest
& Stone**

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Realizing the Possibilities

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Landscape Architecture
Civil Engineering
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
P: 704.376.1555 F: 704.376.7851
info@colejeneststone.com

ALEXANDER FARMS MU, LLC

PRINCIPLE OFFICE
2165 LOUISA DRIVE
BELLEAIR BEACH, FL 33786

ALEXANDER FARMS REZONING PLAN

8315 WESTMORELAND RD
CORNELIUS, NC 28031

COVER SHEET

Project No.

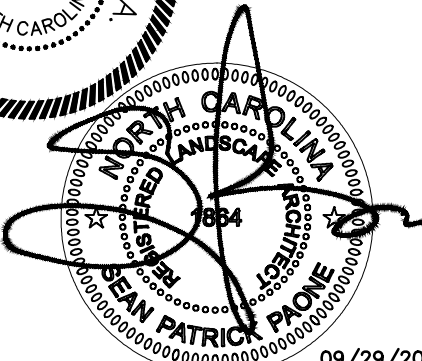
4598

Issued

02/01/19

Revised

01/07/20 - PER CYCLE 1 COMMENTS
05/18/20 - PER CYCLE 2 COMMENTS
06/15/20 - PER CYCLE 5 COMMENTS
07/27/20 - PER CYCLE 6 COMMENTS
08/19/20 - PER CYCLE 7 COMMENTS
09/29/20 - PER PLAN AND NOTE MINOR
REVISIONS



SCALE: 1"=100'

0 50' 100' 200'

SP-000

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SHEET LIST

SP-000	COVER SHEET
SP-100	EXISTING CONDITIONS
SP-200	CONDITIONAL REZONING PLAN
SP-201	DEVELOPMENT NOTES
SP-202	STREET SECTIONS
SP-203	ZONING MAP
SP-300	PRELIMINARY GRADING PLAN
SP-400	PLANTING PLAN
SP-500	ADJACENT PARCEL MAP
SP-501	ZONING PARCEL INFORMATION
SP-502	ZONING PARCEL INFORMATION
SP-503	ZONING PARCEL INFORMATION

NOTES:

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

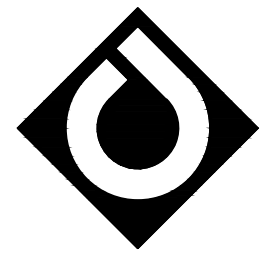
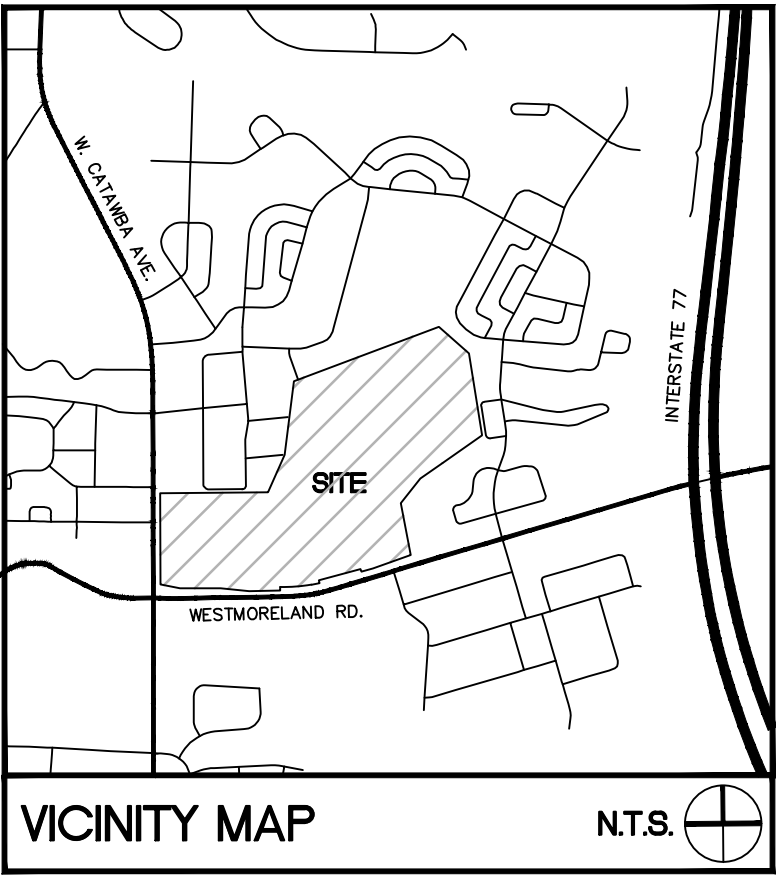
TRANSPORTATION IMPROVEMENTS ON WESTMORELAND ROAD AND W. CATAWBA AVENUE ARE PART OF NCDOT TIP PROJECTS # U-2555B AND U-5908 WHICH IS OUTSIDE THE SCOPE OF THE ALEXANDER FARMS PROJECT.

ANY DRIVEWAY PERMITS OR OTHER REQUIREMENTS BY NCDOT WILL BE OBTAINED AS PART OF THIS PROJECT.

THIS PLAN IS SUBJECT TO CHANGE TO MEET ADA/PROWAG REQUIREMENTS



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, TOWN OF CORNELIUS AND CHARLOTTE WATER SPECIFICATIONS.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



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Landscape Architecture
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url: www.colejeneststone.com

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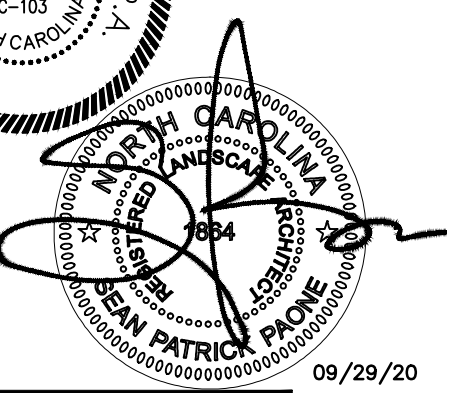
SP-100 EXISTING CONDITIONS

Project No.
4598

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Revised

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08/19/20 - PER CYCLE 7 COMMENTS
09/29/20 - PER PLAN AND NOTE MINOR REVISIONS



09/29/20

SCALE: 1"=100'

0 50' 100' 200'

SP-100

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- Land Planning
- + Landscape Architecture
- + Civil Engineering
- + Urban Design

**ALEXANDER
FARMS MU, LLC**

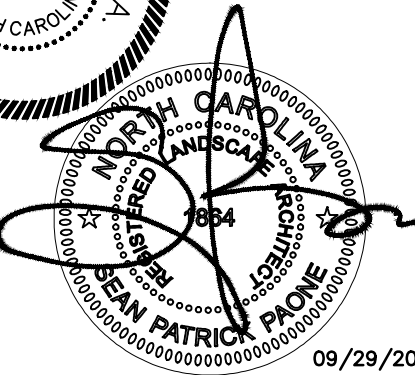
ALEXANDER FARMS REZONING PLAN

CONDITIONAL REZONING PLAN

4598

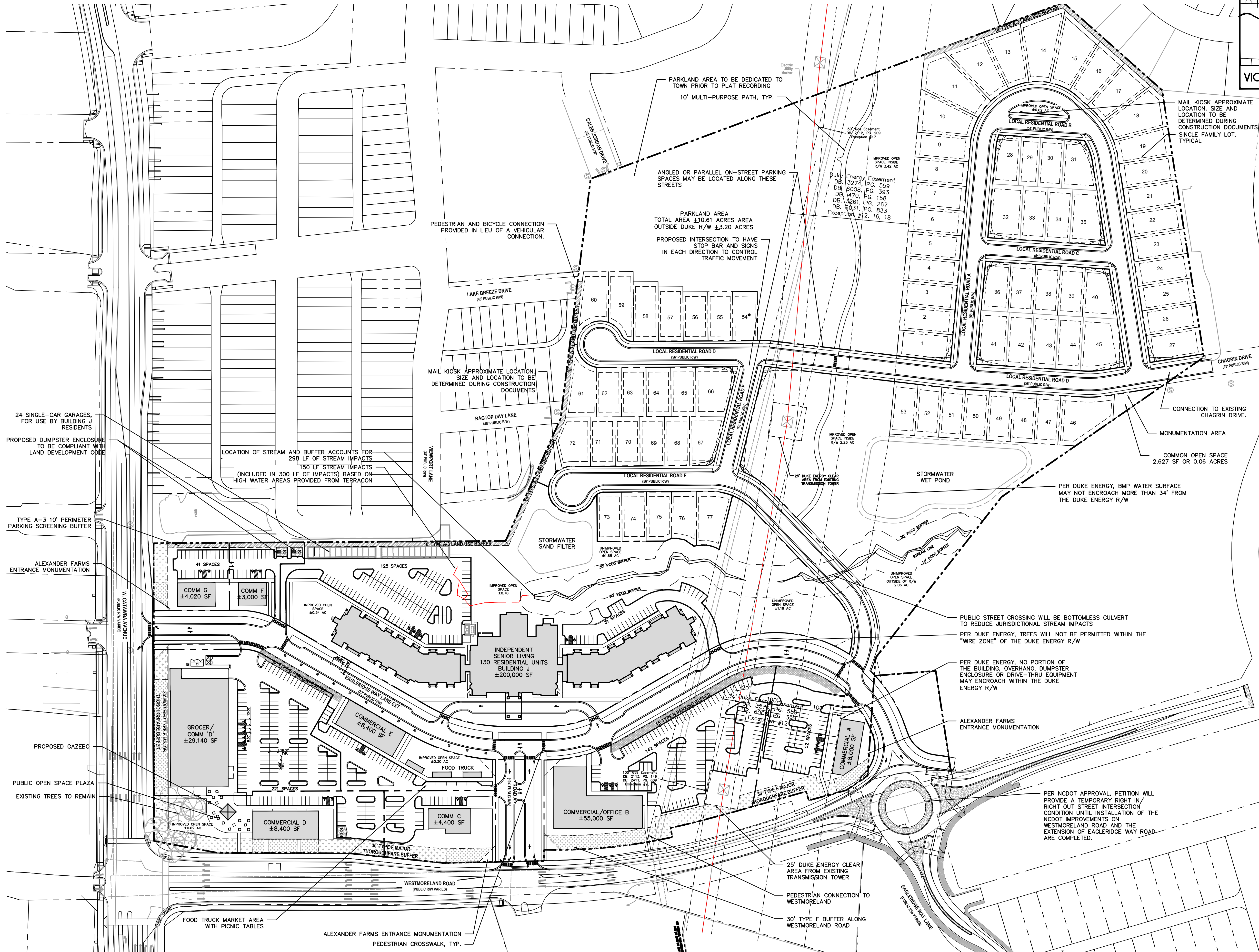
02/01/15

01/07/20 – PER CYCLE 1 COMMENTS
05/18/20 – PER CYCLE 2 COMMENTS
06/15/20 – PER CYCLE 5 COMMENTS
07/27/20 – PER CYCLE 6 COMMENTS
08/19/20 – PER CYCLE 7 COMMENTS
09/29/20 – PER PLAN AND NOTE M
REVISIONS



SP-200

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DEVELOPMENT SUMMARY

PROJECT NAME:	ALEXANDER FARMS
PARCEL NUMBER	00511105, 00511106, 00541108
SITE ACREAGE:	54.71 ACRES ± TOTAL 23.56 AC ± 00511105 15.25 AC ± 00511106 15.90 AC ± 00541108
PRINCIPAL USES:	COMMERCIAL (RETAIL, RESTAURANT, DRIVE-THRU, MULTI-FAMILY, SINGLE FAMILY RESIDENTIAL, AND MIXED-USE)
BUILDING TYPE/HEIGHT:	PER TOWN OF CORNELIUS NMX ZONING BUILDING HEIGHT RESTRICTION OR AS IDENTIFIED IN DEVELOPMENT SUMMARY ASSOCIATED WITH THIS SUBMITTAL
LOT COUNT	SEE REZONING NOTE 8 (77 LOTS CURRENTLY SHOWN)
EXISTING ZONING DISTRICT:	NMX & NR
PROPOSED ZONING DISTRICT:	CZ
DETACHED SINGLE FAMILY:	77 LOTS
MULTI-FAMILY:	130 UNITS
TOTAL COMMERCIAL SQUARE FOOTAGE:	±120,360 SF
TOTAL PARKING REQUIRED:	241 (NON RESIDENTIAL) & 282 (RESIDENTIAL)
TOTAL PARKING PROVIDED:	456 (NON RESIDENTIAL) & 308 (RESIDENTIAL) 21 (ON STREET)
TIME FRAME:	2021 – 2023
WATERSHED:	MCDOWELL/ MT ISLAND LAKE PROTECTED AREA
DENSITY:	HIGH DENSITY

BUILDING DEVELOPMENT SUMMARY	
COMMERCIAL 'A'	±8,000 SF (2-STORY) REQUIRES 16 SPACES PROVIDED 52 SPACES
COMMERCIAL/OFFICE 'B'	±55,000 SF (3-STORY) REQUIRES 110 SPACES PROVIDED 142 SPACES
COMMERCIAL 'C'	±4,400 SF (1-STORY) REQUIRES 9 SPACES PROVIDED 26 SPACES
COMMERCIAL/GROCER 'D'	±29,140 SF (1-STORY) REQUIRES 59 SPACES PROVIDED 128 SPACES
COMMERCIAL 'D'	±8,400 SF (1-STORY) REQUIRES 17 SPACES PROVIDED 32 SPACES
COMMERCIAL 'E'	±8,400 SF (1-STORY) REQUIRES 17 SPACES PROVIDED 32 SPACES
COMMERCIAL 'F'	±3,000 SF (1-STORY) REQUIRES 6 SPACES PROVIDED 18 SPACES
COMMERCIAL 'G'	±4,020 SF (1-STORY) REQUIRES 9 SPACES PROVIDED 22 SPACES
COMMERCIAL/SENIOR LIVING 'J'	±200,000 SF (UP TO 3-STORY) 130 UNITS REQUIRES 130 SPACES MIN. PROVIDED 156 SPACES
RESIDENTIAL	77 LOTS MIN. 5,000 SF LOT (51'-53' X 105'-120') REQUIRES 152 SPACES (2 SPACES PER LOT)
TOTAL BUILDING SF:	±120,360 SF COMMERCIAL ±200,000 SF RESORT STYLE MULTI-FAMILY (130 UNITS) 77 SINGLE FAMILY RESIDENTIAL

AREA CALCULATIONS	
TOTAL SITE AREA:	±54.71 AC
RESIDENTIAL SITE AREA:	±32.37
COMMERCIAL SITE AREA TOTAL:	±22.34
PARCEL A:	±1.23
PARCEL B:	±2.66
PARCEL C,D,E:	±5.83
PARCEL F:	±0.49
PARCEL G:	±0.53
PARCEL H:	±8.33

BUILDING BUILD-TO-RANGE(BTR)/SETBACK TABLE	
WESTMORELAND ROAD ENTRANCE (PUBLIC ROAD A)	
- PRIMARY BUILDING TYPE:	SHOPFRONT / COMMERCIAL
- BUILD-TO-RANGE:	5' - 15'
- BUILDING SEPARATION:	20' MIN.
- SIDE SETBACK:	0'
- REAR SETBACK:	25'; 10' PARKING AREA
EAGLERIDGE WAY LANE EXTENSION	
- PRIMARY BUILDING TYPE:	SHOPFRONT / MULTI-FAMILY
- BUILD-TO-RANGE:	0' - 15'
- BUILDING SEPARATION:	20' MIN.
- SIDE SETBACK:	0'
- REAR SETBACK:	25'; 10' PARKING AREA
PROPOSED LOCAL RESIDENTIAL PUBLIC STREETS	
- PRIMARY BUILDING TYPE:	SINGLE FAMILY RESIDENTIAL
- BUILD-TO-RANGE:	10'
- ALL SIDE SETBACKS:	5' (UNLESS OTHERWISE NOTED)
- REAR SETBACK:	10'

OPEN SPACE CALCULATIONS	
TOTAL RESIDENTIAL SITE AREA:	±32.37 AC
20% REQUIRED NMX:	±6.47 AC
25% REQUIRED IMPROVED:	±1.62 AC
IMPROVED:	
PARK AREA	
OUTSIDE DUKE RIGHT-OF-WAY	±3.20 AC
WITHIN DUKE RIGHT-OF-WAY	±5.65 AC
TOTAL IMPROVED	±8.85 AC (27% TOTAL AREA)
TOTAL UNIMPROVED:	2.06 AC (6% TOTAL AREA)
BMP AREA	2.06 AC

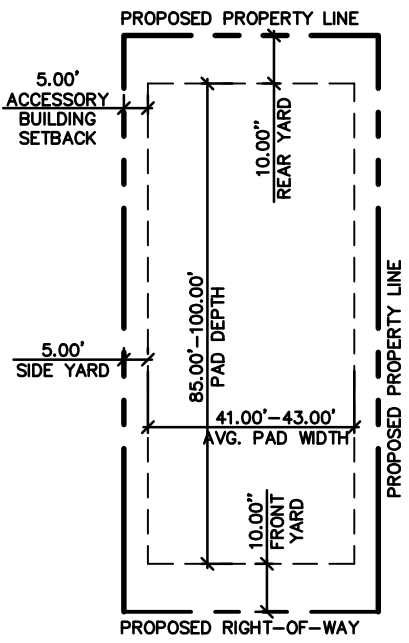
GENERAL NOTES

1. REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY ALEXANDER FARMS MU, LLC ("PETITIONER") AS REZONING PETITION #REZ 08-17 FOR THE APPROXIMATELY 54.71 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS ALEXANDER FARMS (THE "PROJECT") AND OTHER SITE PLAN INFORMATION SUBMITTED TO THE TOWN OF CORNELIUS ON OCTOBER 2, 2017 (THE "FILING DATE"), LAST REVISED August 19, 2020 (THE "REZONING PLAN") IN CONNECTION WITH PARCEL NUMBERS 00511105, 00511106, AND 00541108 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM THE NMX NEIGHBORHOOD MIXED-USE ZONING DISTRICT AND THE NR (NEIGHBORHOOD RESIDENTIAL) ZONING DISTRICT TO CZ PURSUANT TO THE PROVISIONS OF THE TOWN OF CORNELIUS LAND DEVELOPMENT CODE (THE "ORDINANCE").
2. DEVELOPMENT STANDARDS. DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE FILING DATE. UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE FILING DATE GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
3. SCHEMATIC NATURE OF REZONING PLAN. THE LOTS AND PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS OF LOTS AND BUILDINGS (INCLUDING PARKING GARAGES) MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS THE MINIMUM ZONING ORDINANCE STANDARDS ARE MET.
4. PHASING. THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN WILL LIKELY BE PHASED. ANY PROPOSED PHASING MUST ALIGN WITH REQUIRED TIA IMPROVEMENTS (IF PHASED); PROVIDED, HOWEVER, A) ANY MITIGATION REQUIRED BY NCDOT MAY BE COORDINATED WITH NCDOT WITHOUT ALIGNING TO PHASING; B) SEQUENCING OF CONSTRUCTION TO MINIMIZE DISRUPTION OF OPERATIONS IS PERMITTED; AND C) SO LONG AS THE PROJECT AS A WHOLE COMPLIES WITH THE REQUIREMENTS OF THE ORDINANCE, EACH PHASE OR SEQUENCE OF IMPROVEMENTS WITHIN THE PROJECT IS NOT REQUIRED TO MEET ALL ORDINANCE REQUIREMENTS. UTILITIES AND INFRASTRUCTURE MAY BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED. GRADING OF THE PROPERTY MAY BE COMPLETED PER PHASE OF THE DEVELOPMENT.
5. ORDINANCE MODIFICATIONS AND VESTED RIGHTS. IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE TOWN BOARD OR ANY TEXT AMENDMENT IS REQUESTED BY PETITIONER AND ADOPTED BY THE TOWN BOARD, PETITIONER MAY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES FROM TIME TO TIME, AND WITHOUT PURSUING A REZONING. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPAIR THE PETITIONER'S VESTED RIGHTS. DUE TO THE TIME FRAMES ASSOCIATED WITH PERMITTING AND DEVELOPMENT OF THE PROPERTY ALONG WITH PETITIONER'S SIGNIFICANT FINANCIAL INVESTMENT IN THE PROJECT, THE CZ REZONING DOES NOT HAVE AN EXPIRATION DATE. IN THE EVENT A DEVELOPMENT AGREEMENT IS APPROVED, THE VESTING PERIOD SET FORTH THEREIN SHALL GOVERN THE PROJECT.

6. PERMITTED USES. THE PROPERTY MAY BE DEVELOPED FOR ANY COMMERCIAL, RETAIL AND SERVICE USES PERMITTED BY RIGHT, WITH CONDITIONS AND WITH CONDITIONAL ZONING IN THE NMX DISTRICT AS DEFINED IN THE ORDINANCE AND ALL USES (INCLUDING ACCESSORY USES) SPECIFICALLY SHOWN ON THE PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES; HOWEVER THE SQUARE FOOTAGE OF SUCH USES MAY EXCEED THE RESTRICTIONS OF SUCH ZONING CLASSIFICATION PROVIDED TRIP GENERATION FOR USES SHALL BE AT OR BELOW THE TOTAL TRIP GENERATION FOR THE DEVELOPMENT AS UTILIZED IN THE TRAFFIC IMPACT STUDY. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES. UP TO TWO DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE. DRIVE-THROUGH USES AND FACILITIES ARE PERMITTED FOR COMMERCIAL BUILDINGS AS LONG AS THEY MEET THE STANDARDS OF THE ORDINANCE AND SHALL BE REVIEWED ADMINISTRATIVELY TO CONFIRM COMPLIANCE WITH ORDINANCE REQUIREMENTS. RESIDENTIAL USES SHALL BE PERMITTED AS SHOWN ON PLAN, WITH ANY MODIFICATIONS PERMITTED BY THE ORDINANCE.
7. ACCESS. THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE. TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS. ACCESS SHALL BE PROVIDED AS SHOWN ON THE REZONING PLAN AND IN ACCORDANCE WITH THE PROVISIONS OF THAT ONE CERTAIN DEVELOPMENT AGREEMENT, APPROVED OF EVEN DATE HERewith. ALTERNATIVES TO THE DESIGN OF ACCESS SHOWN ON THE REZONING PLAN MAY BE PROVIDED IF APPROVED BY NCDOT.
8. SUBDIVISION. THE PROPERTY IS ONE DEVELOPMENT AND MAY BE SUBDIVIDED WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE LAW. HOWEVER, RECOMBINATION, CONDOMINIUMIZATION, OR REDUCTION OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE. REQUIREMENTS THAT ARE MET BY THE PROJECT AS A WHOLE, SUCH AS OPEN SPACE, TREE SAVE AND IMPERVIOUS REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.
9. STREET IMPROVEMENTS. PETITIONER SHALL NOT BE REQUIRED TO INSTALL SIDEWALKS, STREET TREES, PLANTING STRIPS, BICYCLE LANES OR OTHER STREET IMPROVEMENTS AS A CONDITION OF THE APPROVAL OF THIS REZONING PLAN EXCEPT AS SPECIFICALLY SHOWN ON THE REZONING PLAN AND AS REQUIRED BY THE ORDINANCE, SUBDIVISION ORDINANCE, APPLICABLE CORNELIUS/NCDOT TIA, OR DRIVEWAY PERMIT REQUIREMENTS. PUBLIC STREETS MAY BE EXEMPT FROM STORMWATER CALCULATIONS PER THE ORDINANCE AT THE ELECTION OF PETITIONER.
10. BUFFERS/LANDSCAPING. BUFFER YARDS SHALL BE NATURAL, UNDISTURBED WOODED AREAS WHEN FEASIBLE AND SHALL COUNT TOWARD THE PROVISION OF OPEN SPACE FOR THE DEVELOPMENT WHERE THE BUFFER IS NOT PLATTED AND MADE PART OF AN INDIVIDUAL PRIVATELY OWNED LOT. ALL BUFFERS ARE TO BE LOCATED IN COMMON OPEN SPACE AND TO BE MAINTAINED BY A PROPERTY OWNERS ASSOCIATION OR OWNER. GRADING AND INSTALLATION OF UTILITIES SHALL BE PERMITTED IN PERIMETER BUFFERS ALONG THE PROJECT'S BOUNDARIES. AREAS OF THE PERIMETER BUFFER AND LANDSCAPED AREA THAT ARE DISTURBED SHALL BE REPLANTED ACCORDING TO STANDARDS OUTLINED IN THE ORDINANCE. TO THE EXTENT SHOWN ON THE REZONING PLAN, APPURTENANT EASEMENT AREAS MAY BE INCLUDED IN THE CALCULATION OF OPEN SPACE, REQUIRED TREE SAVE FOR THE DEVELOPMENT (ONLY IF EASEMENT AREAS INCLUDE TREES THAT CAN BE SAVED) AND OTHER DEVELOPMENT REQUIREMENTS.
11. AMENDMENT. IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT CONSTITUTES A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE PROPERTY OWNED BY SUCH OWNER. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAT WHEN RECORDED.
12. STORMWATER ELEMENTS. BUILT-UPON AREAS ARE DETERMINED IN ACCORDANCE WITH THE ORDINANCE.
13. LOADING AREAS AND TRASH RECEPTACLES. LOADING AREAS SHOWN ARE CONCEPTUAL IN NATURE AND WILL BE DETERMINED DURING CONSTRUCTION DOCUMENTATION. CONTAINMENT AREAS SHOWN ARE CONCEPTUAL AND WILL COMPLY WITH THE ORDINANCE'S SCREENING REQUIREMENTS.
14. BICYCLE PARKING. BICYCLE PARKING WILL BE DETERMINED DURING CONSTRUCTION DOCUMENTATION AND WILL BE COMPLIANT WITH THE ORDINANCE.
15. COMMUNITY MAIL. FINAL LOCATIONS AND SIZES WILL BE DETERMINED DURING CONSTRUCTION DOCUMENTATION.
16. DESIGN ELEMENTS. TOWN BOARD APPROVAL OF THIS REZONING PETITION, DEVELOPMENT STANDARDS AND REZONING PLAN CONSTITUTES APPROVAL OF ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MODIFICATIONS FROM THE ORDINANCE.

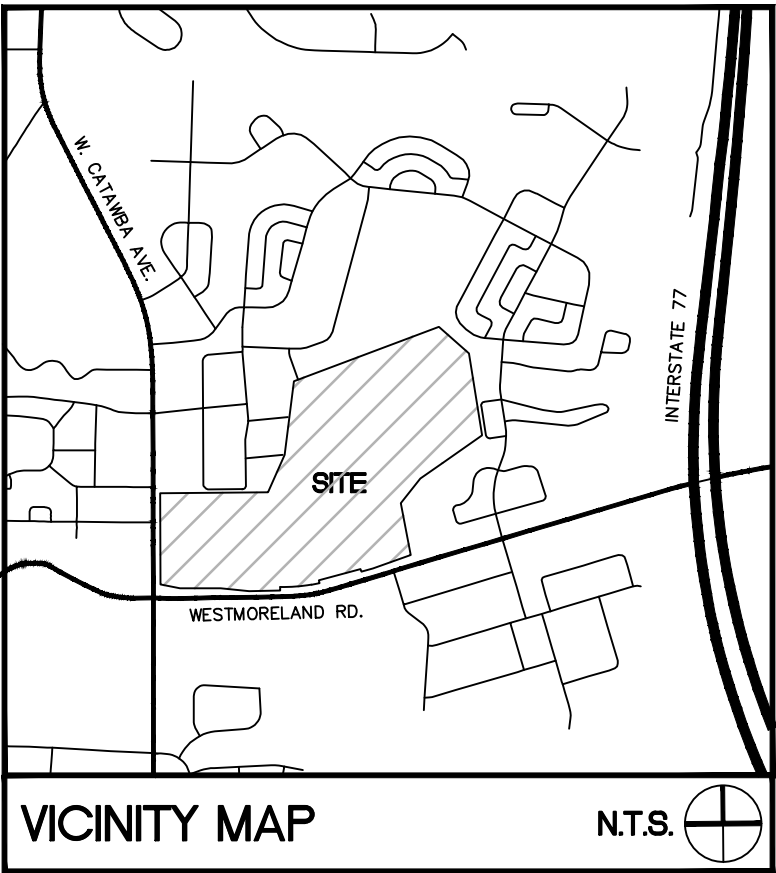
IMPERVIOUS CALCULATIONS	
TOTAL SITE AREA:	±54.71 AC
IMPERVIOUS AREA:	±24.35 AC
PERCENT OF AREA:	44.5%
PERVIOUS AREA:	±30.36 AC
PERCENT OF AREA:	55.5%

ROAD	ROAD FROM	ROAD TO	LENGTH
PUBLIC ROAD A	WESTMORELAND ROAD	EAGLERIDGE WAY LANE EXTENSION	259.16 FT
EAGLERIDGE WAY LANE EXT.	W CATAWBA AVENUE	PUBLIC ROAD A	868.38 FT
EAGLERIDGE WAY LANE EXT.	PUBLIC ROAD A	LOCAL RESIDENTIAL ROAD F	770.61 FT
EAGLERIDGE WAY LANE EXT.	LOCAL RESIDENTIAL ROAD F	WESTMORELAND ROAD	212.65 FT
LOCAL RESIDENTIAL ROAD F	EAGLERIDGE WAY LANE EXT.	LOCAL RESIDENTIAL ROAD E	889.40 FT
LOCAL RESIDENTIAL ROAD E	LOCAL RESIDENTIAL ROAD F	LOCAL RESIDENTIAL ROAD D	268.26 FT
LOCAL RESIDENTIAL ROAD E	LOCAL RESIDENTIAL ROAD D	CALEB JORDAN DRIVE	390.07 FT
LOCAL RESIDENTIAL ROAD D	LOCAL RESIDENTIAL ROAD E	LOCAL RESIDENTIAL ROAD A	795.12 FT
LOCAL RESIDENTIAL ROAD D	LOCAL RESIDENTIAL ROAD A	LOCAL RESIDENTIAL ROAD C	266.09 FT
LOCAL RESIDENTIAL ROAD D	LOCAL RESIDENTIAL ROAD C	WESTERN PROPERTY BOUNDARY	266.92 FT
LOCAL RESIDENTIAL ROAD A	LOCAL RESIDENTIAL ROAD D	LOCAL RESIDENTIAL ROAD B	496.56 FT
LOCAL RESIDENTIAL ROAD A	LOCAL RESIDENTIAL ROAD B	NORTHERN PROPERTY BOUNDARY	230.28 FT
LOCAL RESIDENTIAL ROAD B	LOCAL RESIDENTIAL ROAD A	LOCAL RESIDENTIAL ROAD C	266.00 FT
LOCAL RESIDENTIAL ROAD B	LOCAL RESIDENTIAL ROAD C	WESTERN PROPERTY BOUNDARY	113.47 FT
LOCAL RESIDENTIAL ROAD C	LOCAL RESIDENTIAL ROAD D	LOCAL RESIDENTIAL ROAD B	289.46 FT



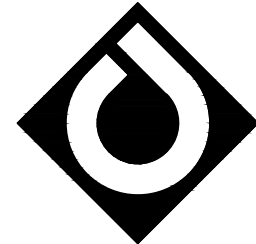
TYPICAL LOT LAYOUT
SCALE: 1"=40'
*TYPICAL LOT SIZE: 41', 51'-53' X 105'-120'
(ALL DIMENSIONS SUBJECT TO VARIATION)

- LOT LAYOUT NOTES
- ALL SIDE YARD CONDITIONS WILL BE 5' MEASURED FROM THE PUBLIC STREET RIGHT-OF-WAY OR ADJACENT LOT LINE.
 - LOT 54 MAY BE USED AS AN AMENITY AREA TO SUPPORT THE RESIDENTIAL SINGLE FAMILY LOT DEVELOPMENT ASSOCIATED WITH THIS PROJECT. SHOULD LOT 54 BE USED AS AN AMENITY AREA THE FOLLOWING SETBACKS SHALL APPLY:
FRONT: 10'
SIDE: 0'
REAR: 3'
 - ALL FRONT-LOADED GARAGE LOTS WILL HAVE A 20' DRIVEWAY PARKING PAD MEASURED FROM THE PUBLIC STREET RIGHT-OF-WAY.
 - ALL FRONT-LOADED GARAGE LOTS MAY INCORPORATE A PORCH THAT ENCLOSES UP TO 8' WITHIN THE FRONT SETBACK.



TRAFFIC IMPROVEMENTS PER TIA

*TRANSPORTATION MODELING TO BE COMPLETED IN CONJUNCTION WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND THE TOWN OF CORNELIUS. THE ONGOING NCDOT FUNDED W CATAWBA AVENUE AND WESTMORELAND ROAD PROJECTS MAY INCLUDE IMPACTS TO THE SITE PLAN AND WILL BE REVISED ACCORDINGLY.



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200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202

PH 704.376.1555 F 704.376.7851
info@colejeneststone.com

ALEXANDER
FARMS MU,LLC

PRINCIPLE OFFICE
2165 LOUISA DRIVE
BELLEAIR BEACH, FL 33786

ALEXANDER
FARMS
REZONING PLAN

8315 WESTMORELAND RD
CORNELIUS, NC 28031

DEVELOPMENT
NOTES

THIS PLAN IS SCHEMATIC IN NATURE AND LOCATIONS OF ROADS, LOTS AND OTHER AREAS AND IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLAN.

Project No.

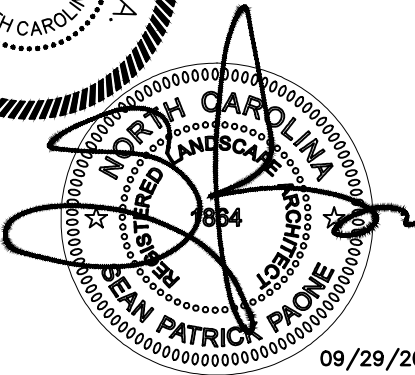
4598

Issued

02/01/19

Revised

01/07/20 – PER CYCLE 1 COMMENTS
05/18/20 – PER CYCLE 2 COMMENTS
06/15/20 – PER CYCLE 5 COMMENTS
07/27/20 – PER CYCLE 6 COMMENTS
08/19/20 – PER CYCLE 7 COMMENTS
09/29/20 – PER PLAN AND NOTE MINOR REVISIONS

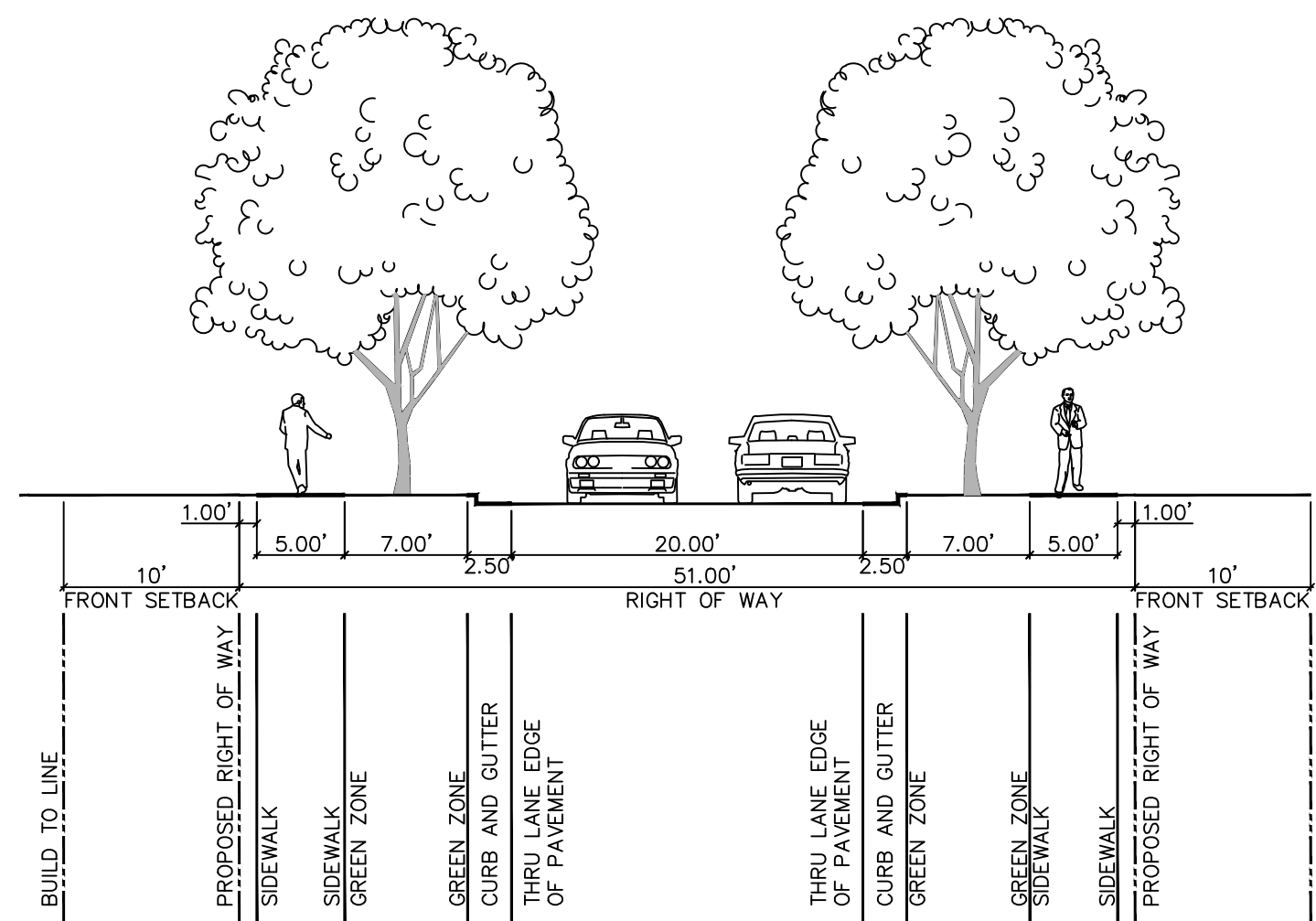


09/29/20

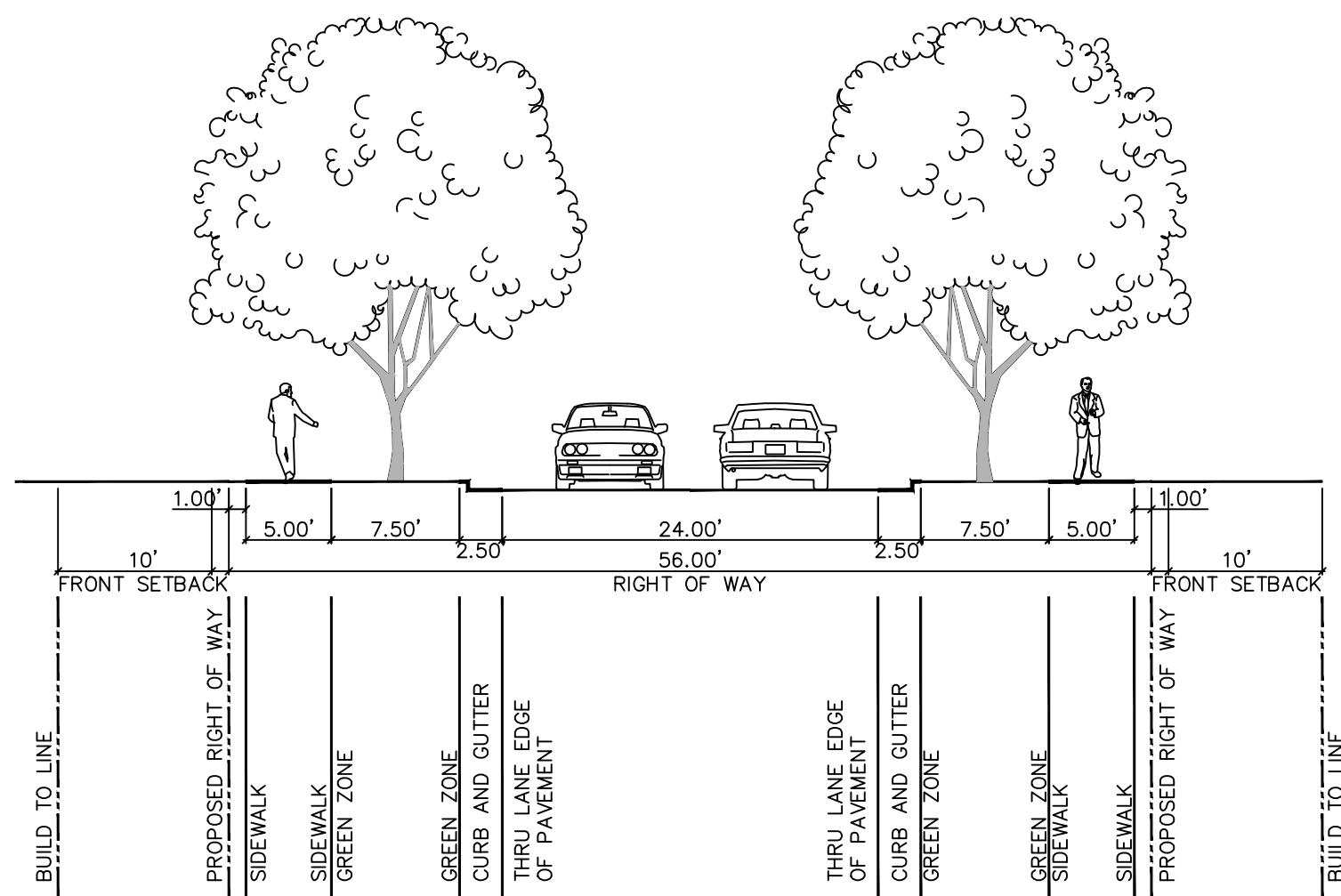
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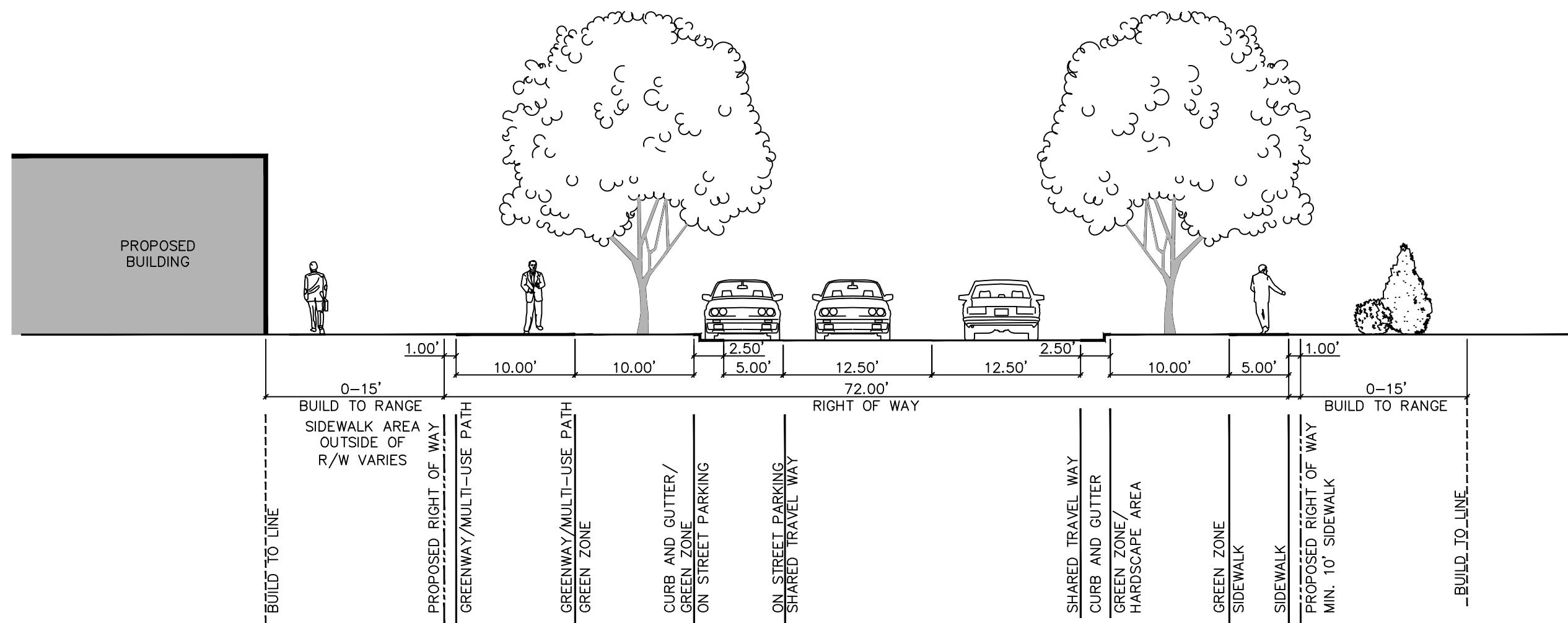
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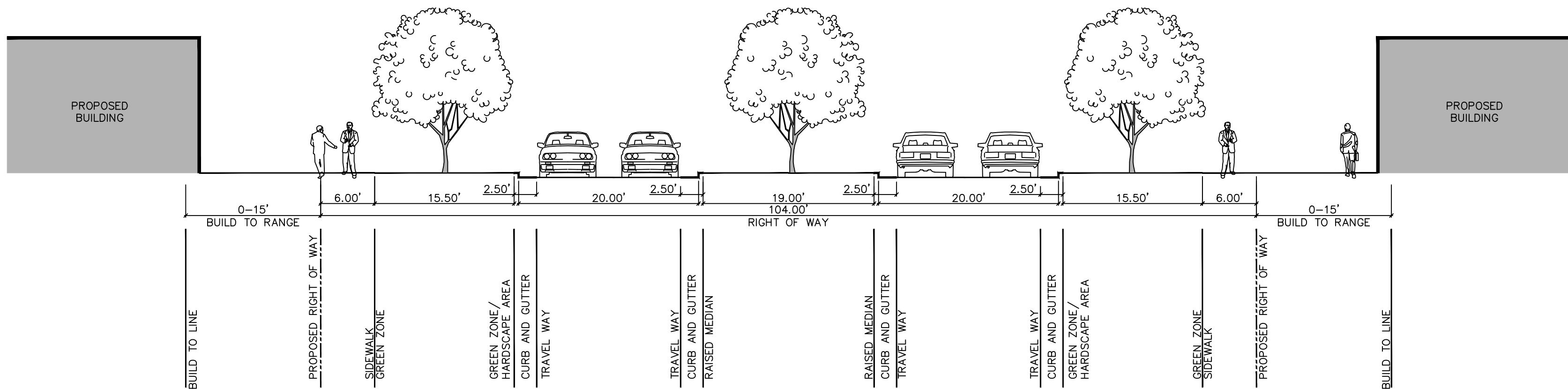
PROPOSED LOCAL RESIDENTIAL STREET
(51' PUBLIC RIGHT-OF-WAY)



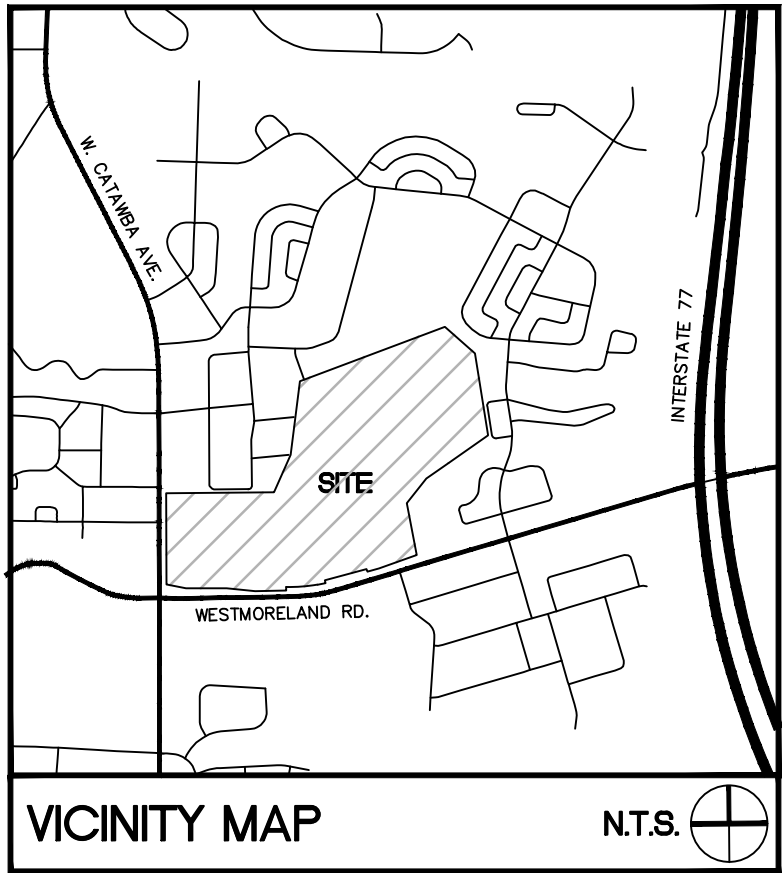
PROPOSED LOCAL RESIDENTIAL STREET
(56' PUBLIC RIGHT-OF-WAY)



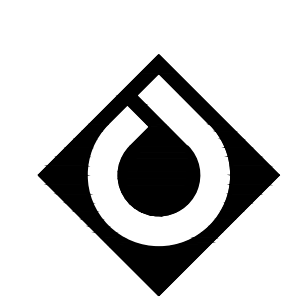
PROPOSED EAGLERIDGE WAY LANE EXTENSION
(72' PUBLIC RIGHT-OF-WAY WITH PARALLEL ON-STREET PARKING)



PROPOSED WESTMORELAND ROAD MEDIAN DIVIDED ENTRANCE ROAD
(104' PROPOSED PUBLIC RIGHT-OF-WAY)



1. SEE SHEET SP-200 FOR CROSS SECTION REFERENCES



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200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
P: 704.376.1555 F: 704.376.7851
info@colejeneststone.com

**ALEXANDER
FARMS MU,LLC**

PRINCIPLE OFFICE
2165 LOUISA DRIVE
BELLEAIR BEACH, FL 33786

ALEXANDER FARMS REZONING PLAN

8315 WESTMORELAND RD
CORNELIUS, NC 28031

STREET SECTIONS

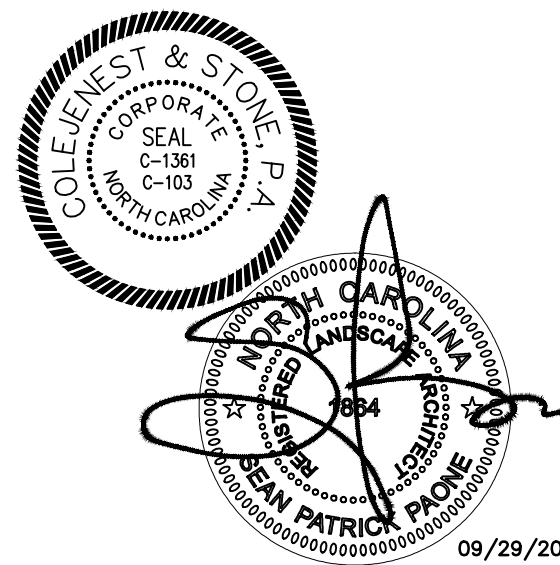
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4598

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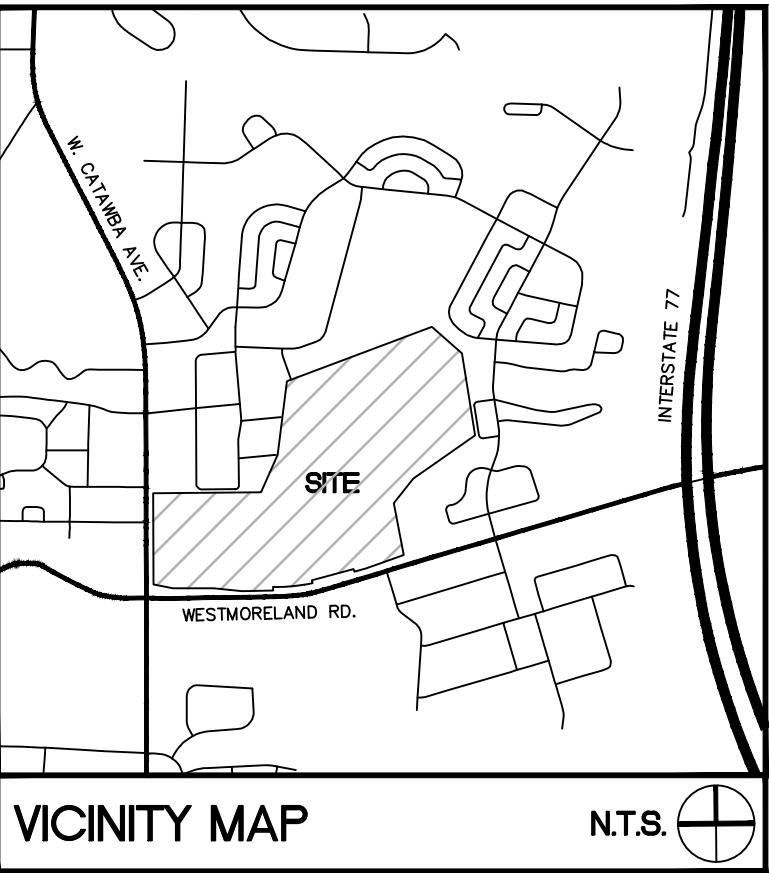
01/07/20 - PER CYCLE 1 COMMENTS
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09/29/20 - PER PLAN AND NOTE MINOR REVISIONS



SP-202

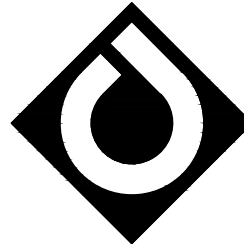
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SUMMARY

CURRENT ZONING			
PARCEL 00541108:	NR	±15.90 ACRES	
PARCEL 00511106:	NR	±15.25 ACRES	
PARCEL 00511105:	NMX	±23.56 ACRES	
PROPOSED ZONING			
PARCEL 00541108	CZ		
PARCEL 00511106	CZ		
PARCEL 00511105	CZ		
TOTAL ACRES:		±54.71 ACRES	
<div></div> PROJECT BOUNDARY			



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200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7851
url+ www.colejeneststone.com

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2165 LOUISA DRIVE
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ALEXANDER
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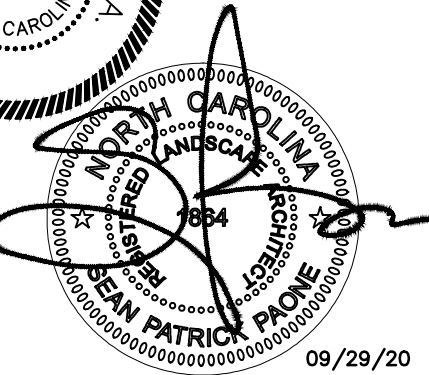
ZONING
MAP

Project No.
4598

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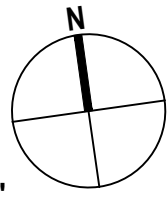
Revised

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09/29/20

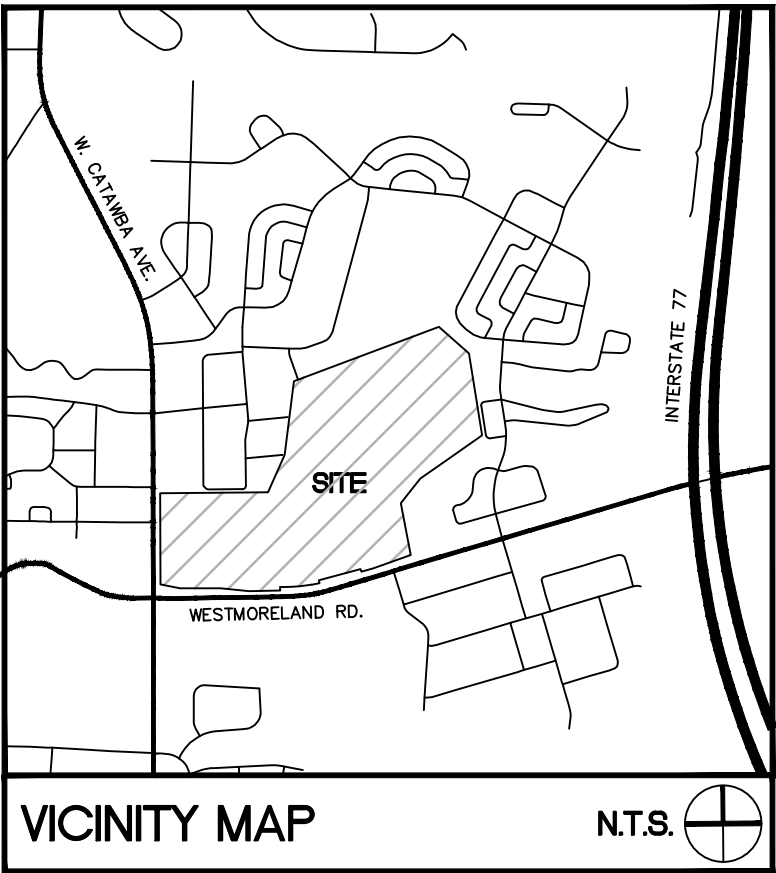
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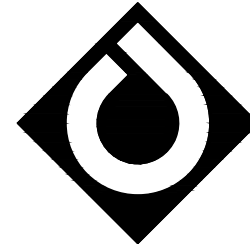
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LEGEND		DETAIL
	PROPOSED CONTOUR	-/-
	PROPOSED INDEX CONTOUR	-/-
	PROPOSED SPOT ELEVATION	-/-



**ColeJenest
& Stone**

Shaping the Environment
Realizing the Possibilities

Land Planning
+
Landscape Architecture
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Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7851
url+ www.colejeneststone.com

ALEXANDER FARMS MU, LLC

PRINCIPLE OFFICE
2165 LOUISA DRIVE
BELLEAIR BEACH, FL 33786

ALEXANDER FARMS REZONING PLAN

8315 WESTMORELAND RD
CORNELIUS, NC 28031

PRELIMINARY GRADING PLAN

THIS PLAN IS SCHEMATIC IN NATURE AND
LOCATIONS OF ROADS, LOTS AND OTHER
AREAS AND IMPROVEMENTS ARE SUBJECT TO
FINAL DETERMINATION ON PRELIMINARY AND
FINAL PLAN.

Project No.

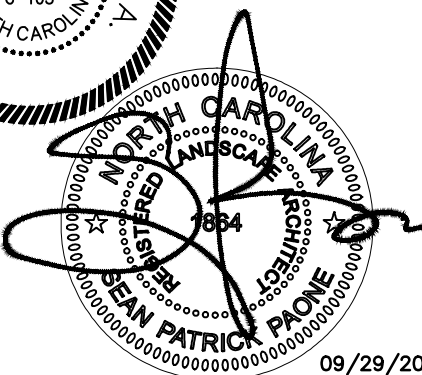
4598

Issued

02/01/19

Revised

01/07/20 - PER CYCLE 1 COMMENTS
05/18/20 - PER CYCLE 2 COMMENTS
06/15/20 - PER CYCLE 5 COMMENTS
07/27/20 - PER CYCLE 6 COMMENTS
08/19/20 - PER CYCLE 7 COMMENTS
09/29/20 - PER PLAN AND NOTE MINOR
REVISIONS

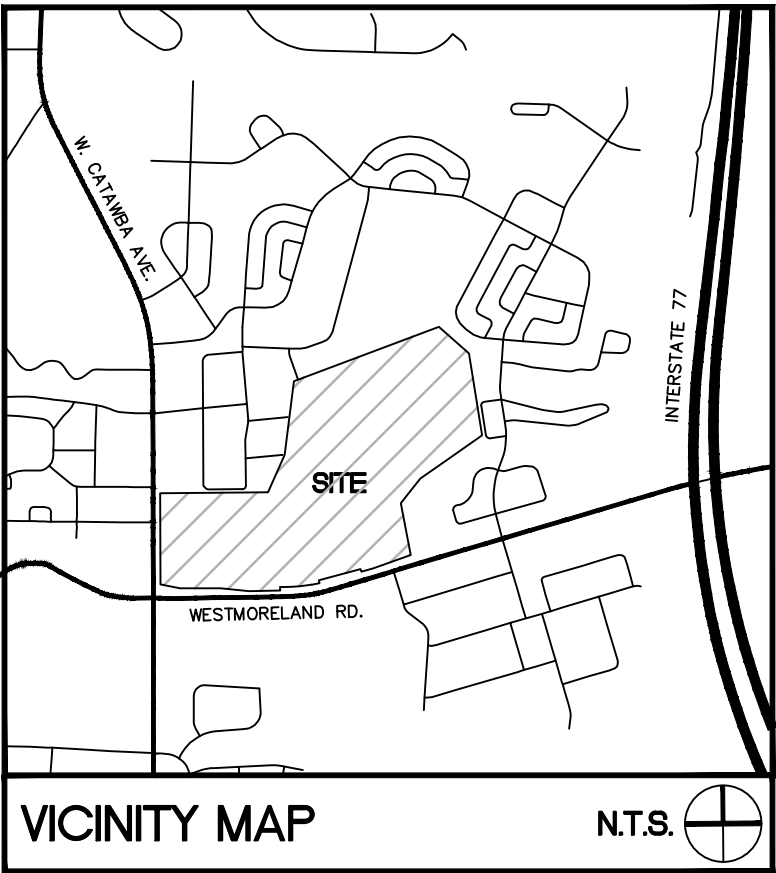
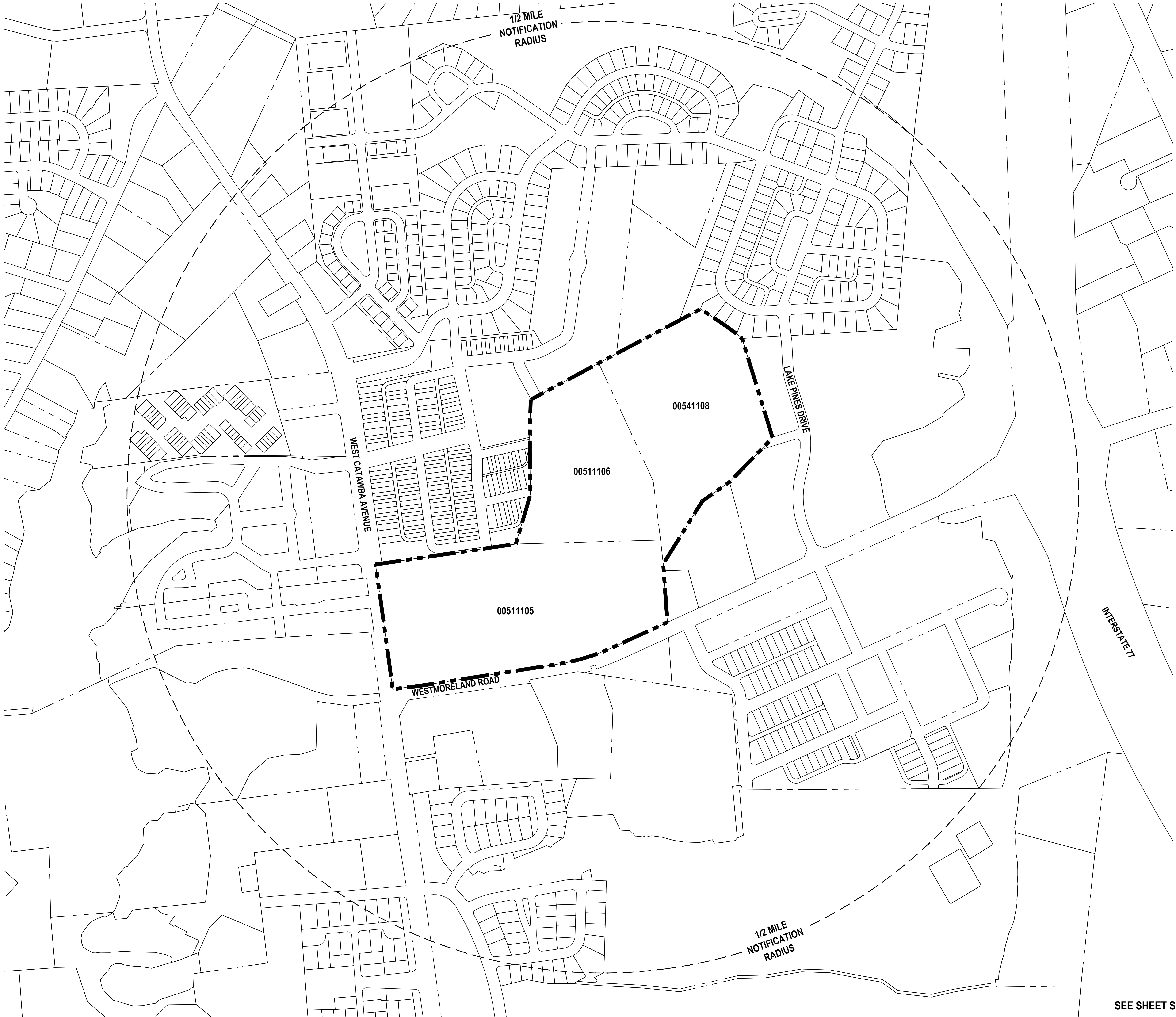


SCALE: 1"=100'
0 50' 100' 200'

SP-300

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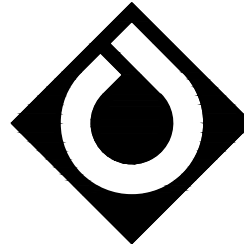


SUMMARY

CURRENT ZONING			
PARCEL 00511105:	NMX	±23.56 ACRES	
PARCEL 00511106:	NR	±15.25 ACRES	
PARCEL 00541108:	NR	±15.90 ACRES	
PROPOSED ZONING			
PARCEL 00511105:	CZ	±23.56 ACRES	
PARCEL 00511106:	CZ	±15.25 ACRES	
PARCEL 00541108:	CZ	±15.90 ACRES	
TOTAL ACRES:		±54.71 ACRES	

NOTES

1. ALL ACREAGES ARE SUBJECT TO VARIATION UPON FINAL SURVEY INFORMATION.



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**ALEXANDER
FARMS
REZONING PLAN**

8315 WESTMORELAND RD
CORNELIUS, NC 28031

**ADJACENT
PARCEL
MAP**

Project No.

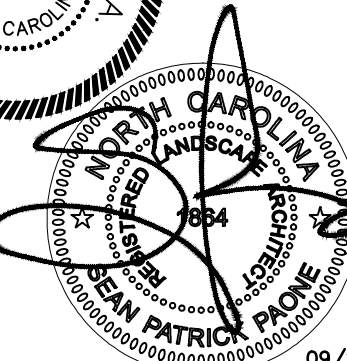
4598

Issued

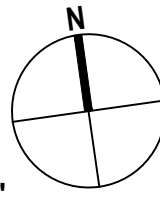
02/01/19

Revised

01/07/20 – PER CYCLE 1 COMMENTS
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06/15/20 – PER CYCLE 5 COMMENTS
07/27/20 – PER CYCLE 6 COMMENTS
08/19/20 – PER CYCLE 7 COMMENTS
09/29/20 – PER PLAN AND NOTE MINOR REVISIONS



SCALE: 1"= 250'
0 125' 250' 500'

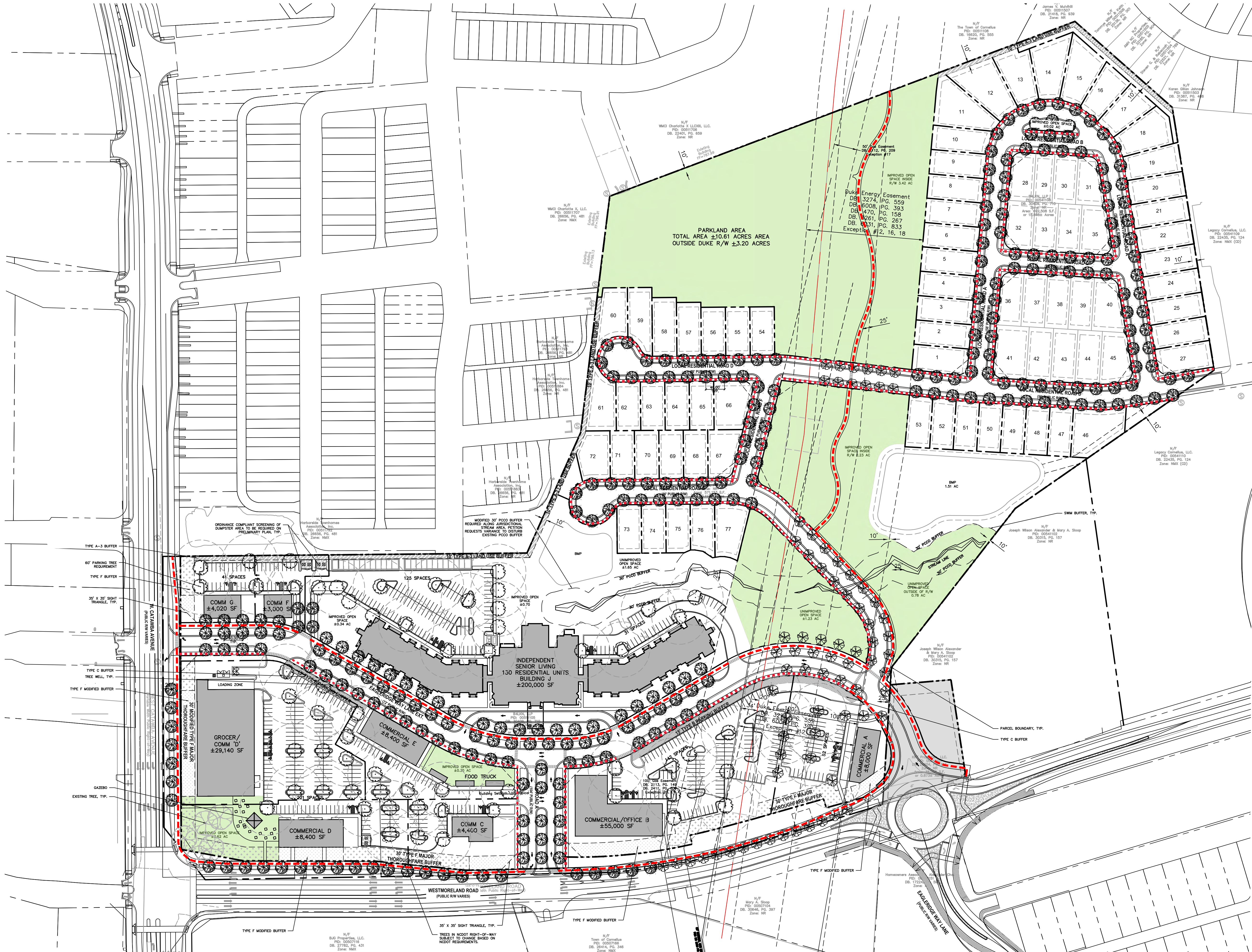


SP-500

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SEE SHEET SP-501 FOR ADJACENT OWNER INFORMATION

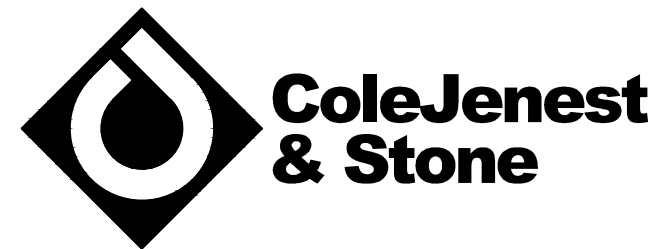


- PEDESTRIAN SIDEWALK
- MULTI-PURPOSE PATHWAY
- LANDSCAPED BUFFER: TYPE F
- LANDSCAPED BUFFER: TYPE F - MODIFIED
- LANDSCAPED BUFFER: TYPE A-3
- LANDSCAPED BUFFER: TYPE B

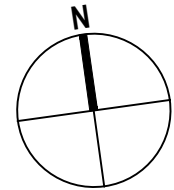
BUFFER AREA CALCULATIONS	
TOTAL LINEAR FEET OF BUFFER:	4,620 LF
30' TYPE F MAJOR THOROUGHFARE:	1,982 LF
10' TYPE A LAND USE BUFFER:	1,900 LF
15' TYPE C PARKING BUFFER:	738 LF

MULTI-PURPOSE PATHWAY/ SIDEWALK	
TOTAL LINEAR FEET OF PEDESTRIAN PATHWAY:	14,796 LF

OPEN SPACE CALCULATIONS	
TOTAL SITE AREA:	±54.71 AC
TOTAL OPEN SPACE:	670,388 SF = ±15.39 AC
BMP AREA	168,141 SF = ±3.86 AC
PARK AREA	
OUTSIDE DUKE RIGHT-OF-WAY	216,058 SF = ±4.96 AC
WITHIN DUKE RIGHT-OF-WAY	246,114 SF = ±5.65 AC
TOTAL	462,171 SF = ±10.61 AC
FOOD TRUCK PLAZA	13,068 SF = ±0.30 AC
WESTMORELAND-CATAWBA PLAZA:	27,007 SF = ±0.62 AC



ALEXANDER FARMS WIN DEVELOPMENT





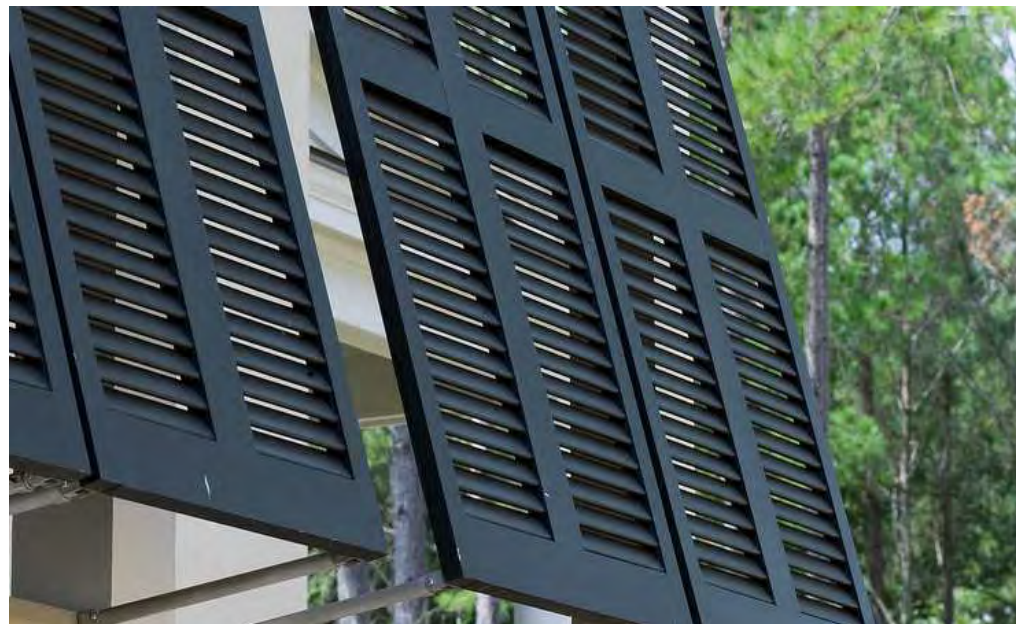
Alexander Farms

Taking
inspiration
from this
property's rural
history





utilizing authentic materials and textures



with recognized profiles and details



Introducing **R**ustic **M**odern **A**mericana



creating contemporary structures with
traditional materials and massing



taking cues from North
Carolina iconic hotels



promoting community
exchange & activity



while still providing
quality convenience



Proposed Design Theme Applications For Alexander Farms



Commercial Area Site Plan



West Catawba Ave Entrance



Village Main Street at Commercial G & F



Village Main Street at Commercial E



Village Main Street at Commercial E Veranda



Food Trucks

Pavilions

Food Truck Plaza

Pristine Lawn

Raised Planters

Trellis & Swinging Benches

Village Green



Village Green Looking from Commercial E



Village Green Looking towards Commercial E



Food Truck Pavilions



Food Truck Plaza



Food Truck Plaza



Birdseye of Village Green Looking towards W Catawba



Corner of W Catawba & Westmoreland



WESTMORELAND RD

W CATAWBA AVE

Corner Tree Plaza



Corner Tree Plaza



Corner Tree Plaza Looking From Grocer



Birdseye at Corner of W Catawba and Westmoreland



Commercial C



Commercial D



Commercial E



Grocer



Grocer Looking from Westmoreland Ave



Commercial F



Commercial G



Independent Senior Living



Westmoreland Main Entrance



Westmoreland Traffic Circle Entrance



Residential Neighborhood Entrance





Alexander Farms



**ColeJenest
& Stone**



Alexander Farms
MU, LLC



bartlett hartley & mulkey



REZ 08-17
Alexander Farm

Conditional Zoning Request

Town Board -- September 21, 2020

APPLICANT: Alexander Farms MU, LLC
2165 Louisa Drive
Bellair Beach, FL 33786

AGENT: ColeJenest & Stone, P.A.
200 South Tryon Street, Suite 140
Charlotte, NC 28202

PROPERTY LOCATION: Northeastern quadrant of West Catawba Avenue (SR 5544) at
Westmoreland Road (SR 2147)
PID#: 00511105, 00511106, 00541108

PROPERTY SIZE: 54.71 acres

CURRENT LAND USE: Vacant

PROPOSED LAND USE: Commercial, Multi-Family Residential, Single Family Residential,
Park, and Greenways.

EXISTING ZONING: Neighborhood Mixed Use (NMX), Neighborhood Residential (NR)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

1. *Description of Adjoining Zoning and Land Uses* – This property is comprised of three parcels. Southwest Parcel 00511105 has road frontage along West Catawba Avenue (SR 5544) to the west and Westmoreland Road (SR 2147) to the south. Parcel 00511106 is the center parcel with possible connectivity available at Caleb Jordan Drive, Lake Breeze Drive, and/or Ragtop Day Lane. Parcel 00541108 is the northeast parcel with possible connectivity at Chagrins Drive.

Surrounding properties include to the northwest/north the Harborside Commons subdivision, to the north a vacant lot owned by the Town of Cornelius, to the north/northeast the Westmoreland subdivision, and to the east the Legacy Cornelius subdivision. Additionally, along Westmoreland Road is a single family residential parcel at 8623 Westmoreland and the Vanderbilt Children's College development at 8715 Westmoreland.

These parcels per the Town of Cornelius Land Use Plan are listed as To Be Determined (TBD). Surrounding parcels are identified as Medium Density Residential, Public Parks and Open Space, and Highway Commercial.

2. Topography – The property has sloping terrain that includes a post-construction buffer along the interior wetlands of the acreage running west to east.
3. Vegetation – Parcels consist of farmland, vegetated buffers, and woodlands.
4. Infrastructure – Currently, water and sewer access are available. On December 12, 2018, and on July 13, 2020, Charlotte Water issued a Willingness to Serve.

The traffic impact analysis (TIA) has been completed for this project and addresses transportation infrastructure details.

STAFF COMMENTS:

1. Project Overview – The applicant is proposing demolition of current structures to construct a development consisting of commercial (including grocery, office, bank, and restaurant), age-restricted multi-family residential, and single-family residential with commercial and multi-family housing on Parcel 00511105 and single-family housing and open space on Parcels 00511106 and 00511108.

Running west to east on the parcels are wetlands that have a post-construction buffer. North to south are a Duke Energy easement and a Piedmont Natural Gas easement. Parcels are within the Mountain Island Watershed Protected Area.

This project will be impacted by NCDOT projects including U-5108 Northcross Drive Extension and R-2555B West Catawba Avenue Phase II. Westmoreland Road is a projected project to be determined. The traffic impact analysis (TIA) on this site has been completed.

The development summary of the preliminary plan calls for mixed building heights, 77 single-family detached lots, 130 multi-family units, and approximately 120,360 square feet of commercial development to be constructed from 2021-2023. The development is listed as high density with a 3.2 acre park (outside Duke Energy right-of-way).

2. History – This acreage historically has been a residence, farm, and woodlands.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014, designates this property as To Be Determined (TBD).
4. Pre-Development Review Committee – The sketch plan was presented to the PDRC June 19, 2018; July 15, 2019; and March 3, 2020.
5. Community Meeting – The applicant held the required community meeting on July 17, 2019, between 6:00 pm and 7:30 at Town Hall. Forty-five persons signed in, and comments were varied.
6. Architectural Review Board – The applicant presented to ARB on August 23, 2019. ARB recommended some changes to the architecture and that the applicant present again at a future date.
7. Transportation Advisory Board – The Transportation Advisory Board reviewed the rezoning application January 29, 2019 and September 1, 2020.

8. Town Board Public Hearing #1 – The project was presented to the Town Board on August 5, 2019.
9. Planning Board – The applicant has presented the concept to Planning Board on June 29, 2020. The Planning Board tabled this project at the August 10, 2020, meeting until August 24, 2020 where the full proposal was presented and approved with conditions.
10. Town Board Public Hearing #2 – The Town Board conducted Public Hearing #2 on September 21, 2020.

RECOMMENDATION:

The Planning Board and Staff recommend approval of the project subject to the following conditions:

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. The applicant shall be responsible for completing any roadway improvements, on site and off site, per the approved Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, as required by NCDOT. The applicant shall provide a fee in lieu for public sidewalks on the east side West Catawba Avenue and north of Westmoreland road along the frontage of the site. The applicant shall be responsible for the construction of sidewalks that are not included in the planned NCDOT improvement projects.
 - a. Applicant shall coordinate with the NCDOT during construction document approval(s) for a phasing analysis to determine interim improvement timelines. All interim improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document phase of the Project. The TIA recommendations include:

- Applicant shall restripe southbound left turn on West Catawba (SR 5544) between Harborside Drive and Village Harbor Drive with storage as required by NCDOT.
 - Applicant shall construct a right turn lane on SR 5544 at Village Harbor Drive onto proposed Eagleridge Way Lane Extension intersection.
 - Internal protected storage to the site including a 550' internal protected stem on Eagleridge Way Lane shall be constructed by the applicant.
 - Applicant shall coordinate improvements at Westmoreland Road (SR 2147) and the entrance to the Westmoreland Athletic Complex, including right-in right-out for driveways on both sides of Westmoreland Road and channelization that will provide a left turn lane into the Westmoreland Athletic Complex. This intersection design will prohibit left turns into the proposed development. The intersection design and detail will meet NCDOT requirements. The applicant will be responsible for the design and construction as required by NCDOT.
 - Applicant shall coordinate with NCDOT for the roundabout or approved interim driveway configuration and associated improvements on SR 2147, the acquisition of Eagleridge Way land, and the proposed Eagleridge Way Lane Extension Intersection.
 - Applicant shall construct on SR 2147 at Statesville Road (US 21) a 400' right turn lane as required by NCDOT.
 - Applicant shall coordinate with NCDOT on restriping and extending the existing EB turn lane at SR 2147 (Westmoreland Road) and Washam Potts Road (SR 2600).
- b. Applicant shall coordinate with the NCDOT on a phasing analysis to determine permanent (2040 TIP Design Year) improvement timelines. All permanent improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document and driveway permit approval process. The TIA recommendations include:

SR-5544 (West Catawba Av) @ Village Harbor Drive & Proposed Eagle Ridge Way

- **Proposed Eagleridge Way Ln Ext**
 - Two-lane cross section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 550' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Athletic Complex & Proposed Road A Intersection

Widen Westmoreland Road to a four-lane section (i.e. two-lanes in either direction) between West Catawba Avenue and the roundabout at Eagle Ridge Way Lane.

- **EB SR-2147 (Westmoreland Road)**
 - Restripe Right-Turn Lane to Thru/Right Lane and extend Eastward to Eagleridge Way Ln (as part of 4-laning described above)
- **WB SR-2147 (Westmoreland Rd)**
 - Restripe Separate Right-Turn Lane to Thru/Right Lane and Extend Westward to SR-5544 (West Catawba Av) (as part of 4-laning described above)

- **SB Proposed Road A**
 - Two-lane cross-section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 175' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Eagleridge Way Ln & Proposed Eagleridge Way Ln Ext Intersection

- **EB SR-2147 (Westmoreland Rd)**
 - Restripe Left Thru Lane into Left/Thru/U-Turn Lane
 - Terminate Right Thru Lane into Right-Turn Lane
- **WB SR-2147 (Westmoreland Rd)**
 - Restripe Left-Turn Lane to 150' Left/Thru Lane
 - Restripe Thru Lane to Thru/Right Lane
- **NB Eagleridge Way Ln**
 - Restripe Left/Thru Lane to Left Turn Lane
 - Restripe Right-Turn Lane to 225' Left/Thru/Right Lane
- **SB Proposed Eagleridge Way Ln Ext**
 - Three-Lane cross-section: one ingress, one egress
 - Egress: Left/Thru Lane and 100' Right-Turn Lane
 - Maximize 300' Internal Protected Stem

6. If phasing is proposed, all phases must touch public streets in order to provide public access.
7. Residential Street D shall have pavement connect to pavement within public street Chagrin Drive prior to recording a plat or the issuance of a certificate of occupancy related to residential street D.
8. The applicant shall make a reasonable effort to acquire property necessary to connect the proposed Eagle Ridge Way Extension to Westmoreland Road. If the applicant is not able to acquire the necessary property for fair market value, the Town will provide coordination and assistance. The applicant shall be required to reimburse the Town for all costs incurred by the Town through its coordination and assistance in acquiring necessary right-of-way. This reimbursement shall occur before construction document approval and before any final plat approval.
9. The applicant will be responsible for completing all improvements proposed within the new right-of-way for Eagle Ridge Way Extension prior to the issuance of any certificate of occupancy.
10. All infrastructure, pavement markings, crosswalks, and landscaping shown or required must be installed or guaranteed prior to recording a plat or the issuance of a certificate of occupancy, whether entire plan or per phase as decided by applicant.
11. The applicant shall construct a 10' multi-use path designed with Town approval on the north side of Residential Street E to connect the proposed greenway to the Eagle Ridge Way Lane extension prior to recording a plat or the issuance of a certificate of occupancy.
12. The applicant shall construct the proposed greenway shown within the park land area.

13. All Land Development Code and site requirements will be required to be installed or guaranteed either for the entire property or for any approved phasing/plat that may be requested and considered by the Town.
14. All areas shown as park land whether inside or outside utility rights-of-way and easements shall be transferred and deeded to the Town in a manner acceptable to the Town prior to recording a plat or the issuance of a certificate of occupancy.
15. Uses shown and listed on this approved plan are the only uses permitted in the Conditional Zone. Any other uses would require an amendment to this Conditional Zone through the CZ zoning process. Additionally, any other uses may not exceed the trip generation as outlined in the Traffic Impact Analysis.
16. The Type A-3 landscape buffers adjoining the Westmoreland and Harborside communities shall be installed in accordance with the cross sections agreed upon by the neighboring property owners.

Lori Harrell

From: Adeliade Foxworth <adeliade.foxworth@yahoo.com>
Sent: Tuesday, September 22, 2020 4:57 PM
To: Town of Cornelius
Subject: Alexander Farm

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

I think that Cornelius should limit the size of this development to a third of what is proposed. There isn't enough space, road space and access to a development this large. I think that Cornelius is over developing, we don't have the streets or space to accommodate this level of development. Davidson manages its development very closely but Cornelius I think is over developing. There is too much traffic and only Catawba and Sam Furr to support it. Alexander Farm, I think is too large for the space and roads.

Adeliade Foxworth

Sent from my iPad

Lori Harrell

From: Andrea M DuPont <andreamik@aol.com>
Sent: Tuesday, September 22, 2020 5:57 PM
To: Town of Cornelius
Subject: alexander Farms

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

Please stop building for now - this area is too congested and the town has been very careless with growth. This area has not changed for the better. There will be no undeveloped land left .

Andrea

Lori Harrell

From: Gary Taylor <taylor.garyr@gmail.com>
Sent: Wednesday, September 23, 2020 8:12 AM
To: Town of Cornelius
Subject: Alexander Farm Project

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

I live in Village Harbor and in general do not oppose development. However I believe we have reached a difficult time. Not the fault of the City, developers or land owners but the problem remains. The City should freeze all new development until the state and NCDOT gets their act together and lays out a serious plan and timeline to upgrade the roads to handle the growth. A vote to freeze growth and apply pressure to the state is not to oppose growth but support intelligent growth. Thanks

Thanks,
Gary R. Taylor
704-533-6681

AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP

REZ 08-17 Alexander Farm

WHEREAS, the Town of Cornelius has received an application requesting that the zoning classification of parcels of land subject to the zoning regulations of the Town be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

WHEREAS, property owners contiguous to the subject parcels have been notified by first class mail of the public hearing on the question of the reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Board of Commissioners of the Town of Cornelius.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS THAT:

Tax Parcel Numbers 00511105, 00511106, 00541108 consisting of approximately 54.71 acres located at the northeastern quadrant of West Catawba Avenue (SR 5544) at Westmoreland Road (SR 2147), be reclassified as *Conditional Zoning (CZ) District* as shown on *Exhibit A* and as further subject to the conditions shown on *Exhibit B* attached hereto and incorporated herein by reference.

Adopted this the 5th day of October, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

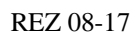


Exhibit B

Conditions of REZ 08-17

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. The applicant shall be responsible for completing any roadway improvements, on site and off site, per the approved Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, as required by NCDOT. The applicant shall provide a fee in lieu for public sidewalks on the east side West Catawba Avenue and north of Westmoreland road along the frontage of the site. The applicant shall be responsible for the construction of sidewalks that are not included in the planned NCDOT improvement projects.
 - a. Applicant shall coordinate with the NCDOT during construction document approval(s) for a phasing analysis to determine interim improvement timelines. All interim improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document phase of the Project. The TIA recommendations include:
 - Applicant shall restripe southbound left turn on West Catawba (SR 5544) between Harborside Drive and Village Harbor Drive with storage as required by NCDOT.
 - Applicant shall construct a right turn lane on SR 5544 at Village Harbor Drive onto proposed Eagleridge Way Lane Extension intersection.
 - Internal protected storage to the site including a 550' internal protected stem on Eagleridge Way Lane shall be constructed by the applicant.
 - Applicant shall coordinate improvements at Westmoreland Road (SR 2147) and the entrance to the Westmoreland Athletic Complex, including right-in right-out for driveways on both sides of Westmoreland Road and channelization that will provide a left turn lane into the Westmoreland

Athletic Complex. This intersection design will prohibit left turns into the proposed development. The intersection design and detail will meet NCDOT requirements. The applicant will be responsible for the design and construction as required by NCDOT.

- Applicant shall coordinate with NCDOT for the roundabout or approved interim driveway configuration and associated improvements on SR 2147, the acquisition of Eagleridge Way land, and the proposed Eagleridge Way Lane Extension Intersection.
 - Applicant shall construct on SR 2147 at Statesville Road (US 21) a 400' right turn lane as required by NCDOT.
 - Applicant shall coordinate with NCDOT on restriping and extending the existing EB turn lane at SR 2147 (Westmoreland Road) and Washam Potts Road (SR 2600).
- b. Applicant shall coordinate with the NCDOT on a phasing analysis to determine permanent (2040 TIP Design Year) improvement timelines. All permanent improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document and driveway permit approval process. The TIA recommendations include:

SR-5544 (West Catawba Av) @ Village Harbor Drive & Proposed Eagle Ridge Way

- **Proposed Eagleridge Way Ln Ext**
 - Two-lane cross section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 550' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Athletic Complex & Proposed Road A Intersection

Widen Westmoreland Road to a four-lane section (i.e. two-lanes in either direction) between West Catawba Avenue and the roundabout at Eagle Ridge Way Lane.

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 - Restripe Right-Turn Lane to Thru/Right Lane and extend Eastward to Eagleridge Way Ln (as part of 4-laning described above)
- **WB SR-2147 (Westmoreland Rd)**
 - Restripe Separate Right-Turn Lane to Thru/Right Lane and Extend Westward to SR-5544 (West Catawba Av) (as part of 4-laning described above)
- **SB Proposed Road A**
 - Two-lane cross-section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 175' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Eagleridge Way Ln & Proposed Eagleridge Way Ln Ext Intersection

- **EB SR-2147 (Westmoreland Rd)**
 - Restripe Left Thru Lane into Left/Thru/U-Turn Lane
 - Terminate Right Thru Lane into Right-Turn Lane
- **WB SR-2147 (Westmoreland Rd)**

- Restripe Left-Turn Lane to 150' Left/Thru Lane
 - Restripe Thru Lane to Thru/Right Lane
 - **NB Eagleridge Way Ln**
 - Restripe Left/Thru Lane to Left Turn Lane
 - Restripe Right-Turn Lane to 225' Left/Thru/Right Lane
 - **SB Proposed Eagleridge Way Ln Ext**
 - Three-Lane cross-section: one ingress, one egress
 - Egress: Left/Thru Lane and 100' Right-Turn Lane
 - Maximize 300' Internal Protected Stem
6. If phasing is proposed, all phases must touch public streets in order to provide public access.
 7. Residential Street D shall have pavement connect to pavement within public street Chagrin Drive prior to recording a plat or the issuance of a certificate of occupancy related to residential street D.
 8. The applicant shall make a reasonable effort to acquire property necessary to connect the proposed Eagle Ridge Way Extension to Westmoreland Road. If the applicant is not able to acquire the necessary property for fair market value, the Town will provide coordination and assistance. The applicant shall be required to reimburse the Town for all costs incurred by the Town through its coordination and assistance in acquiring necessary right-of-way. This reimbursement shall occur before construction document approval and before any final plat approval.
 9. The applicant will be responsible for completing all improvements proposed within the new right-of-way for Eagle Ridge Way Extension prior to the issuance of any certificate of occupancy.
 10. All infrastructure, pavement markings, crosswalks, and landscaping shown or required must be installed or guaranteed prior to recording a plat or the issuance of a certificate of occupancy, whether entire plan or per phase as decided by applicant.
 11. The applicant shall construct a 10' multi-use path designed with Town approval on the north side of Residential Street E to connect the proposed greenway to the Eagle Ridge Way Lane extension prior to recording a plat or the issuance of a certificate of occupancy.
 12. The applicant shall construct the proposed greenway shown within the park land area.
 13. All Land Development Code and site requirements will be required to be installed or guaranteed either for the entire property or for any approved phasing/plat that may be requested and considered by the Town.
 14. All areas shown as park land whether inside or outside utility rights-of-way and easements shall be transferred and deeded to the Town in a manner acceptable to the Town prior to recording a plat or the issuance of a certificate of occupancy.
 15. Uses shown and listed on this approved plan are the only uses permitted in the Conditional Zone. Any other uses would require an amendment to this Conditional Zone through the

CZ zoning process. Additionally, any other uses may not exceed the trip generation as outlined in the Traffic Impact Analysis.

16. The Type A-3 landscape buffers adjoining the Westmoreland and Harborside communities shall be installed in accordance with the cross sections agreed upon by the neighboring property owners.

**RESOLUTION OF THE TOWN OF CORNELIUS BOARD OF
COMMISSIONERS PERTAINING TO THE REASONABLENESS AND
CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS**

REZ 08-17 Alexander Farm

WHEREAS, Alexander Farms MU, LLC, applicant, initiated the process to rezone the property located at the northeastern quadrant of West Catawba Avenue (SR 5544) at Westmoreland Road (SR 2147) (PID #s: 00511105, 00511106, 00541108), which consists of 54.71 acres, to *Conditional Zoning District* as shown in *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*; and

WHEREAS, in accordance with the provisions of North Carolina General Statutes 160A-382 and 383, the Town Board has considered the reasonableness and consistency of rezoning the above described property and adopts the following statement.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Cornelius Board of Commissioners that the rezoning _____ IS _____ IS NOT consistent with the Town's adopted comprehensive land use plan as proposed and _____ IS _____ IS NOT reasonable and in the public interest.

Adopted this 5th day of October, 2020.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

REZ 08-17

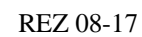


Exhibit B

Conditions of REZ 08-17

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. The US Postal Service has notified the Town that all future subdivision approvals must utilize a community mail delivery system. Locations and details of the proposed community mailboxes must be included in the Construction Documents, and must be reviewed and approved by the Post Master for this area. The applicant(s) must provide the Town with written confirmation that the local Post Master is in agreement with the proposed box locations.
5. The applicant shall be responsible for completing any roadway improvements, on site and off site, per the approved Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, as required by NCDOT. The applicant shall provide a fee in lieu for public sidewalks on the east side West Catawba Avenue and north of Westmoreland road along the frontage of the site. The applicant shall be responsible for the construction of sidewalks that are not included in the planned NCDOT improvement projects.
 - a. Applicant shall coordinate with the NCDOT during construction document approval(s) for a phasing analysis to determine interim improvement timelines. All interim improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document phase of the Project. The TIA recommendations include:
 - Applicant shall restripe southbound left turn on West Catawba (SR 5544) between Harborside Drive and Village Harbor Drive with storage as required by NCDOT.
 - Applicant shall construct a right turn lane on SR 5544 at Village Harbor Drive onto proposed Eagleridge Way Lane Extension intersection.
 - Internal protected storage to the site including a 550' internal protected stem on Eagleridge Way Lane shall be constructed by the applicant.
 - Applicant shall coordinate improvements at Westmoreland Road (SR 2147) and the entrance to the Westmoreland Athletic Complex, including right-in right-out for driveways on both sides of Westmoreland Road and channelization that will provide a left turn lane into the Westmoreland

Athletic Complex. This intersection design will prohibit left turns into the proposed development. The intersection design and detail will meet NCDOT requirements. The applicant will be responsible for the design and construction as required by NCDOT.

- Applicant shall coordinate with NCDOT for the roundabout or approved interim driveway configuration and associated improvements on SR 2147, the acquisition of Eagleridge Way land, and the proposed Eagleridge Way Lane Extension Intersection.
 - Applicant shall construct on SR 2147 at Statesville Road (US 21) a 400' right turn lane as required by NCDOT.
 - Applicant shall coordinate with NCDOT on restriping and extending the existing EB turn lane at SR 2147 (Westmoreland Road) and Washam Potts Road (SR 2600).
- b. Applicant shall coordinate with the NCDOT on a phasing analysis to determine permanent (2040 TIP Design Year) improvement timelines. All permanent improvements shall be per the Traffic Impact Analysis (TIA) SC-2019-003, including the Congestion Management Review Report and Addendum, subject to final determination by NCDOT during the construction document and driveway permit approval process. The TIA recommendations include:

SR-5544 (West Catawba Av) @ Village Harbor Drive & Proposed Eagle Ridge Way

- **Proposed Eagleridge Way Ln Ext**
 - Two-lane cross section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 550' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Athletic Complex & Proposed Road A Intersection

Widen Westmoreland Road to a four-lane section (i.e. two-lanes in either direction) between West Catawba Avenue and the roundabout at Eagle Ridge Way Lane.

- **EB SR-2147 (Westmoreland Road)**
 - Restripe Right-Turn Lane to Thru/Right Lane and extend Eastward to Eagleridge Way Ln (as part of 4-laning described above)
- **WB SR-2147 (Westmoreland Rd)**
 - Restripe Separate Right-Turn Lane to Thru/Right Lane and Extend Westward to SR-5544 (West Catawba Av) (as part of 4-laning described above)
- **SB Proposed Road A**
 - Two-lane cross-section: one ingress, one egress
 - Egress: Right-Turn Lane
 - Maximize 175' Internal Protected Stem

SR-2147 (Westmoreland Road) @ Eagleridge Way Ln & Proposed Eagleridge Way Ln Ext Intersection

- **EB SR-2147 (Westmoreland Rd)**
 - Restripe Left Thru Lane into Left/Thru/U-Turn Lane
 - Terminate Right Thru Lane into Right-Turn Lane
- **WB SR-2147 (Westmoreland Rd)**

- Restripe Left-Turn Lane to 150' Left/Thru Lane
 - Restripe Thru Lane to Thru/Right Lane
 - **NB Eagleridge Way Ln**
 - Restripe Left/Thru Lane to Left Turn Lane
 - Restripe Right-Turn Lane to 225' Left/Thru/Right Lane
 - **SB Proposed Eagleridge Way Ln Ext**
 - Three-Lane cross-section: one ingress, one egress
 - Egress: Left/Thru Lane and 100' Right-Turn Lane
 - Maximize 300' Internal Protected Stem
6. If phasing is proposed, all phases must touch public streets in order to provide public access.
 7. Residential Street D shall have pavement connect to pavement within public street Chagrin Drive prior to recording a plat or the issuance of a certificate of occupancy related to residential street D.
 8. The applicant shall make a reasonable effort to acquire property necessary to connect the proposed Eagle Ridge Way Extension to Westmoreland Road. If the applicant is not able to acquire the necessary property for fair market value, the Town will provide coordination and assistance. The applicant shall be required to reimburse the Town for all costs incurred by the Town through its coordination and assistance in acquiring necessary right-of-way. This reimbursement shall occur before construction document approval and before any final plat approval.
 9. The applicant will be responsible for completing all improvements proposed within the new right-of-way for Eagle Ridge Way Extension prior to the issuance of any certificate of occupancy.
 10. All infrastructure, pavement markings, crosswalks, and landscaping shown or required must be installed or guaranteed prior to recording a plat or the issuance of a certificate of occupancy, whether entire plan or per phase as decided by applicant.
 11. The applicant shall construct a 10' multi-use path designed with Town approval on the north side of Residential Street E to connect the proposed greenway to the Eagle Ridge Way Lane extension prior to recording a plat or the issuance of a certificate of occupancy.
 12. The applicant shall construct the proposed greenway shown within the park land area.
 13. All Land Development Code and site requirements will be required to be installed or guaranteed either for the entire property or for any approved phasing/plat that may be requested and considered by the Town.
 14. All areas shown as park land whether inside or outside utility rights-of-way and easements shall be transferred and deeded to the Town in a manner acceptable to the Town prior to recording a plat or the issuance of a certificate of occupancy.
 15. Uses shown and listed on this approved plan are the only uses permitted in the Conditional Zone. Any other uses would require an amendment to this Conditional Zone through the

CZ zoning process. Additionally, any other uses may not exceed the trip generation as outlined in the Traffic Impact Analysis.

16. The Type A-3 landscape buffers adjoining the Westmoreland and Harborside communities shall be installed in accordance with the cross sections agreed upon by the neighboring property owners.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

Upon review of the Town's Code of Ordinances, Town staff determined there are gaps relative to the use of Town-owned facilities and Town-owned vacant land. The draft ordinance establishes rules and regulations, such as authorizing rentals, alcohol possession and consumption, restricting loitering, compliance with posted signage, and addresses conceal carry of firearms.

The Town Board will continue its discussion and consider the proposed Ordinance, consider prohibiting conceal carry at certain Town facilities, and a proposed Personnel Policy amendment.

Manager's Recommendation:

- Receive staff presentation.
- Hear public comment
- Town Board to discuss a potential ordinance regarding Town-owned facilities and vacant land, consider prohibiting conceal carry at certain Town facilities, and a potential Personnel Policy amendment.
- Approve an Ordinance to amend the Code of Ordinances, Title III, Chapter 35.
- Approve a Resolution amending the Personnel Policy, Article V, Conditions of Employment, Workplace Violence Prevention and allow the Town Attorney and Town Manager to finalize the language.

ATTACHMENTS:

Name:	Description:	Type:
Code of Ordinances - Cornelius Buildings and Facilities.ppt	Code of Ordinance Amendment	Presentation
ORD-Code of Ordinances Title III Chapter 35 Cornelius Buildings and Facilities.v3.8.17.20.doc	Code of Ordinance Amendment	Ordinance
RES-Personnel Policy amendment - 10.5.20.pdf	Resolution to Amend Personnel Policy	Resolution Letter
RES-Prohibiting Concealed Carry at Art Center.pdf	Prohibit Conceal Carry at Art Center	Resolution Letter



Code of Ordinances

Chapter 35, Cornelius Buildings and Facilities

October 5, 2020

Code of Ordinances

- Staff review revealed gaps relative to use of Town-owned facilities and Town-owned vacant land
- Proposed Ordinance establishes rules and regulations
 - Authorizes rentals
 - Restricts loitering
 - Alcohol possession and consumption
 - Compliance with posted signage
- June 15th BOC meeting
 - Instructed staff to present a revision to the proposed ordinance to permit conceal carry of firearms, upon further legal review and analysis
- August 3rd BOC meeting
 - Discussion. Allow for more citizen input. Consideration at a future meeting

Draft Ordinance

- DISPLAY
 1. Draft Ordinance
 2. Revised Section 35.12
 3. Recommended Personnel Policy Amendment

Concealed Carry Restrictions

- NC General Statutes prohibits concealed carry on campus and educational property and law enforcement facilities (police, animal control, 911 centers, courthouses)
- NC General Statutes prohibits concealed carry in buildings housing state or federal offices
- Local governments may restrict firearms (open and conceal carry) at local government buildings and their appurtenant premises
- Local governments are prohibited from restricting conceal carry at public parks with limited exceptions
- If a local government allows conceal carry in a town hall or government center, then the local government does have authority to restrict its employees from conceal carry via a personnel policy amendment

Staff Research

- Governments that allow conceal carry:
 - Cornelius – currently silent, which is de facto allowing cc
 - Mint Hill – currently silent, which is de facto allowing cc
 - Cabarrus County, Rockingham County – allowed in government centers and libraries (small sample size survey)

Staff Research

- Governments that prohibit conceal carry:
 - US Capitol, House & Senate buildings, and departmental offices
 - NC State Legislative buildings and offices
 - Mecklenburg County
 - Charlotte
 - Huntersville
 - Davidson
 - Matthews
 - Pineville
 - Mooresville
 - Morganton, Wilkesboro, Indian Trail, Ayden, Wallace (small sample size survey)

Staff Research

- Conceal Carry Permittees
 - Not a substantial amount of data/research available
 - Data/research does identify the following:
 - A low % of accidental self-shootings occur
 - Insufficient workplace conceal carry data was found by staff
 - A low % of police officers were killed by individuals relative to all types of gun holders
 - A low % of homicides were committed by conceal carry permittees
 - Overall crimes committed by police officers are at a higher % than conceal carry permittees

Conceal Carry - Town Manager Concerns

- Firearms at Town facilities represent a risk
- Safety of citizens, employees, and elected officials
 - Common to have upset & angry citizens, groups, and customers that are emotional about certain issues or not in agreement with certain decisions at:
 - Town Board meetings, committee meetings, community meetings, meetings with staff, Monday – Friday general business hours
- Workplace violence/Employees with firearms
 - After the June 15th BOC meeting, many employees expressed concern regarding the general public bringing conceal carry into Town buildings and concern for their own safety, and some expressed bringing their own firearm to work for protection
 - Workplace violence is a significant concern due to the numerous historical events
- Government buildings violence
 - Former employees
 - Current employees
 - Customer/citizen (associated or random)

Recommendations

- Staff recommends adopting the proposed ordinance with revised Section 35.12, as it permits conceal carry while allowing Town Board to determine specific facility regulation on conceal carry
- Statutorily excluded facilities: Police Station, Animal Shelter, and Public Works
- Vote (by Resolution) on what Town facilities, if any, to post a prohibition to conceal carry firearms (Art Center, Town Hall, Fire Stations)
- Town Manager recommends adopting an amendment to the Personnel Policy to prohibit employees from open and conceal carry (granting authority to the Town Manager and Town Attorney to draft and finalize language for the personnel policy on this matter)
- If BOC does not intend to approve the personnel policy amendment, then Town Manager recommends adopting a prohibition at all Town facilities of conceal carry for general public due to concern over employee workplace violence
- Hear public comment

**AN ORDINANCE TO AMEND
THE TOWN OF CORNELIUS CODE OF ORDINANCES**

WHEREAS, it has become necessary for the Town to update specific Titles within the Town's Code of Ordinances; and

WHEREAS, this change represents a revised Code provision.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that the Code of Ordinances, Title 3 Administration is hereby amended to add Chapter 35, Town Business Facilities and Vacant Land attached hereto as *(Exhibit A)*:

Adopted this 5th day of October, 2020.

Woody T. Washam, Jr. Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

TITLE III: ADMINISTRATION
CHAPTER 35: TOWN BUSINESS FACILITIES AND VACANT LAND

Sec. 35.01. – Cornelius Town Hall, Delegation of Authority to Establish Rules and Regulations; Applicability of Chapter.

The Board of Commissioners of Cornelius hereby delegates to the Town Manager the authority to establish rules and regulations concerning the conduct and operation of the Town of Cornelius Business Facilities and Town-owned vacant land provided such rules and regulations are consistent with the scope of this Chapter and laws and policies of the Town of Cornelius, the State of North Carolina and the law of the United States.

Sec. 35.02. – Definitions.

- a) For purposes of this chapter, the term *Town Business Facilities* shall mean those buildings, surrounding parking lots and open green spaces adjacent thereto at which the business of the Town of Cornelius is conducted. These Town Business Facilities include but are not limited to Town Hall, Public Works Facilities, Police Department, Fire Departments, and art, culture and community centers.
- b) For purposes of this chapter, the term *Town Owned Vacant Properties* shall mean those properties owned by the Town of Cornelius that are not officially designated as a Town Business Facility, public park, greenway, or right of way.

Sec. 35.03. – Rental Contracts Authorized; Waiver.

- a) The Town Manager or his duly authorized agent is hereby authorized to make contracts on behalf of the Town for the rental and use of Town Business Facilities and Town Owned Vacant Properties, (which shall include buildings, surrounding parking lots and other areas within and without the buildings) in accordance with the terms and provisions of this Chapter. It shall be unlawful to use any part of Town Business Facilities or Town Owned Vacant Properties for any purpose (other than Town business) without a valid contract for the rental thereof or written permission from the Town Manager or his agent.
- b) The Town Manager or his duly authorized agent, is authorized to waive any requirements relating to formal contracts and the payment of fees pursuant to this chapter. All waivers by the Town Manager shall be extended to all other similarly situated lessees according to uniform procedures.
- c) The Town manager or his duly authorized agent is authorized to waive the requirements herein related to formal contracts and the payment of fees with respect to Town committees, commissions and boards desiring to use Town Business Facilities and Town Owned Vacant Properties for the purpose of holding meetings or public hearings.

Sec. 35.04. – Agreement to be in Writing.

No agreement purporting to rent or lease Town Business Facilities or Town Owned Vacant Properties shall be valid or effective until and unless it shall be in written or printed form, signed by an authorized official or employee of the Town and by the lessee or his authorized agent.

Sec. 32.05. – Who May Execute Agreement for Town; Tentative Reservation.

The Town Manager or his duly authorized agent may enter into a written contract renting the facilities to any person complying with the conditions prescribed by this chapter and, pursuant to uniform procedures, may permit any person to make a tentative reservation, for any date which has not been previously rented and which is not being held under tentative reservation.

Sec. 35.06. – Cash Deposit Condition Precedent to Contract.

At the time of executing a written contract for the rental, the person desiring to rent the facility shall, as a condition precedent to a valid rental contract, make a deposit with the Town as prescribed by uniform procedures. No contract for the rental of a facility shall be made or signed on behalf of the city unless and until the deposit shall have been received by the Town.

Sec. 35.07. – Repeated Use; Waiver of Deposits.

Lessees contracting to use a Town facility repeatedly during any annual period may be classified and treated according to uniform procedures with regard to waiver of deposits and any other terms as appears in the uniform procedures.

Sec. 35.08. – Schedule of Charges.

Subject to the provisions of this code, charges for use of Town Facilities shall be made in accordance with a uniform fee schedule recommended by Town staff and approved by the Board.

Sec. 35.09. – Incompatible Uses Resolution.

The Town manager or his duly authorized agent may, in his discretion, by refusal to rent, reservation, competitive bidding, or by other means, resolve any actual or potential incompatibility of any actual or proposed uses of Town Facilities.

Sec. 35.10. – Lessee's Liability.

The lessee of a Town Business Facility or Town Owned Vacant Property or any part thereof shall be responsible and liable for any and all injuries and damages to buildings, fixtures, furnishings, or the land on which the building is located during the period of their use under rental contract. The lessee shall agree as a part of the rental contract to be so responsible and liable and reimburse the Town for any and all such damages and injuries. The lessee shall agree as a part of the consideration for the rental contract covering the use of the complex or any part thereof to save harmless the Town for any and all accounts, bills, damages, suits and claims in any way arising out of the use of the complex by the lessee pursuant to the written contract. The Town Manager or his duly authorized agent may require the person renting the complex to furnish the Town a bond or procure a public liability insurance policy from a satisfactory insurance company licensed and authorized to do business in the State (in such amounts as considered advisable by the Town Manager) to insure the Town and the lessee from any and all damages, claims and suits on account of injuries and/or damages sustained by third persons, firms or corporations arising or resulting from the use of Town Hall during the period for which rented.

Sec. 35.11. – Sponsor to Post Bond, Provide for Maintenance of Order.

- a) When required by the town manager or his duly authorized agent, the sponsor of any activity shall post a bond or certified check in an amount to be determined by the Manager or his duly authorized agent to guarantee the payment of all damages to the building, fixtures or premises as a result of its use by lessee.
- b) The sponsor shall likewise provide the number of police officers required to maintain order as may be determined by the Cornelius Police Department and the Town Manager.

Sec. 35.12. – Weapons Prohibited; Exception.

It shall be unlawful for any person to carry or have on or about his person, on Town Owned Vacant Property or in a Town Business Facility and grounds, any firearms or other weapons or articles, including but not being limited to: blackjacks; nightsticks; or flashlights, which, by their use, might constitute deadly weapons. This section shall not apply to peace officers assigned to duty, drill teams, honor guards. **This section shall not apply to a handgun carried by the holder of a concealed handgun permit issued pursuant to NCGS § 14-415.10 et seq unless 1) the Town Board, by resolution, has ordered the Town Manager to post a conspicuous notice or statement declaring that a concealed hand gun is prohibited at a Town Business Facility or 2) a concealed handgun is otherwise prohibited at a Facility by state or federal law.**

Sec. 35.13. – Alcoholic Beverages Prohibited.

It shall be unlawful for any person to have in his possession or to consume any beer, wine or other intoxicating beverage at any time or event at a Town Business Facility or Town Owned Vacant Property except in connection with an event, dinner or banquet or any other activity at which food is served and then only with the consent and approval of the Town Manager and pursuant to rules and regulations promulgated by the Town Manager.

Sec. 35.14. – Hours Open.

- a) Hours of operation and charges for overtime use of Town Business Facilities shall be governed by the Town Hall rules and regulations.
- b) Town Owned Vacant Properties are not open to the public at any time and it shall be unlawful to enter and remain on Town Owned Vacant Properties without complying with the conditions of this Chapter.

Sec. 35.15. – Loitering Prohibited on Premises.

It shall be unlawful for any person to loiter within a Town Business Facility or on the grounds adjacent thereto. A loiterer is defined as a person who has no connection with a meeting or an event in progress or who does not plan to attend a meeting or an event, or who does not have legitimate business with Town Hall staff or management.

Sec. 35.16. – Preservation of Property.

Improper disposal of rubbish, willful destruction or damage to property, theft of property, creation of a hazard to persons or things; throwing of articles of any kind from or at the building, climbing upon statutes, fountains or any part of a building is prohibited.

Sec. 35.17. – Conformity with Signs and Directions.

Persons in and on property shall at all times comply with official signs of a prohibitory, regulatory or directory nature and with lawful direction of Town Management, law enforcement or other authorized individuals.

Sec. 35.18. – Disturbances.

Any disorderly conduct or other conduct on property which creates loud or unusual noise or nuisance; which unreasonably obstructs the usual use of the entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by town employees or which prevents the general public from obtaining the administrative services provided on the property in a timely manner is prohibited.

Sec. 35.99. – Penalties.

See Sec. 10.99

**RESOLUTION TO REVISE THE
TOWN OF CORNELIUS PERSONNEL POLICY**

WHEREAS, the Mayor and Town Board of Commissioners adopted a system of personnel administration in December 1999 and is periodically amended; and

WHEREAS, the Mayor and Town Board desires to amend the Personnel Policy to address workplace violence prevention.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS that:

1. The Town of Cornelius Personnel Policy, be hereby amended as shown in the amended section attached hereto as Exhibit "A" and incorporated herein by reference comprised of:
 - **Article V – Conditions of Employment**
 - **Workplace Violence Prevention**

BE IT HEREBY FURTHER RESOLVED that the Town Manager is hereby authorized to implement this policy revision in his authority as Town Manager consistent with the Town of Cornelius Personnel Policy.

Adopted this 5th day of October 2020.

Wood Washam, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney



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If an employee is exposed to blood, body fluids or body tissue, they should do the following:

- report the incident immediately to the supervisor or department head;
- determine if there has been an exposure; [An exposure has happened if there has been direct contact between the blood, body fluid or body tissue of another human and any open area on the employee (cut, eyes, mouth or other mucous membrane.)]
- wash the exposed area thoroughly with soap and water;
- apply first aid if necessary;
- decontaminate surrounding areas or surfaces if necessary;
- ask for the name, address and phone number of the person whose blood the employee was exposed to;
- go immediately to the hospital or urgent care facility used by the Town and arrange for exposure testing and follow-up;
- complete an incident report form and have the department complete a Form 19, Worker's Compensation Form; take the incident report form to the hospital.

Workplace Violence Prevention

Workplace Violence

The Town of Cornelius ("Town") prohibits and will not tolerate any form of workplace violence by an employee, supervisor, or third party, including citizens, vendors, customers, clients and visitors both at the workplace and at employer-sponsored events.

Prohibited Conduct

For purposes of this policy, workplace violence includes but is not limited to:

- Making threatening remarks (written or verbal).

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- Aggressive or hostile acts such as shouting, using profanity, throwing objects at another person, fighting, or intentionally damaging a co-worker's property.
- Bullying, intimidating, or harassing another person including verbal and non-verbal acts.
- Behavior that causes another person emotional distress or creates a reasonable fear of injury.
- Assault.

This list is illustrative only and not exhaustive. No form of workplace violence will be tolerated.

Weapons at the Workplace

The Town prohibits all employees from possessing any weapons of any kind at the workplace, while engaged in activities for or on behalf of the Town, and at Town-sponsored events unless the employee is a law enforcement officer or a security guard employed by a state agency, or a town, city or county, or any state or federal military personnel. For purposes of this policy, the workplace is defined to include Town buildings, Town-owned property including vehicles, parks, greenways, and parking lots.

Weapons include but are not limited to:

- Guns.
- Fixed-blade Knives.
- Explosives.
- Any item with the potential to inflict harm that has no common workplace purpose.

This list is illustrative only, and not exhaustive. The Town prohibits employees from possessing any weapon at the workplace.

Complaint Procedure

If you witness or are subjected to any conduct you believe violates this policy, you must speak to, write, or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, the Department Head, or Human Resources as soon as possible.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses.

The Town will directly and thoroughly investigate all complaints of workplace violence and will take prompt corrective action, including discipline, if appropriate. The Town reserves the right to contact law enforcement, if appropriate. To the extent permitted by law, the Town reserves the right to seek a civil no-contact order to prevent workplace violence against an employee.

If you become aware of an imminent violent act or threat of an imminent violent act, immediately contact appropriate law enforcement and then contact Human Resources or the Town Manager.

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Employee Assistance Program

The Town provides an employee assistance program (EAP) for all employees and their eligible dependents. The EAP is designed to help individuals manage personal problems that can impact their well-being and work performance. Treatment is confidential (unless an EAP counselor is required by law to disclose information, such as child abuse) and will not become a part of an employee's personnel records. For more information about the EAP, contact Human Resources or Benefits & Payroll Specialist.

No Retaliation

The Town prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of workplace violence of any kind, pursuing a workplace violence complaint, or cooperating in related investigations.

The Town is committed to enforcing this policy against all forms of workplace violence. However, the effectiveness of our efforts depends largely on employees telling us about all incidents of workplace violence, including threats. Employees who witness any workplace violence should report it immediately. In addition, if an employee feels that they or someone else may have been subjected to conduct that violates this policy, the employee should report it immediately. If employees do not report workplace violence incidents, the Town may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Administration of this Policy

The Town Manager has designated Human Resources as responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about workplace violence that are not addressed in this policy, please contact Human Resources.

~~The Town is committed to the safety of both employees and the public. The Town wants to maintain a workplace that is free of violence. Every employee is obligated to avoid threats, physical violence or hostile behavior that may provoke violence. Every employee should report threats immediately to their supervisor. If an employee feels physically threatened by a member of the public, the employee should contact their supervisor and/or leave the area, if possible. Any employee who displays a tendency to engage in violent, abusive or threatening behavior will be subject to disciplinary action, up to and including immediate termination.~~

Definition:

~~Workplace violence includes: name-calling, stalking, harassment, threats, fighting, shooting, stabbing, intimidation, property damage and other physical and violent acts.~~

~~The Town has adopted a Workplace Violence Prevention Plan to provide additional details on compliance and implementation of this policy, a copy of which is incorporated as an addendum to the Human Resource Policy.~~

No Retaliation

~~The Town will not tolerate retaliation against any employee who:~~

- ~~• in good faith reports or provides information about suspected unethical or illegal activities including fraud, discrimination, harassment or possible violations of any Town policies;~~
- ~~• complains of or opposes an employment practice that the employee, in good faith, believes violates federal or state law; or~~
- ~~• files a charge or complaint, truthfully testifies, provides assistance, or participates in good faith in an investigation, proceeding, or hearing related to or arising from an allegedly unlawful employment practice.~~

~~If an individual believes that they or someone else has been retaliated against, the employee must report it as soon as possible to one of the following:~~

- ~~• Immediate supervisor~~
- ~~• Department head~~

◆ ~~Town Manager~~

~~The alleged retaliation will be investigated promptly and appropriate action will be taken to address the concerns. The Town Manager or his designee will coordinate the investigation in conjunction with the Town Attorney.~~

Performance Evaluation

To achieve its goals and objectives, the Town must be able to depend on satisfactory work performance from all employees. Performance evaluation is the measurement of the employee's performance of assigned duties by the immediate supervisor. The nature and quality of an employee's performance have a direct bearing on the manner in which they relate to management and to the citizens they serve and on their assignments and promotions. Therefore, it is the policy of the Town to use performance evaluations as a means to ensure the best utilization of available human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, to ensure optimum job satisfaction for employees, and to ensure the highest quality of services to the citizens by Town employees. In order to align Town strategic goals and employee performance goals and to facilitate awarding merit salary increases, all employees will be evaluated on an annual performance cycle beginning September 1 – August 31 of each year. New employees may be evaluated more frequently during their first year of employment and may have a shorter or longer initial annual evaluation cycle in order to transition to the September-August annual evaluation schedule.

**RESOLUTION TO PROHIBIT CONCEALED HANDGUNS AT
THE ART CENTER PROPERTY**

WHEREAS, on October 5, 2020, the Mayor and Board of Commissioners of the Town of Cornelius adopted Ordinance No. 2020-00742 (“Town Business Facilities Ordinance”); and

WHEREAS, pursuant to the Town Business Facilities Ordinance, handguns carried by the holder of a concealed handgun permit issued pursuant to NCGS § 14-415.10 et.seq. are permitted in Town Business Facilities unless the Town Board, by Resolution, orders the manager to post a conspicuous notice or statement declaring that a concealed handgun is prohibited at that Facility; and

WHEREAS, the Town operates an art center located at 19725 Oak Street, Unit 1, Cornelius, North Carolina and which is utilized exclusively for art education purposes, offering classes to both adults and children (the “Art Center”); and

WHEREAS, NCGS § 14-269.2 prohibits weapons, including handguns carried by the holder of a concealed handgun permit, at campuses and other educational properties; and

WHEREAS, the Mayor and Town Board desire to comply with the spirit of NCGS § 14-269.2 and clarify to the public that weapons, including handguns carried by the holder of a concealed handgun permit, are prohibited at the Art Center.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Cornelius that:

1. All weapons, including handguns carried by the holder of a concealed handgun permit are prohibited at the Town’s Art Center which is exclusively used for art education purposes and serves both adults and children of our community;
2. The Town Manager is hereby ordered to post a conspicuous notice or statement at the Art Center declaring that concealed handguns are prohibited at that Town Facility.

Adopted this 5th day of October 2020.

Woody Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Wayne Herron

Deputy Town Manager

Action Requested:

Hear a presentation on the proposed amendments to the 2020-2029 NCDOT State Transportation Improvement Program with regard to Cornelius projects.

NCDOT has released an updated 2020-2029 State Transportation Improvement Program (STIP) based upon a series of events that have caused a significant revenue shortfall for transportation projects throughout the state. NCDOT is proposing to delay a large number of projects in the 2020-2029 STIP due to the projected revenue losses, accompanied with significant project cost increases. The proposed STIP changes will be considered by the NC Board of Transportation this week.

Manager's Recommendation:

Hear presentation.

ATTACHMENTS:

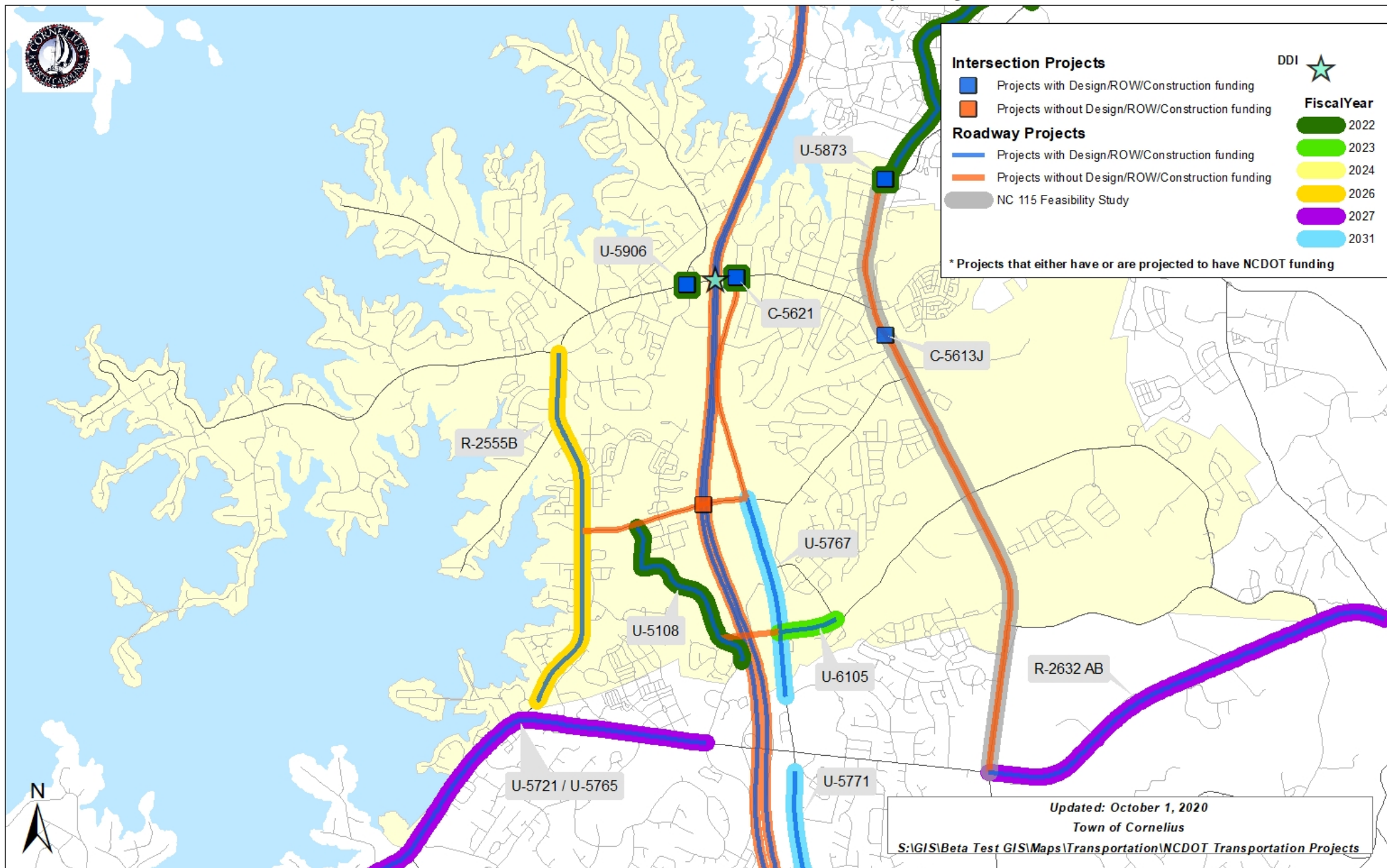
Name:	Description:	Type:
 NCDOT_STIP_Update.pdf	STIP Update	Presentation



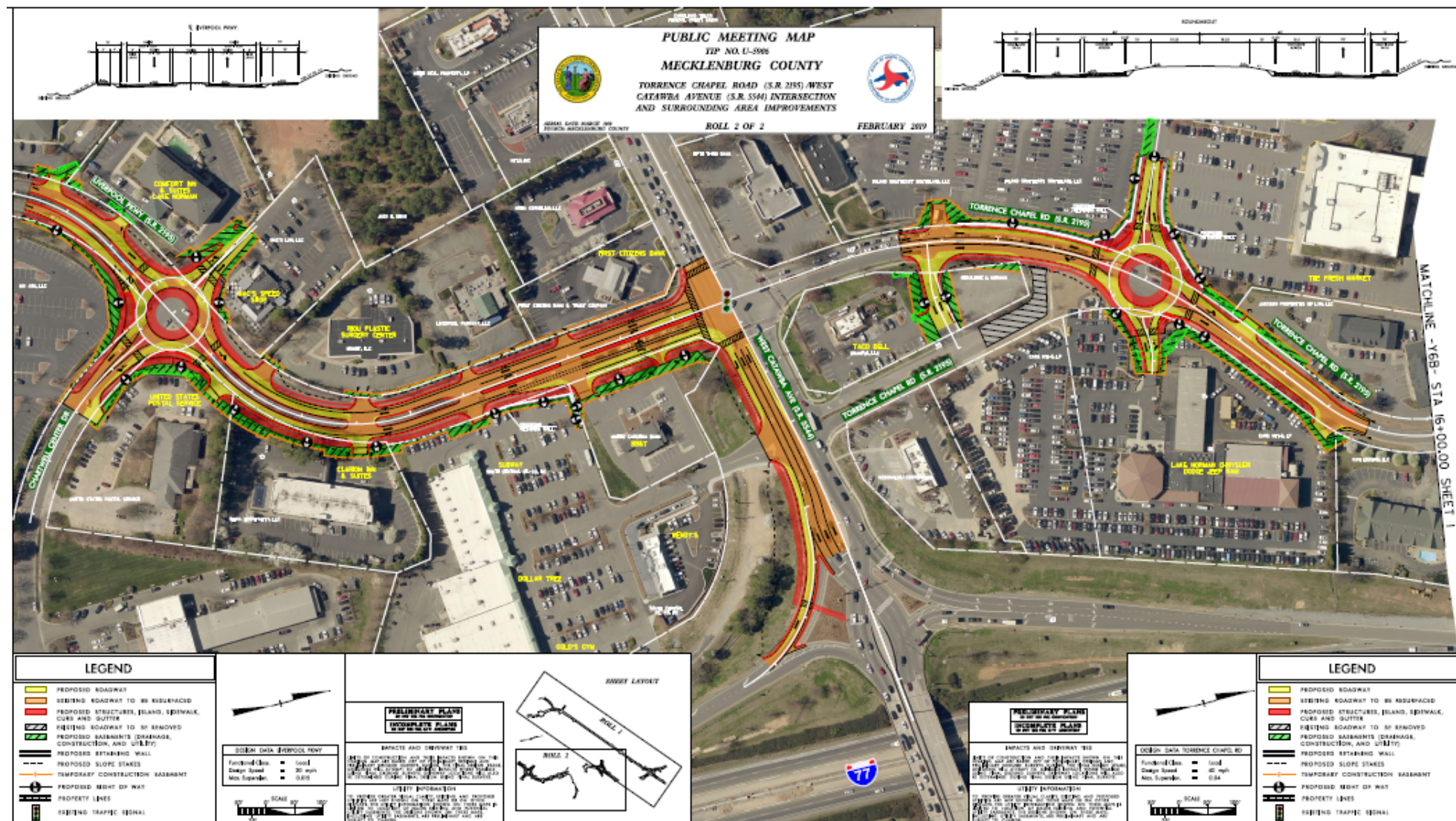
TRANSPORTATION PROJECTS

<https://www.cornelius.org/transportation>

Active NCDOT Intersection and Roadway Projects *



Torrence Chapel/W. Catawba



Torrence Chapel/W. Catawba

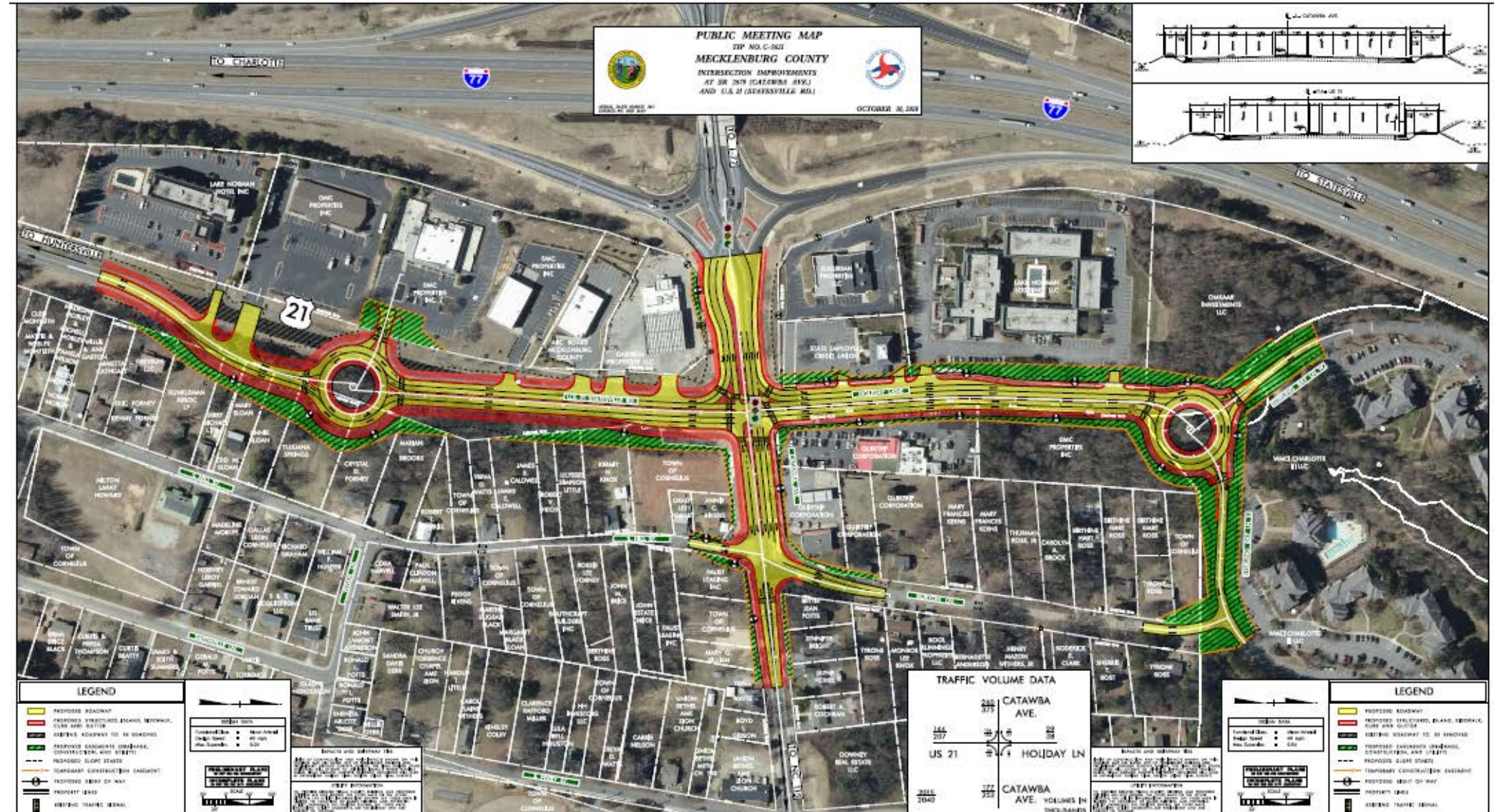


Original construction date 2020

R-O-W acquisition and utilities: 2020-2021

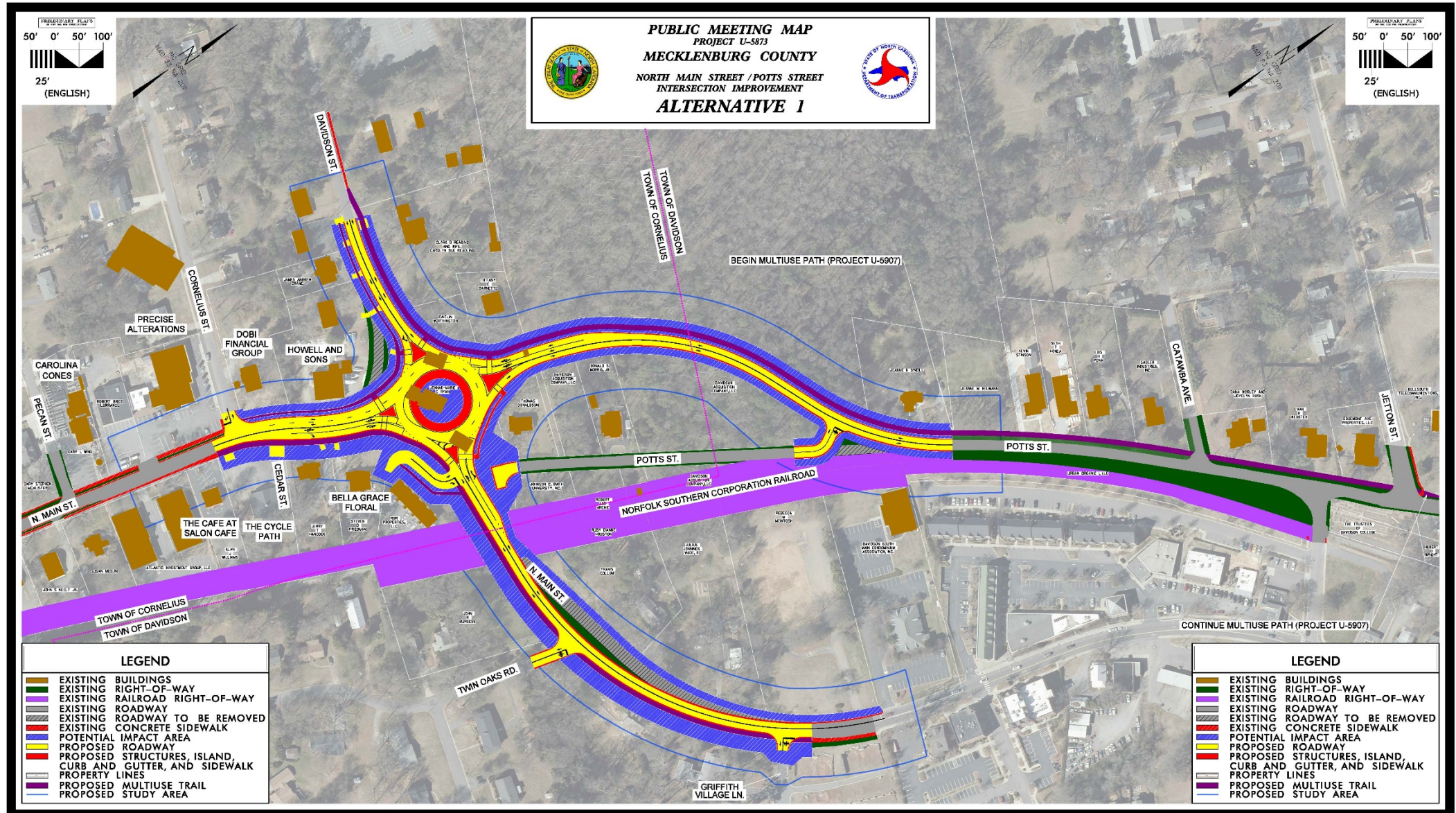
New Construction date: 2022-2023

Original construction date 2020, right-of-way and utility relocations 2020-2021, new construction date 2022

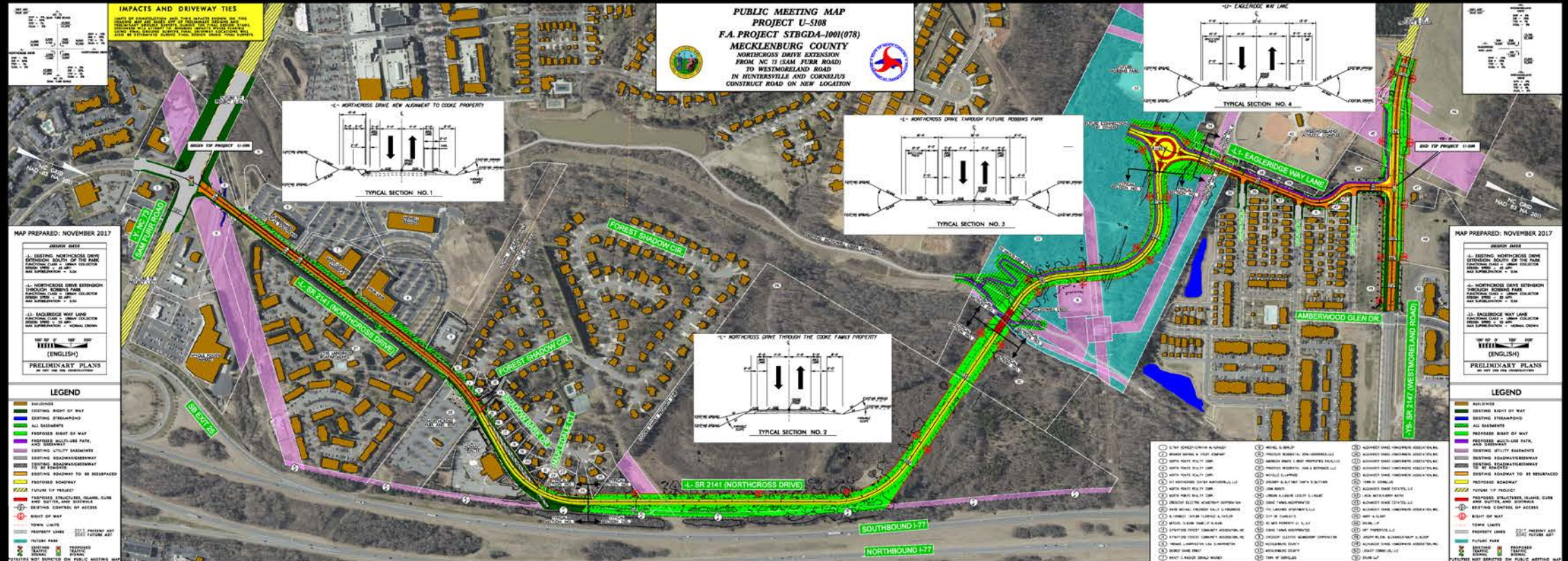


NC 115/Potts Roundabout

original construction date 2020, right-of-way and utility relocations 2020-2022, new construction date 2022

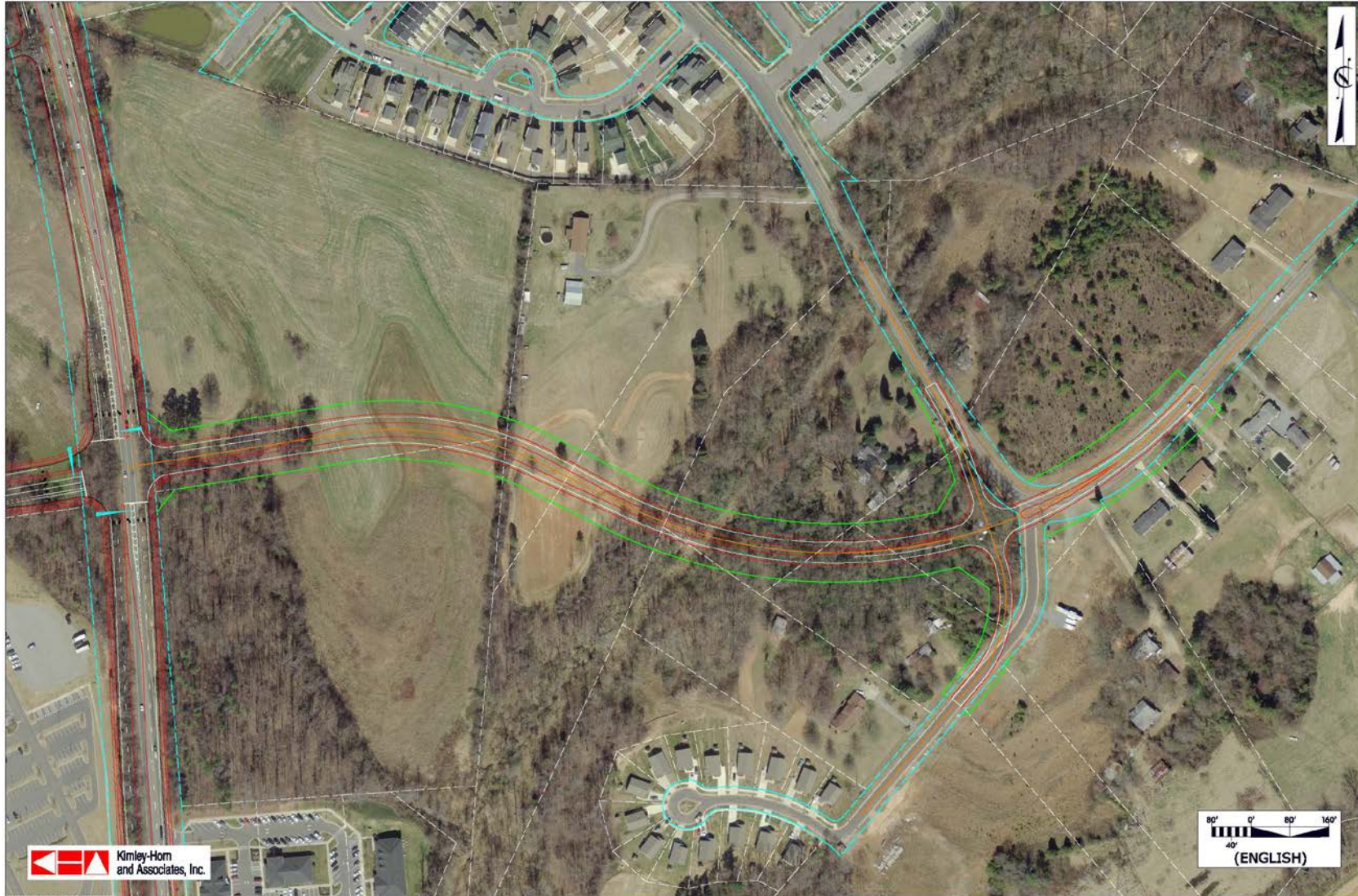


Original construction date 2020, right-of-way and utility relocations 2020-2022, new construction date 2022-2024

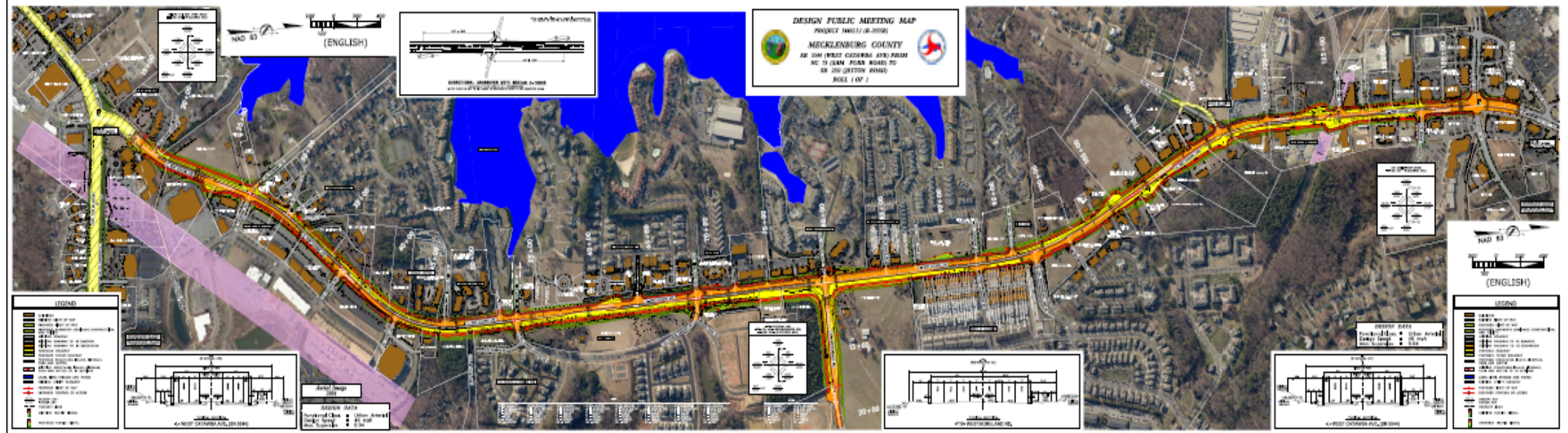


Bailey Road Extension

Original construction date 2021, right-of-way and utilities 2022, new construction date 2023



West Catawba Phase 2



- Original construction date 2024
- Right-of-way and utility relocations 2024-2026
- New construction dates 2026-2028

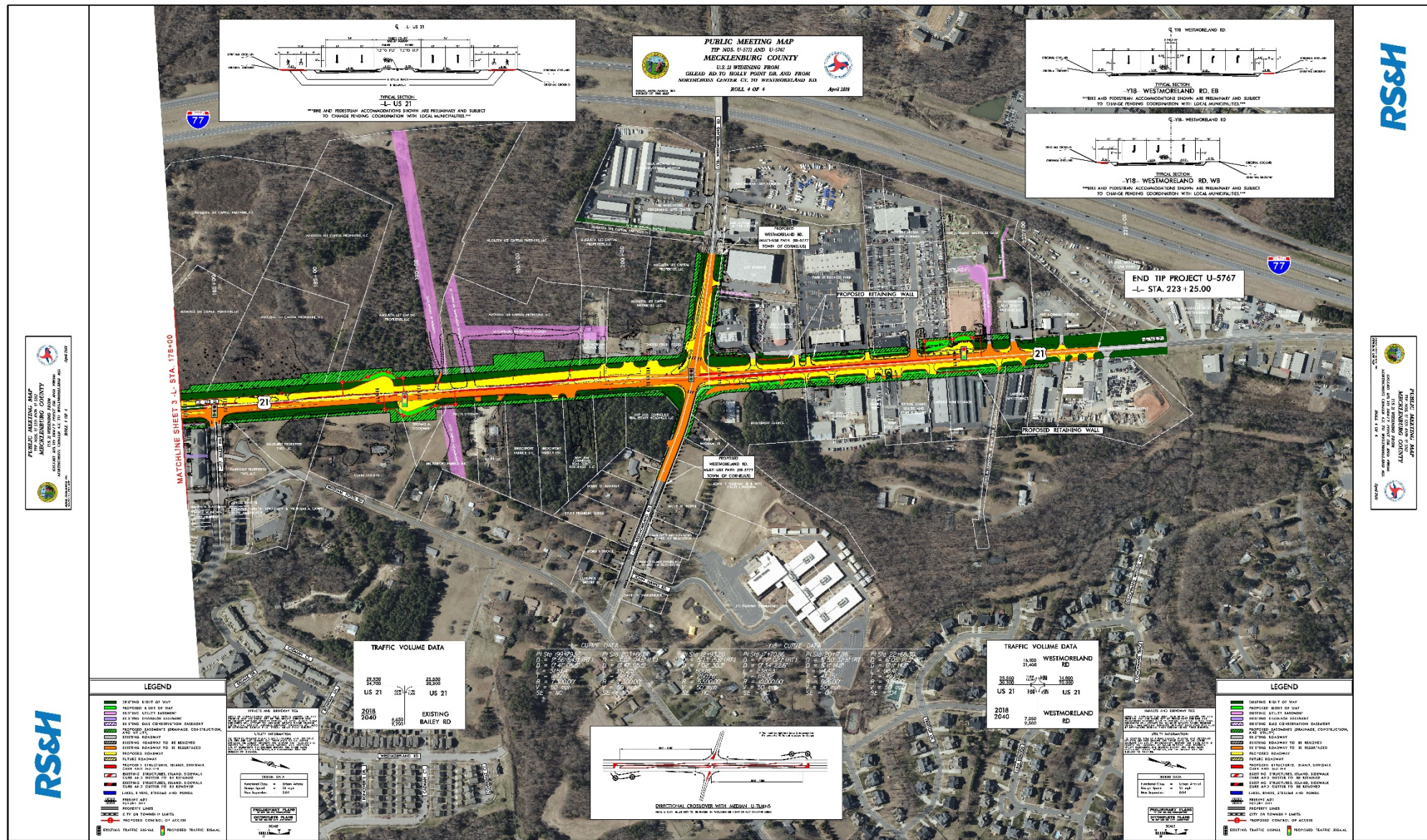
Hickory Street/NC 115 Intersection Signal

still no assigned dates



Original construction date – 2024, new construction dates 2031-2032

Original construction date – 2024, new construction dates 2031-2032

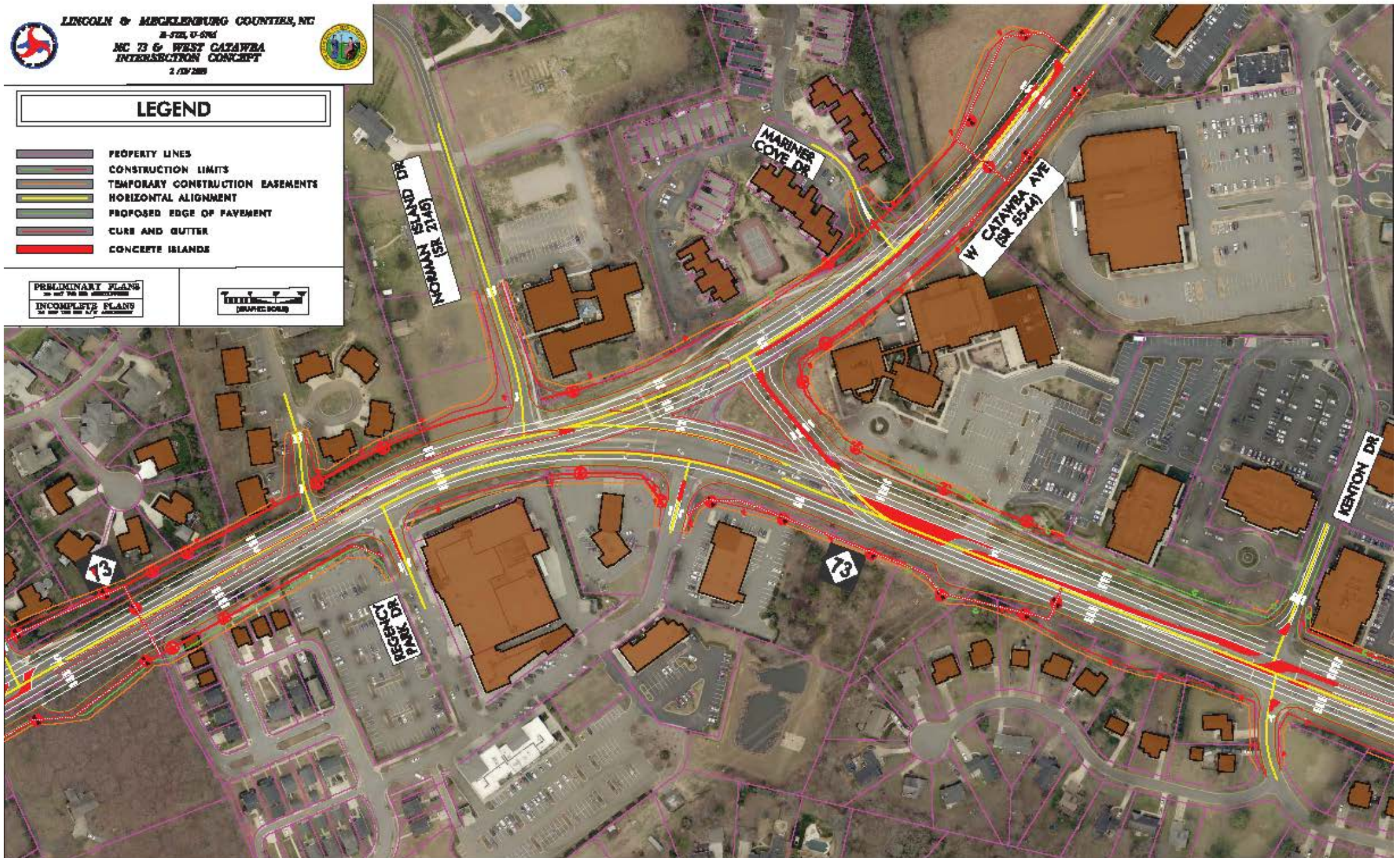




LEGEND

- PROPERTY LINES
- CONSTRUCTION LIMITS
- TEMPORARY CONSTRUCTION EASEMENTS
- HORIZONTAL ALIGNMENT
- PROPOSED EDGE OF PAVEMENT
- CURB AND GUTTER
- CONCRETE ISLANDS

PRELIMINARY PLANS
DO NOT FOR CONSTRUCTION
INCOMPLETE PLANS
DO NOT FOR CONSTRUCTION



Original Construction Date 2024, Proposed Construction Dates 2027-2029



I-77 Shoulder Hardening

- Original construction dates 2020-2022
- Proposed construction dates 2023-2025

Questions?

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 5, 2020

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

Please find the attached list of proposed refunds based upon the information received from the County Assessor.

The list is necessary as a result of value adjustments as performed by the Mecklenburg County Assessor and/or Board of Equalization and Review and corrections as determined by the Mecklenburg County Assessor. Those refunds total = \$417.05 (tax) + \$0.00 (interest) = \$417.05. As required by Statute, please approve refunds. There are no Board member refunds in this group.

Manager's Recommendation:

Approve tax refunds.

ATTACHMENTS:

Name:	Description:	Type:
 10620T1_Cornelius_no_interest_refund_2020_08_11.pdf	County List #1	Cover Memo

Tax Year	Bill Number	Source Type	Adj #	Adj Reason	Date of Adj.	Name	Refund
2019	0008157666-2019-2019-0000-00	BUS	586753	Duplication	7/17/2020	OAK RIDGE DENTAL ARTS	\$ 417.05
							\$ 417.05