



# **TOWN OF CORNELIUS**

Cornelius Town Hall

## **BOARD OF COMMISSIONERS**

April 3, 2017

Agenda

### **PRE-MEETING - 5:45 PM**

- **Outdoor Storage - Preliminary Discussion**
- **Closed Session - Consult with Town Attorney**

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### **TOWN BOARD - 7:00 PM**

1. **CALL TO ORDER**
2. **DETERMINATION OF QUORUM**
3. **APPROVAL OF AGENDA**
4. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
5. **MAYORAL PROCLAMATIONS**
  - A. **National Telecommunicators Week**
6. **CITIZEN CONCERNS/COMMENTS**
7. **PRESENTATIONS**
  - A. **Retirement of Lt. Bubba Wally**
8. **MAYOR/COMMISSIONERS/MANAGER REPORTS**
9. **PUBLIC HEARING AND CONSIDERATION OF APPROVAL**
  - A. **REZ 13-16 Washam Potts Reserve Subdivision**
  - B. **REZ 12-16 Boat Yard Eats**
  - C. **Moratorium for Subdivisions and Development Permits within Highway Commercial District West of I-77**
10. **CONSIDERATION OF APPROVAL**
  - A. **Street Acceptance - The Preserve at Robbins Park**
11. **CONSENT AGENDA**
  - A. **Approve Minutes - Regular Meeting**
  - B. **Approve Minutes - Closed Session**
12. **COMMISSIONER CONCERNS**
13. **ADJOURNMENT**

Please note that to speak during **CITIZENS CONCERNS/COMMENTS** or **PUBLIC COMMENT**, please use the signup sheet provided before the Board meeting and list your name, address and topic. Each speaker will be allowed 3 minutes to speak. A "hard stop" will occur after 3 minutes for each speaker. Any information displayed must be submitted to the Town Clerk within 48 hours

prior meeting.

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP

Director of Planning

**Action Requested:**

The Land Development Code Advisory Board (LDCAB) has been preparing a proposed amendment to the outdoor storage requirements for the Land Development Code. Staff would like to preview the recommendation with the Commissioners and receive any preliminary feedback before presenting the recommendations in the form of a text amendment for Planning Board and public consideration.

**Manager's Recommendation:**

Review LDCAB proposal and provide feedback.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">outdoor_storage_-_Clean.docx</a>	Draft Proposal	Backup Material

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## OUTDOOR STORAGE

### **CURRENT**

The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building.

### **PROPOSED**

#### Residential Properties/Uses:

The storage of goods or products as an ancillary use. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp cover, or within a shed or building.

- Vehicles: With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- Recreational vehicles and trailers: If not parked on an improved driveway, recreational vehicles and/or trailers shall be stored in the side or rear yard. A limit of one recreational vehicle or trailer per property is allowed to be parked on an improved driveway.
- Boats/vessels/personal watercraft: The boat/vessel/personal watercraft must be on a licensed registered trailer and not exceed twenty-six (26) feet in length by the manufacturer's published overall length. In addition, the boat/vessel/personal watercraft may not exceed 6,500 lbs. by the manufacturer's published dry weight. If not parked on an improved driveway, the boat/vessel/personal watercraft shall be stored in the side or rear yard. A limit of one boat or vessel, or two personal watercraft so long as the two personal watercraft are stored on one trailer designed to carry/ hold two personal watercraft, which does not exceed the above length and weight limit, is allowed to be parked on an improved driveway.

#### Commercial Properties/Uses:

Goods or products shall be stored in the rear yard and screened with an opaque fence or masonry fence/wall that shall match or complement the appearance of the principal structure. In addition, the storage area shall be screened with a type "A" opaque buffer.

Chapter 2 Definition for Improved Driveway: A driveway with a surface that is concrete, asphalt or gravel.

Staff note, replace Chapter 6 conditions with definition language.

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

**To:** Mayor and Board of Commissioners

**From:** Anthony Roberts, Town Manager

**Action Requested:**

The Board will go into closed session under NCGS §143.318.11 (a)(3) to consult with and obtain legal advice from Town Attorney

**Manager's Recommendation:**

Hold a Closed Session.

**ATTACHMENTS:**

Name:	Description:	Type:
No Attachments Available		

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## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor and Board of Commissioners

From: Kevin Black, Major


**Action Requested:**

Each year, the second full week of April is dedicated to the men and women who serve as public safety telecommunicators. This year, April 9-15, 2017 is National Public Safety Telecommunicators Week.

**Manager's Recommendation:**

Proclaim National Public Safety Telecommunicators Week as April 9th thru 15th.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Telecommunicator_Week_Proclamation_2017.pdf</a>	Telecommunicators Week	Backup Material

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# *TOWN OF CORNELIUS PROCLAMATION*

## *HONORING CORNELIUS TELECOMMUNICATORS*

**WHEREAS**, the Town of Cornelius has provided citizens with emergency communication services for twenty four years commencing the first week of March, 1993 and E-911 services for twenty one years commencing the first week of March, 1996; and

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, the Cornelius 911 Center has provided prompt, courteous, calming, and reassuring voices to almost 1 million requests for service from the public during the existence of this service; and

**WHEREAS**, the services of Public Safety Telecommunicators are a “silent service” and their duties are seldom observed by the public.

**NOW THEREFORE**, I, Charles L. Travis, III, Mayor of the Town of Cornelius, do hereby proclaim, recognize and honor the Cornelius Telecommunicators in observation of

### ***PUBLIC SAFETY TELECOMMUNICATOR WEEK***

*the week of April 9 through April 15, 2017*

Proclaimed this 3<sup>rd</sup> day of April, 2017

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Charles L. Travis, III, Mayor

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Town of Cornelius to be affixed this the 3<sup>rd</sup> day of April, 2017.

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

**To:** Mayor and Board of Commissioners

**From:** Anthony Roberts, Town Manager


**Action Requested:**

Recognize Lt. Bubba Wally's 23 years of service.

**Manager's Recommendation:**

Approve a Resolution awarding Lt. Wally his service revolver and badge.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Lieutenant_Bubba_Wally_Retirement.pdf</a>	Retirement Resolution	Resolution Letter

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**RESOLUTION ACKNOWLEDGING THE SERVICE OF  
POLICE LIEUTENANT MYRON "BUBBA" WALLY AND  
AWARDING HIS SERVICE PISTOL TO HIM**

WHEREAS, Police Lieutenant Myron "Bubba" Wally has served the Town of Cornelius for the past twenty-three years, and;

WHEREAS, Lieutenant Wally has dedicated his life to law enforcement and public service encompassing 23 years, and;

WHEREAS, Lt. Wally will be retiring from law enforcement on April 1, 2017.

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of the Town of Cornelius, in accordance with NC General Statute 20-187.2, does hereby award Lt. Wally his Glock service pistol, serial number CWZ 527 US in exchange for consideration of \$1.00.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Town of Cornelius also elects to retire Lt. Wally's badge and award it to him for his dedicated service to the Town.

Approved this 3rd day of April, 2017.

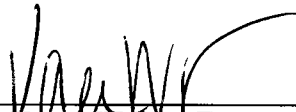
SEAL

  
Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lori A. Harrell, Town Clerk

  
Karen Wolter, Town Attorney

# REQUEST FOR BOARD ACTION

 **Print**

**Date of Meeting:** April 3, 2017

**To:** Mayor Travis and Town Board of Commissioners

**From:** Wayne Herron, AICP - Planning Director
















**Action Requested:**

A request by Classica Homes, LLC to rezone 7.32 acres from NR (Neighborhood Residential) to CZ-Washam Potts Reserve to develop a 22-lot single family subdivision located on Washam Potts Road, just northeast of the Washam Potts-Westmoreland Road intersection. The overall density proposed for the development is 3.0 dwelling units per acre, and the applicants are proposing 20% open space.

**Manager's Recommendation:**

Hear comments and make recommendation.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Application.pdf</a>	Application	Backup Material
 <a href="#">Classica_WP_Zoning.jpg</a>	Zoning Map	Backup Material
 <a href="#">Classica_WP_LU.jpg</a>	Land Use Map	Backup Material
 <a href="#">Classica_WP_Vicinity.jpg</a>	Vicinity Map	Backup Material
 <a href="#">Classica_WP_Property.jpg</a>	Property Map	Backup Material
 <a href="#">Bird_s_Eye.JPG</a>	Bird's Eye	Backup Material
 <a href="#">Street_View_1.JPG</a>	Street View 1	Backup Material
 <a href="#">Street_View_2.JPG</a>	Street View 2	Backup Material
 <a href="#">REZ_13-16 (TB) Washam Potts Reserve Staff Analysis (4.3.17).docx</a>	Staff Report	Backup Material
 <a href="#">Survey_Washam_Potts_12-29-16.pdf</a>	Survey	Backup Material
 <a href="#">WASHAM_POTTS_RESERVE_SK-100_R_2-27-17.pdf</a>	Sketch Plan	Backup Material
 <a href="#">16048_SK-COLOR_Washam_Potts_Reserve.pdf</a>	Sketch Plan (Illustrative)	Backup Material
 <a href="#">Proposed_Privacy_Wall.pdf</a>	Proposed Privacy Wall	Backup Material
 <a href="#">Ordinance_on_Rezoning_Property_REZ_13-16.docx</a>	ORD 13-16	Backup Material
 <a href="#">RESOLUTION OF THE TOWN OF CORNELIUS BOARD REZ_13-16 Consistency Statement.docx</a>	RESO of Cons. REZ 13-16	Backup Material



# 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 #: Rez 13-Ka

## LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):	<input type="checkbox"/>	_____	• Conditional Zoning (CZ)	<input checked="" type="checkbox"/> \$1150 <sup>00</sup>
• 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: _____	<input type="checkbox"/> _____
Fee Total:				\$1250 <sup>00</sup>

2. Project Information

Date of Application: 12/30/16 Name of Project: Washam Potts Reserve

Location: Washam Potts Rd + Westmoreland Property Size (acres): 7.32 # of Units/Lots: 27

Current Zoning: NR Proposed Zoning: (CZ) - NR

Current Land Use: Vacant Proposed Land Use: Single Family Residential

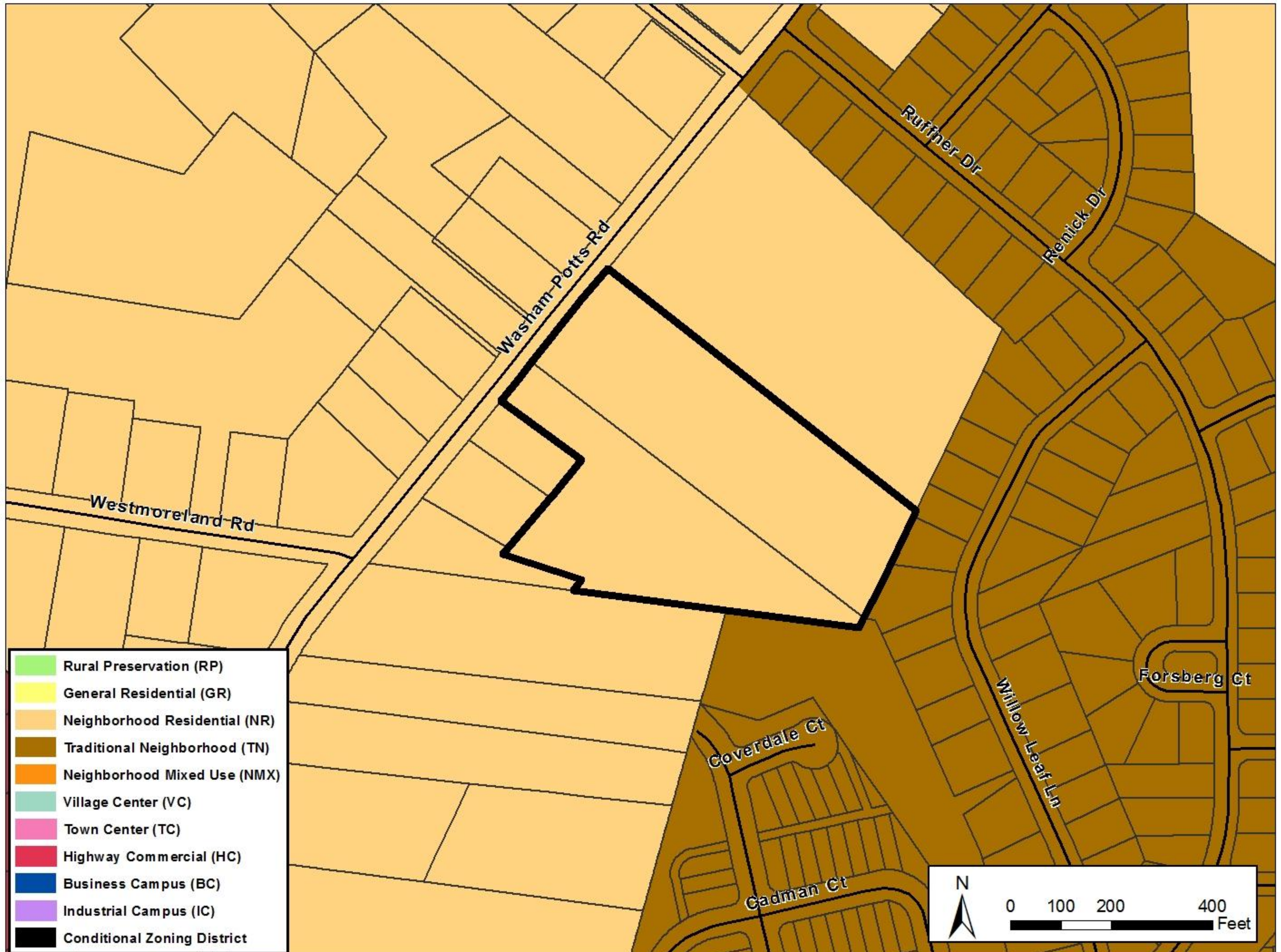
Tax Parcel Number(s): 00509116 + A PORTION OF 00509106

3. Contact Information	
<p>Owner, Applicant, or Developer: <u>CLASSICA HOMES, LLC</u></p> <p>Address: <u>2215 AIRSLEY TOWN BLVD #6</u></p> <p>City, State Zip: <u>Charlotte, NC 28273</u></p> <p>Telephone: <u>704-201-8976</u> Fax: <u>704-940-3904</u></p> <p>Signature: <u>[Signature]</u> Print Name: <u>Rick Jasinski</u> Date: <u>12/30/16</u></p> <p>Email: <u>RJasinski@ClassicaHomes.com</u></p>	<p>Agent(s) (Engineer, Architect, Etc.): <u>Landworks Design Group, P.A.</u></p> <p>Address: <u>7621 Little Ave, Suite #111</u></p> <p>City, State Zip: <u>Charlotte, NC 28226</u></p> <p>Telephone: <u>704-841-1604</u> Fax: <u>704-841-1604</u></p> <p>Signature: <u>[Signature]</u> Print Name: <u>Matt Langston</u> Date: <u>12/20/16</u></p> <p>Email: <u>mlangston@landworkspr.com</u></p>

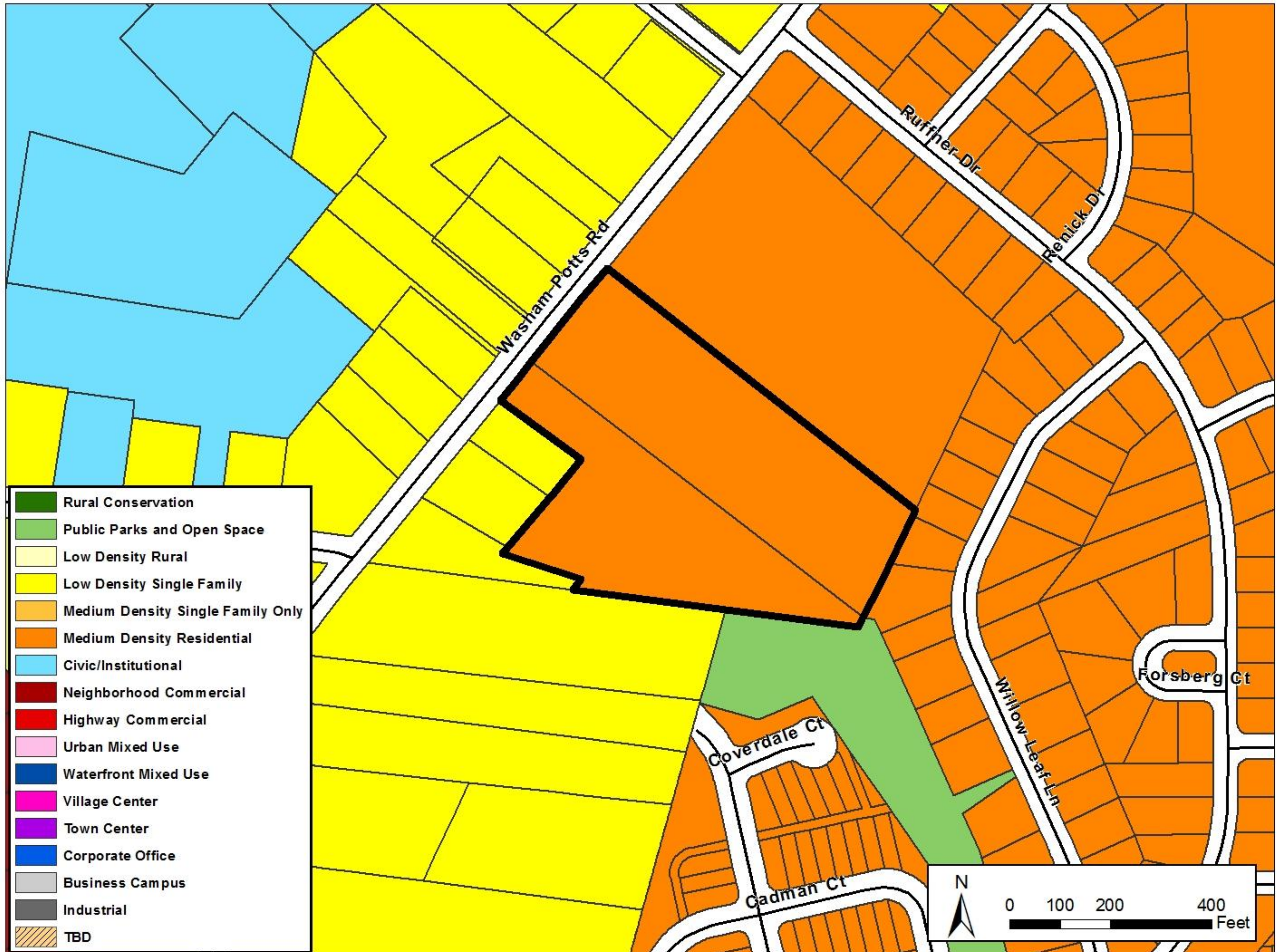
4. The following items shall be considered as part of a complete application, please check this list to ensure all items are included:

<input type="checkbox"/> Signed "Original" application	<input type="checkbox"/> Illustrative (color) site/sketch plan for presentation purposes with same layers as described above
<input type="checkbox"/> Project Fee(s) - See Fee Schedule	<input type="checkbox"/> Official hard copy of architectural elevations (at least one copy), which may include multiple pages. Must be drawn to scale by a registered architect, and include all primary and accessory buildings (including all building sides), and any other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height (NOT APPLICABLE FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).
<input type="checkbox"/> Written Summary/Description of Request 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"/> Illustrative (color) elevations for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples
<input type="checkbox"/> Property Survey (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 4" in diameter), and other natural features.	<input type="checkbox"/> Digital Files of all items listed above
<input type="checkbox"/> Site/sketch plan (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	

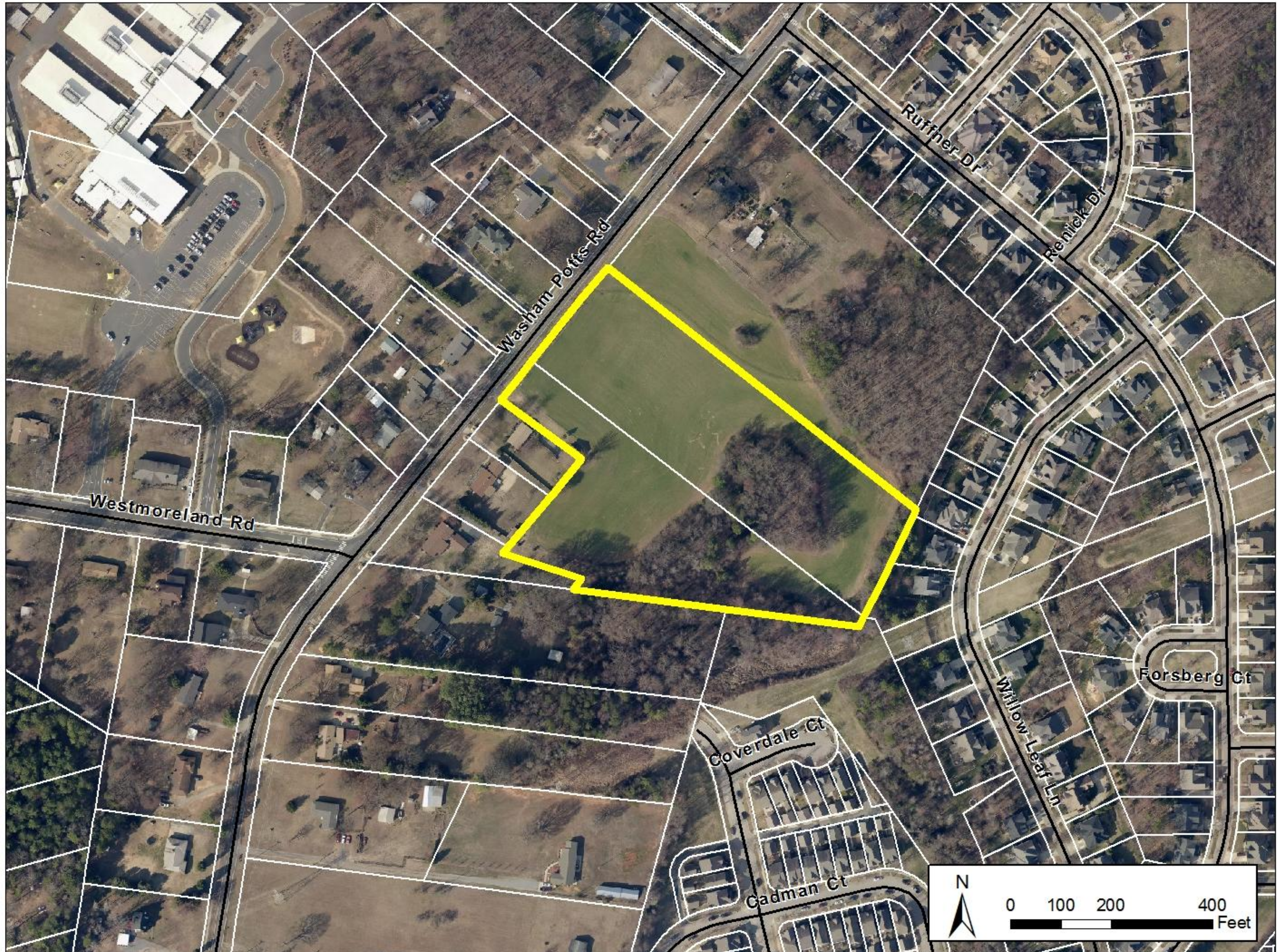
# Washam Potts - Classica Homes Proposal



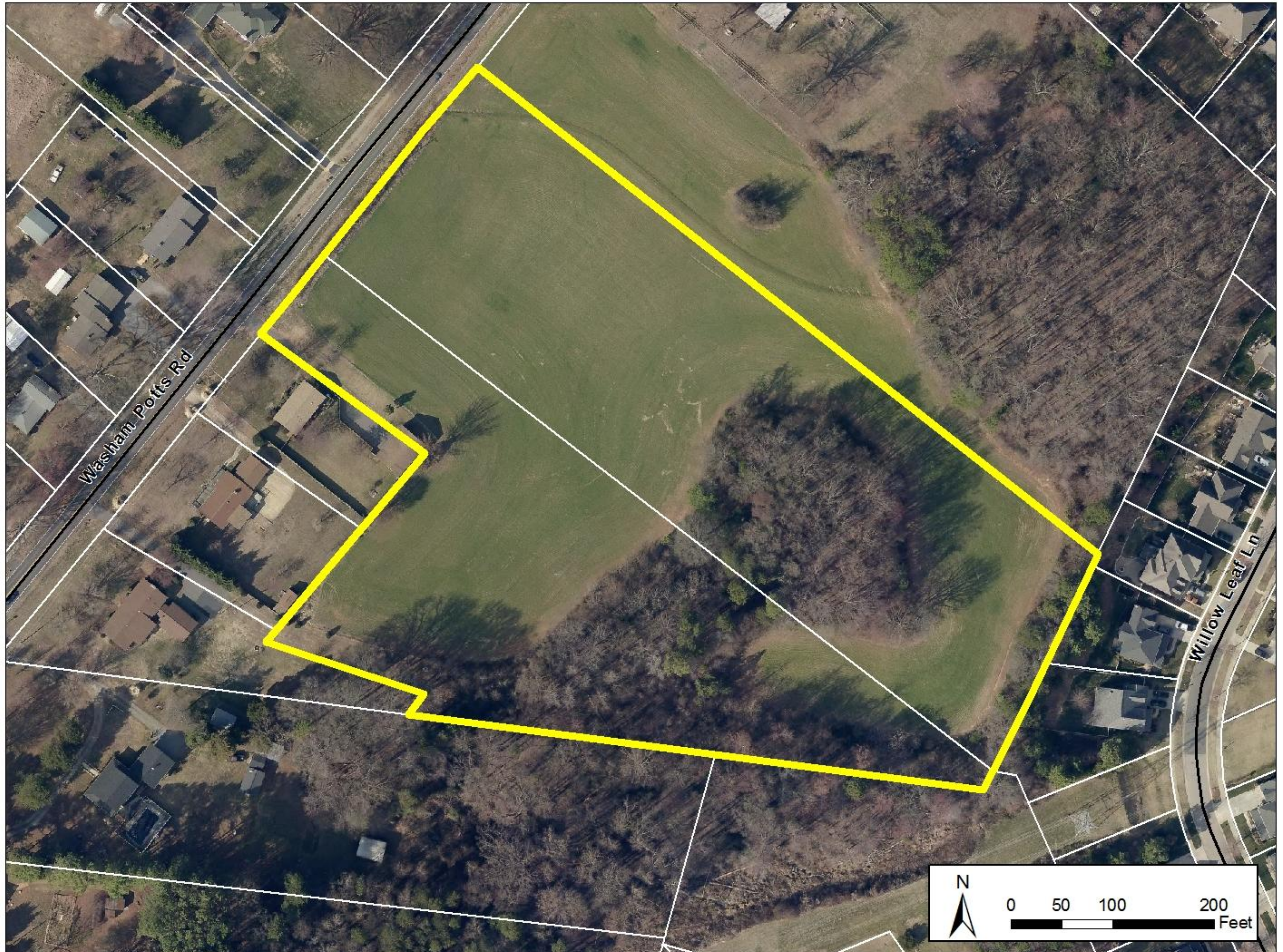
# Washam Potts - Classica Homes Proposal



# Washam Potts - Classica Homes Proposal



# Washam Potts - Classica Homes Proposal





Ruffner Dr

Washam Potts Rd

moreland Rd

9910 WASHAM POTTS RD  
CORNELIUS NC 28031









**REZ 13-16**  
**Washam Potts Reserve Subdivision**

***Conditional Zoning Request***

**Town Board Meeting**  
**April 3, 2017**

**OWNER(S):** Rachel Anne Potts  
15316 Black Farms Road  
Huntersville, NC 28078

**APPLICANT(S):** Rick Jasinski                      Matt Langston  
Classica Homes, LLC                      Landworks Design Group  
2215 Ayrsley Town Blvd, Suite G      7621 Little Ave, Suite 111  
Charlotte, NC 28273                      Charlotte, NC 28226

**PROPERTY LOCATION:** 9904 & 9910 (portion) Washam Potts Road (PID# 00509116, and portion of 00509106)

**PROPERTY SIZE:** Approximately 7.32 Acres

**CURRENT LAND USE:** Vacant

**PROPOSED LAND USE:** 22-lot single family detached subdivision.

**EXISTING ZONING:** Neighborhood Residential (NR)

**PROPOSED ZONING:** Neighborhood Residential – Conditional Zoning (NR-CZ)

**EXISTING CONDITIONS:**

1. Description of Adjoining Zoning and Land Uses – This property is bordered on the northeast and southeast by the Oakhurst subdivision, which is zoned Traditional Neighborhood (TN), and also bordered by other single family homes zoned neighborhood residential directly north, and southwest. The proposed entrance to this proposed subdivision will be approximately 550' from the Washam Potts-Westmoreland intersection.
2. Topography – The site gently slopes at an average of 3.5 to 4% from Washam Potts Road to the southwestern corner of the property
3. Vegetation – The site is mostly an open, agricultural field, but also contains existing tree canopy and vegetation along the edges of the property, and also some existing trees toward the center of the site.

4. Infrastructure – The property should have access to water and sewer services from Washam Potts Road. The applicants are proposing a new public street connection to Washam Potts Road approximately 550-feet north of the Westmoreland Intersection, 660-feet south of the Oakbranch-Washam Potts intersection, and just over 750-feet south of the Washam Potts-Ruffner Drive intersection. The site plan shows two street stubs to the north and south for future connectivity.

#### **STAFF COMMENTS:**

1. District Consistency – According to the Land Development Code, major subdivisions require conditional zoning approval in all zoning districts. The Neighborhood Residential District maximum density is 3 dwelling units per acre.
2. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014 designates this property as Medium Density Residential. Medium density residential neighborhoods support a mix of housing options ranging from two to four dwelling units per acre with sufficient open space, and sufficient buffering from existing/older single family homes and neighborhoods.
3. Sketch Plan – The applicant(s) are proposing a twenty-two (22) lot single-family subdivision, which equates to a density right at three (3) units per acre. The average lot size is around 7,500 square feet with most lot widths between 60 and 65-feet. The applicants are proposing a 15-foot front and rear yard setback, and a minimum side setback of three (3) feet. The site will include one primary street entrance off Washam Potts, and two streets that provide a stub connection to the adjoining properties should they redevelop in the future.
4. Storm Water/Water Quality – This site is not located within a Watershed District, but is subject to post construction regulations. The impervious limits for the entire property as well as per lot are not listed on the sketch plan, but the plan does include a potential water quality area indicating that the project will be high density from a storm water and water quality perspective.
5. Open Space – The site plan indicates that 1.47 acres of open space is proposed, which is 20% of the site and meets the requirements of Chapter 8. A central green area is included as part of the improved open space, which can be easily accessed by all lots within the development. The mail kiosk is included within the central open space. Improved open space in both the central park and other areas combine for a total of 22,063 square feet, which is 25% of the total required open space also meeting Chapter 8 standards. The water quality/storm water bmp area does not appear to be included in the open space calculation.
6. Screening and Landscaping – The site plan proposes a variety of different buffer options to conform to recently adopted Chapter 9 standards, including a 50+-foot undisturbed buffer at the back (south end) of the site adjoining the adjacent residential homes in Oakhurst, a 30-foot buffer with a 6-foot brick wall behind lots 16 through 22 also adjoining existing residential, and a 10-foot undisturbed, wooded buffer behind lots 13 through 15. There is not a buffer proposed behind lots 1 through 9 as part of the negotiation with the Potts property.

The 30-foot buffer behind lots 16 through 22, the brick wall will be placed 20 feet from the adjoining property, and 10 feet from the new lots. On the side adjoining the existing residential homes, there will be a combination of evergreen and deciduous trees, and on the new development side there will be shrubs.

7. Traffic/Transportation – As part of staff’s review of this proposal, the sketch plan was sent to NCDOT Division 10 and District staff to provide their input on the proposed subdivision. NCDOT requested a left turn lane into the site with at least 100-feet of storage, which has been added to the latest plan. Staff has also requested modifications to the Washam Potts street cross section, which will include a sidewalk and bike lane in front of the development.
8. Pre-Development Review Committee – This proposed rezoning was presented to the PDRC on December 8, 2016. The lot layout was similar, but the original plan included 30 lots at a density closer to 4 dwelling units per acre. The developer also included elevations, and spoke about the buffers and proposed price point. Board members encouraged the applicants to try to reduce the density, but were in favor of the requested rezoning as it is consistent with the future land use plan.
9. Community Meeting – The applicant(s) held the required community meeting on February 1, 2017 at Town Hall in room 204. There were about 15 people in attendance, including two Town Board members. There were a few concerns raised regarding the increase in traffic on Washam Potts, but generally, those that were in attendance were predominately in favor of the request, and stated that they would rather this property be approved for residential development versus commercial. Most residents that adjoined this development were also pleased with the proposed buffers, and asked about connectivity and price points. The subdivision was 27 lots at that time.

#### **STAFF RECOMMENDATIONS:**

Staff and the Planning Board recommend approval of the requested conditional zoning, 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 and all traffic information including traffic memos, transportation impact analysis and recommended transportation plans or improvements recommended by the Town and/or NCDOT.

4. Final approval of the cross-section and details for the proposed new streets is required by the Town of Cornelius Public Works Department and by Mecklenburg County prior to construction document approvals.
5. 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.

(DEED BOOK 6088 PAGE 11)

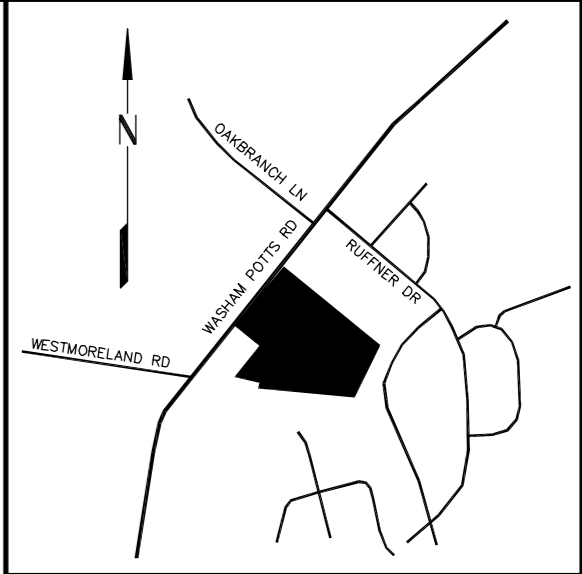


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 12°07'02" E	22.76'

AREA SUMMARY	
TAX PARCEL 005-091-16	3.338 ACRES
PORTION OF TAX PARCEL 005-091-06	4.003 ACRES
COMBINED TOTAL AREA	7.341 ACRES

## LEGEND

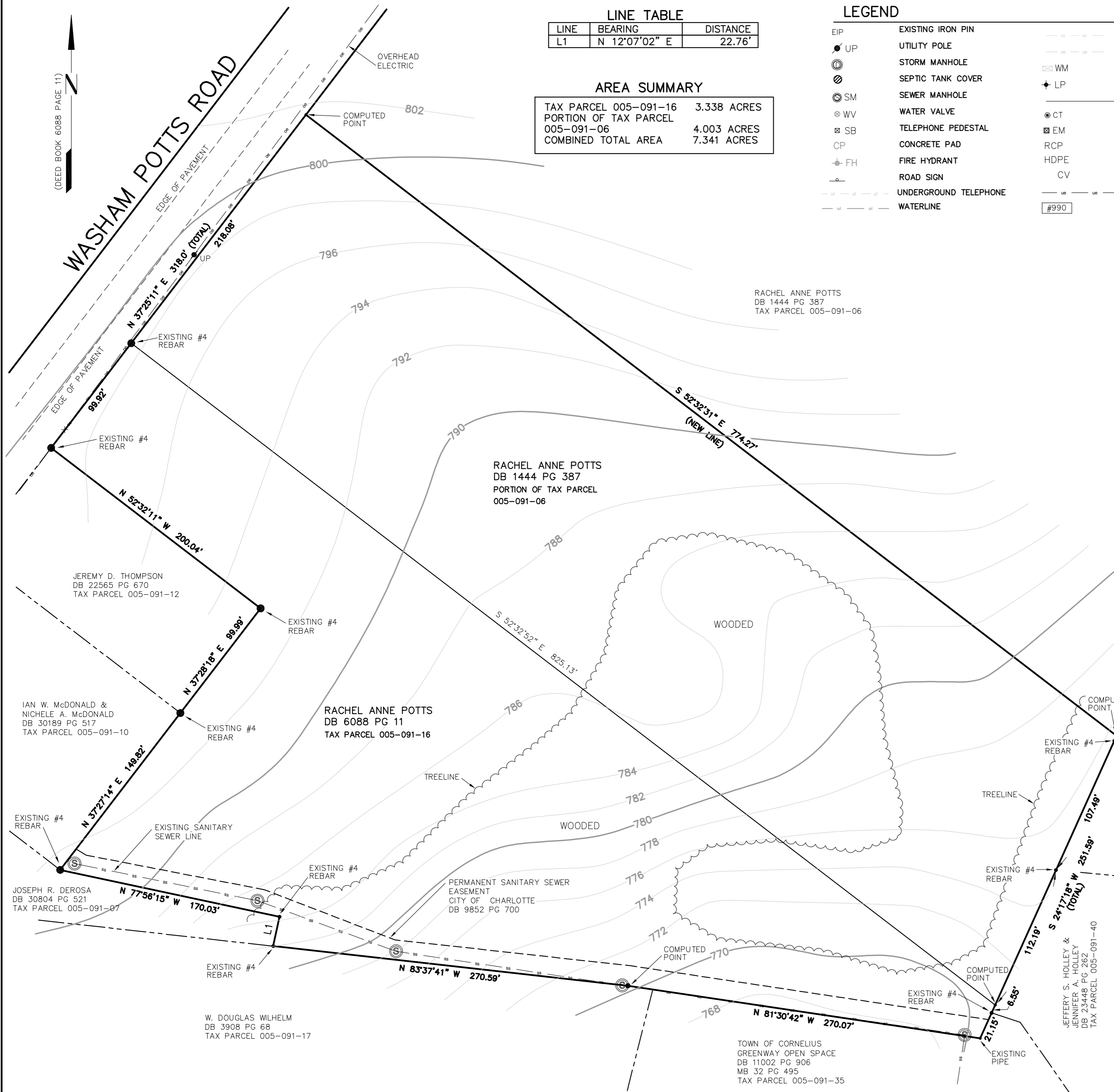
EIP	EXISTING IRON PIN	— — — — —	SANITARY SEWER LINE
● UP	UTILITY POLE	— — — — —	OVERHEAD ELECTRIC
⊙	STORM MANHOLE	⊠ WM	WATER METER
⊗	SEPTIC TANK COVER	✦ LP	LIGHT POLE
⊙ SM	SEWER MANHOLE	— — — — —	TREE LINE
⊗ WV	WATER VALVE	⊙ CT	CLEAN-OUT
⊠ SB	TELEPHONE PEDESTAL	⊠ EM	ELECTRIC SERVICE METER
CP	CONCRETE PAD	RCP	REINFORCED CONCRETE PIPE
✦ FH	FIRE HYDRANT	HDPE	
— — — — —	ROAD SIGN	CV	CATV CABLE PEDESTAL
— — — — —	UNDERGROUND TELEPHONE	— — — — —	UNDERGROUND ELECTRIC
— — — — —	WATERLINE	#990	PHYSICAL ADDRESS



VICINITY MAP

## GENERAL NOTES:

- BOUNDARY SURVEY IS BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED IN FIELD ON DATE(S) OF SURVEY.
- NORTH ORIENTATION IS BASED DEED BOOK 6088, PAGE 11, RECORDED IN THE MECKLENBURG COUNTY REGISTRY.
- ALL DISTANCE SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREAS WERE CALCULATED USING THE COORDINATE METHOD.
- THE LOCATIONS OF UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON ABOVE GROUND VISIBLE APPURTENANCES.
- TOPOGRAPHIC INFORMATION AND CONTOURS ARE BASED ON THE MECKLENBURG COUNTY GEOGRAPHIC INFORMATION SYSTEM AND ARE APPROXIMATE.



TOWN OF CORNELIUS  
MECKLENBURG COUNTY, NORTH CAROLINA

BOUNDARY SURVEY FOR:

# CLASSICA HOMES

SURVEYED BY:	SURVEY DATE(S):	PROJECT NUMBER:
EG	12-16	16028
DRAWN BY:	PLAT DATE:	DRAWING NAME:
EG	12-16	16028
CHECKED BY:	DRAWING SCALE:	FIELD BOOK:
EG	1"=50'	16-01



137 CROSS CENTER RD #253  
DENVER, NC 28037  
OFFICE 704-485-3201  
FAX 704-485-3202





**DEVELOPMENT DATA:**

TAX PARCEL ID:	00509116, 00509106 (PARTIAL)
REZONING SITE ACREAGE:	± 7.34 AC
EXISTING ZONING:	NR (Neighborhood Residential)
PROPOSED ZONING:	NR (CZ - Conditional Zoning)
PROPOSED USE:	Single-Family

RESIDENTIAL UNITS PROPOSED: 22  
RESIDENTIAL DENSITY PROPOSED: 3.00 Units / AC

FRONT YARD: 15'  
MIN. SIDE YARD: 3'  
MIN. CORNER LOT SIDE YARD: 10'  
REAR YARD: 15'  
PROPOSED BUILDING HEIGHT: 35'

PROPOSED BUILDING FOOTPRINT IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. (ACTUAL FOOTPRINT DETERMINED AT TIME OF SALE FOR EACH INDIVIDUAL LOT.)

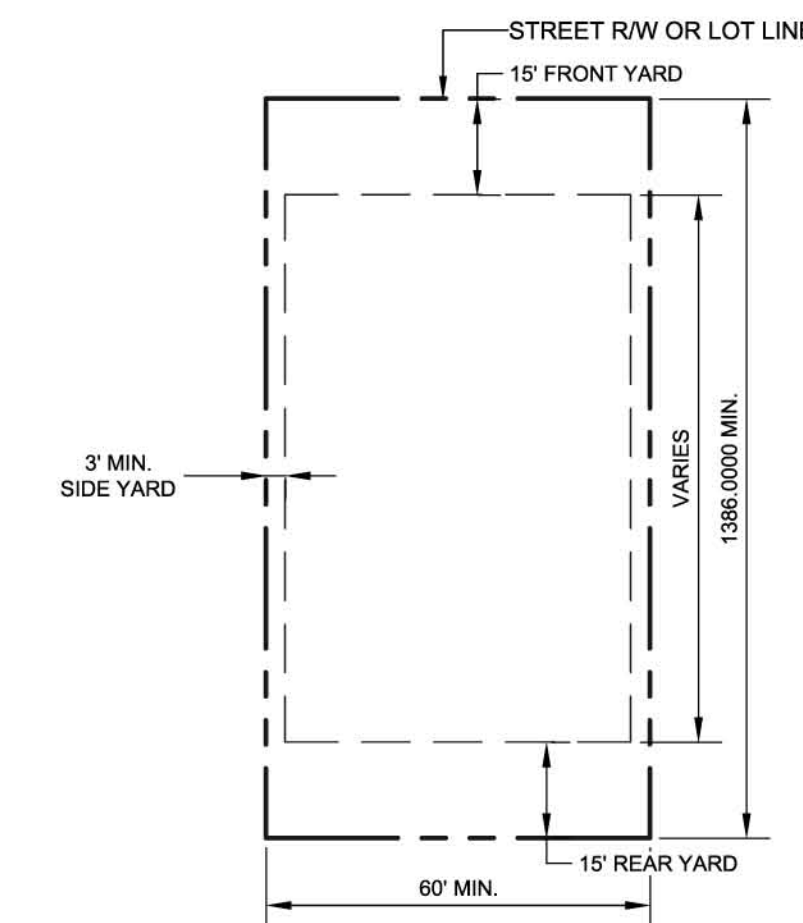
SITE IMPERVIOUS = OVER 24% OF SITE AREA (WQ REQUIRED)

OPEN SPACE REQUIREMENTS:  
20% OF TOTAL SITE: 1.47 AC REQUIRED  
±1.47 AC (64,839 SF) PROVIDED

IMPROVED OPEN SPACE:  
25% OF REQUIRED OPEN SPACE = 0.25 X 1.47 AC = 0.38 AC REQUIRED  
±0.52 AC (22,747 SF) PROVIDED

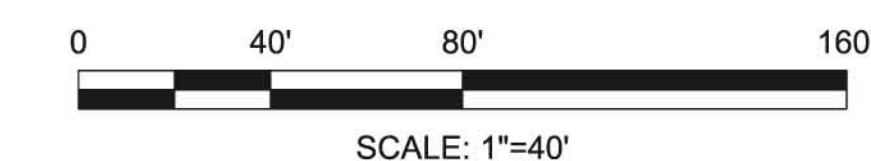
O.S. #1 (GREEN):	±13,332 S.F.
I.O.S. #2 (GREEN):	±11,943 S.F.
O.S. #3 (GREEN):	±2,229 S.F.
O.S. #4 (GREEN):	±15,516 S.F.
O.S. #5 (GREEN):	±11,015 S.F.
I.O.S. #6 (GREEN):	±10,804 S.F.
<b>TOTAL ON-SITE:</b>	<b>±64,839 S.F.</b>

IMPROVED OS: ±22,747 SF (± 35.1% OF TOTAL)  
(GREEN AREAS TO INCLUDE ORNAMENTAL  
LANDSCAPING AND PATHWAYS AND/OR SITTING  
AREAS. FINAL DESIGN TO BE ESTABLISHED DURING  
PERMITTING PHASE.)



TYPICAL LOT DETAIL  
SCALE: NTS

### BOUNDARY AND TOPO INFO FROM MECKLENBURG COUNTY GIS



REVISIONS:			SCALE: 1"=40'
No.	Date	By	Description

WASHAM POTTS RESERVE  
CORNELIUS, NC  
CLASSICA HOMES, LLC  
CHARLOTTE, NC

## SKETCH PLAN

**CORPORATE CERTIFICATIONS**  
 NC PE : C-2930      NC LA : C-253  
 SC ENG : NO. 3599   SC LA : NO. 211

Project Manager: MDI

Drawn By: DRW

Checked By: MEA

Date: 3/1/17

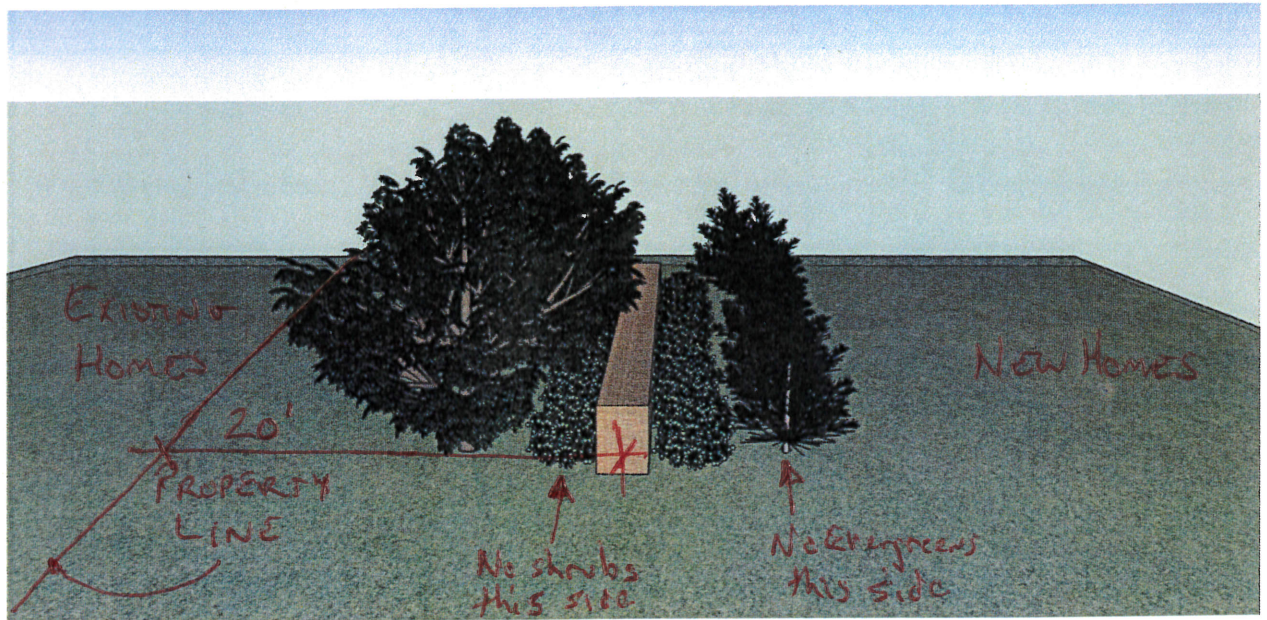
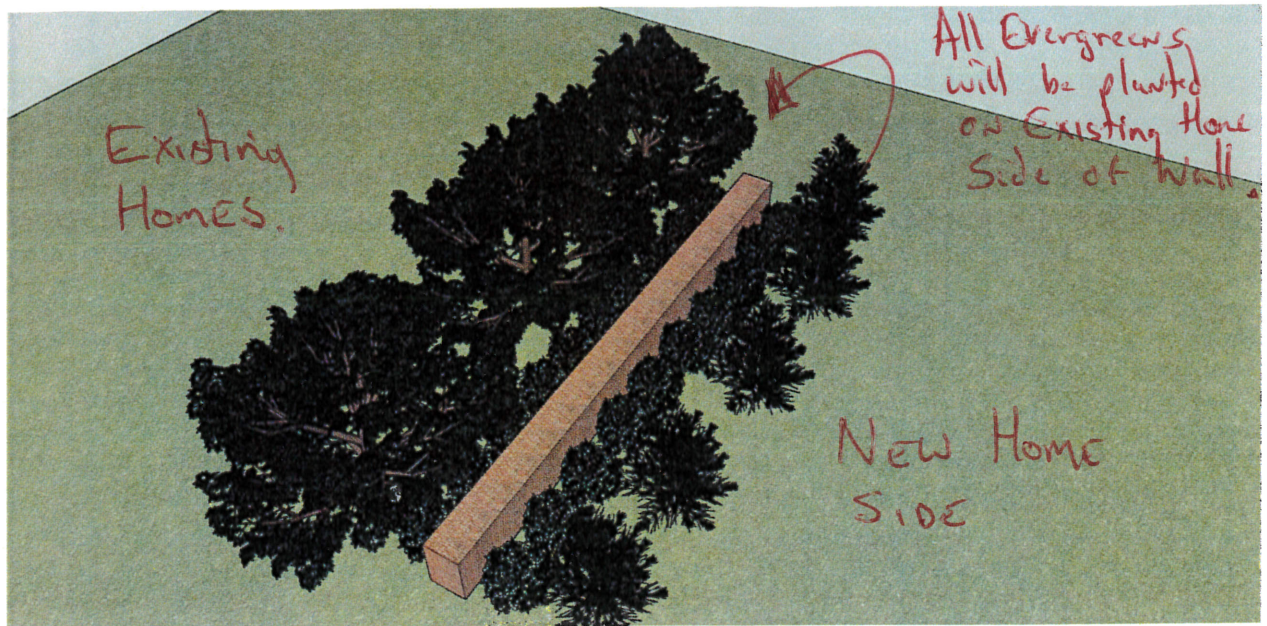
Project Number: 16048

Sheet Number:

SK-100

SHEET # 1 OF 1

# WASHAM POTTS RESERVE PRIVACY WALL



## Type A-2

- Minimum width: 30'
- Masonry wall of brick and/or stone with minimum height of 6'
- Masonry wall shall be a minimum of 20' off of any property line
- Deciduous trees at 2.5/100 linear feet - All on Existing Home Side of Wall
- Evergreen trees at 5/100 linear feet - All on Existing Home Side of Wall
- Shrubby at 20/100 linear feet - All on new home side of wall

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP**

**REZ 13-16 Washam Potts Reserve**

**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 Number(s) 00509116, and a portion of 00509106 consisting of approximately 7.32 acres located at 9904 & 9910 Washam Potts Road, be reclassified as *Conditional Zoning 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 3<sup>rd</sup> day of April, 2017.

\_\_\_\_\_  
Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lori A. Harrell, Town Clerk

\_\_\_\_\_  
Karen Wolter, Town Attorney

## P:\2016 Jobs\16048 - Washam Ponds - Classics Homes\CAO\Sketch Planning\16048 SD\_2-27-17 REV.dwg



CLASSICA  
DESIGNED FOR LIVING



## **EXHIBIT B**

### **Conditions of REZ 13-16 – Washam Potts Reserve**

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 and all traffic information and recommended transportation plans or improvements recommended by the Town and/or NCDOT.
4. Final approval of the cross-section and details for the proposed new streets is required by the Town of Cornelius Public Works Department and by Mecklenburg County prior to construction document approvals.
5. 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.

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

**REZ 13-16 Washam Potts Reserve**

**WHEREAS**, Classica Homes, LLC, applicants initiated the process to zone parcels of land to *Conditional Zoning District* as shown in *Exhibit A* to develop said land with a 22-lot single family residential subdivision located at 9904 & 9910 Washam Potts Road (Parcel ID# 00509116, and portion of 00509106); 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 3<sup>rd</sup> day of April 2017.

\_\_\_\_\_  
Charles L. Travis, III, Mayor

ATTEST:

\_\_\_\_\_  
Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Wolter, Town Attorney

PAGE 6 OF 10  
PRINTED ON: 08/07/2019 10:08 AM



## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor Travis and Town Board of Commissioners

From: Will Washam - Senior Planner












**Action Requested:**

Old Swan Development, LLC (Joe and David Stockwell) are requesting a zoning map amendment to allow the establishment of a restaurant with food trucks, outdoor seating and entertainment area on 3.6 acres at the site of the existing Anchorage Marine building at the intersection of US 21 and Westmoreland Road.

**Manager's Recommendation:**

Approval with conditions.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Single_Application_(12-5-16).pdf</a>	Application	Backup Material
 <a href="#">Boatyard_Eats_Vicinity.jpg</a>	Vicinity Map	Backup Material
 <a href="#">Boatyard_Eats_Property.jpg</a>	Property Map	Backup Material
 <a href="#">Boatyard_Eats_LU.jpg</a>	Land Use Map	Backup Material
 <a href="#">Boatyard_Eats_Zoning.jpg</a>	Zoning Map	Backup Material
 <a href="#">REZ_12-16_(TB)_Boat_Yard_Eats_Staff_Report.docx</a>	Staff Report	Backup Material
 <a href="#">Boatyard_Eats_REZ_(2.23.17).pdf</a>	Site plan package	Backup Material
 <a href="#">Community_meeting_sign_in_and_notes.docx</a>	Community Meeting Minutes	Backup Material
 <a href="#">PDRC_Minutes.030816.DRAFT.pdf</a>	PDRC minutes	Backup Material
 <a href="#">Capture007.pdf</a>	Site Information	Backup Material
 <a href="#">IMG_9850.JPG</a>	Site Picture 1	Backup Material
 <a href="#">IMG_9845.JPG</a>	Site Picture 2	Backup Material
 <a href="#">Ordinance_on_Rezoning_Property_REZ_12-16.docx</a>	Ordinance	Backup Material
 <a href="#">RESOLUTION_OF_THE_TOWN_OF_CORNELIUS_BOARD_REZ_12-16_Consistency_Statement.docx</a>	Resolution	Resolution Letter



# TOWN OF CORNELIUS

## Planning Department

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

### LAND DEVELOPMENT APPLICATION FORM

Case #:

#### 1. Application Type

**Subdivision:** ☒ Fee ☐  
Major Subdivision Plat ☒  
Sketch Plan/Plat ☐  
Preliminary Plat ☐  
Construction Documents ☐  
Minor Subdivision Plat ☐  
**Rezoning:**  
Standard Rezoning ☐  
Conditional Zoning ☒  
Parallel Conditional District ☐  
Conditional District Amendment ☐

**Site Plan:** ☒ Fee ☐  
Major Site Plan ☐  
Minor Site Plan ☐  
Conditional Use Permit ☒ 1250  
Conditional Use Amendment ☐  
Construction Documents ☐  
Vested Rights ☐  
Vested Rights Amendment ☐  
**Uniform Sign Plan:** ☐  
**Text Amendment:** ☐  
**Other:** ☐

Fee Total 1250

#### 2. Project Information

Date of Application: \_\_\_\_\_ Name of Project: BOAT YARD EATS Phase: \_\_\_\_\_  
Location: 18418 STATESVILLE ROAD Property Size (acres): 3.6 # of Units (residential): 1  
Current Zoning: HC Proposed Zoning: CZ  
Current Land Use: HC Proposed Land Use: RESTAURANT  
Tax Parcel Number(s): 00 514 108

#### 3. Contact Information

OLD SWAN DEVELOPMENT, LLC - JOSEPH STOCKWELL  
Applicant/Developer 84303 WINDSLOW DAVID STOCKWELL - 336-253-7792  
Address CHAPEL Hill City, State Zip NC 27517  
Telephone 919-265-8338 Fax \_\_\_\_\_ Email JOSEPH.STOCKWELL48@GMAIL.COM  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

Chris McIntyre Amicus Partners  
Agent (Registered Engineer, Designer, Surveyor, etc.)  
331 Giddie Market Dr. Ste 110  
Address  
Concord, NC 28027  
City, State Zip  
704-573-1621  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
CE McIntyre Chris McIntyre 6/5/16  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_  
Email - cmccintyre@amicuseng.com

OLD SWAN DEVELOPMENT, LLC  
Property Owner  
84303 WINDSLOW  
Address  
CHAPEL Hill NC 27517  
City, State Zip  
919-265-8338  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
Joseph Stockwell JOSEPH Stockwell 10/14/16  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_  
Email - \_\_\_\_\_

#### 4. Description of Project

Briefly explain the nature of this request.

WE ARE CONVERTING EXISTING BUILDING TO A RESTAURANT  
WITH ENTERTAINMENT AND SERVICED BY FOOD TRUCKS.

Reasons for Conditional Use Permit (if applicable):

• REQUIRED by Code

**Note:** The review process will be delayed if the project submittal is not complete with the following:

☐ **Signed "original" application** – must include signatures of all project partners, applicants and property owners

☐ **One (1) official hard copy of property survey and site/sketch plan drawn to scale by a professional engineer or landscape architect** – survey shall include existing buildings, topography, wetlands, streams, vegetation, and other natural features. Site/Sketch plan shall include general locations of buildings, lots, streets, parking, proposed grading, landscaping and screening, open space, watershed/storm water calculations on plans (if applicable), associated storm water measures (if applicable), and general locations of proposed utilities and lighting

☐ **Project Fee(s)** – see fee schedule. Required fees may include application fee, and additional fees to prepare TIA based on scoping meeting

☐ **One (1) official hard copy of illustrative elevations & floor plans (exception: single-family residential projects) drawn to scale** – drawn to scale for all buildings and on all sides, and all retaining walls, garden walls, fences, gazebo's, trellis's or other items over 4-feet tall, also include floor plans.

☐ **Digital files of all items**

(Application; survey; elevations; copy of site/sketch plan, floor plans, storm water concept plan, and preliminary landscaping plan)

➤ **PLEASE NOTE:**

Once a complete application is submitted, the Planning Director shall determine the need for a Traffic Impact Analysis (TIA) in accordance with chapter 13 of the LDC. If a TIA is required, a scoping meeting will be held between the Town, applicant(s), and the Town's selected traffic consultant. A fee equal to an estimate of consultant fees submitted by the consultant for preparation of the TIA and any additional services incurred by the consultant shall be paid by the applicant in full to the Town before the Town can release the work to the consultant.

#### Office Use Only:

Received by: \_\_\_\_\_

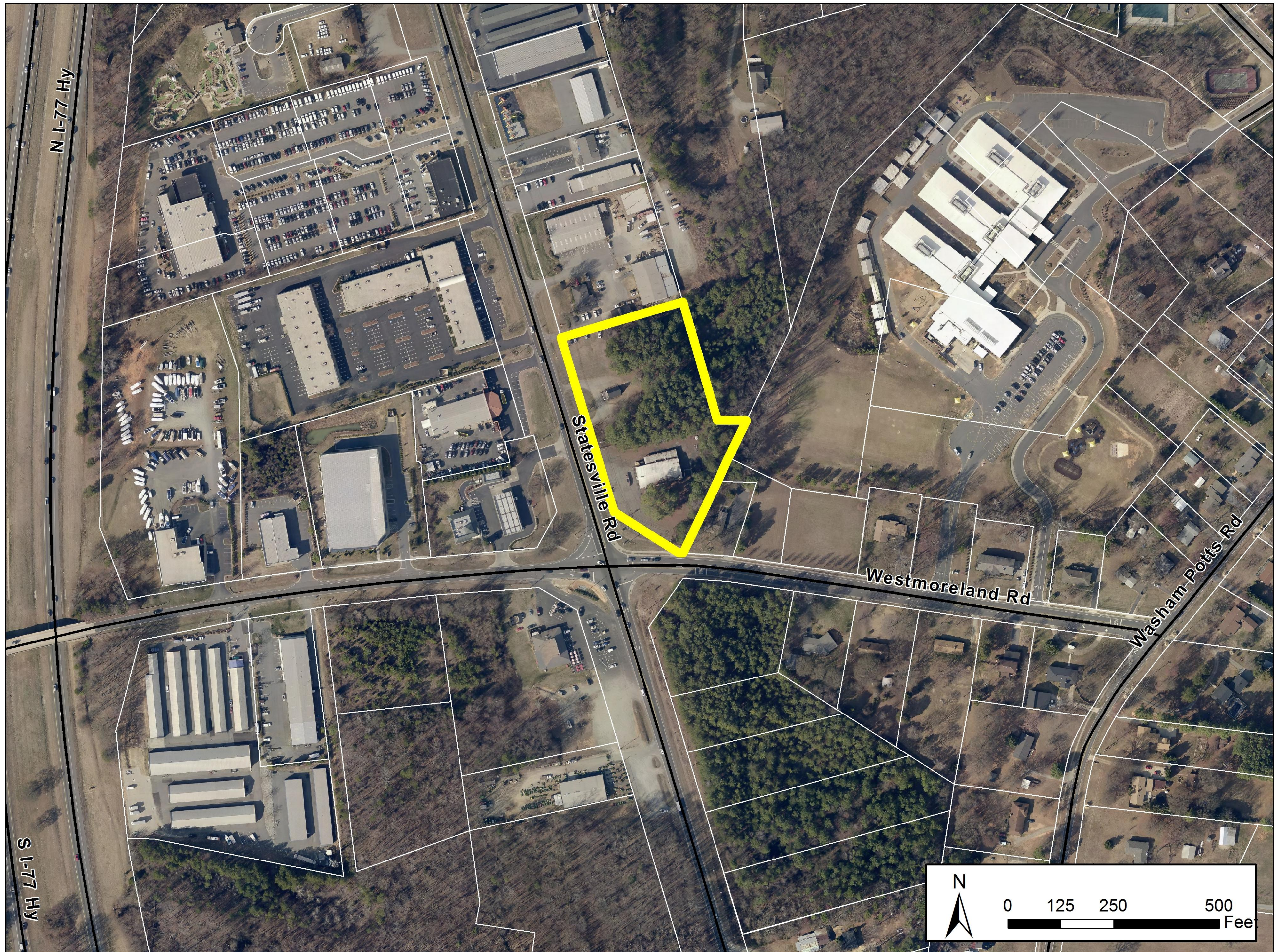
Date: \_\_\_\_\_

#### **Review Dates:**

Pre-Development: \_\_\_\_\_ TIA Scoping Meeting: \_\_\_\_\_ TRC: \_\_\_\_\_ ARB: \_\_\_\_\_

Comm. Mtg (CZ's Only): \_\_\_\_\_ Planning Board: \_\_\_\_\_ Town Board: \_\_\_\_\_

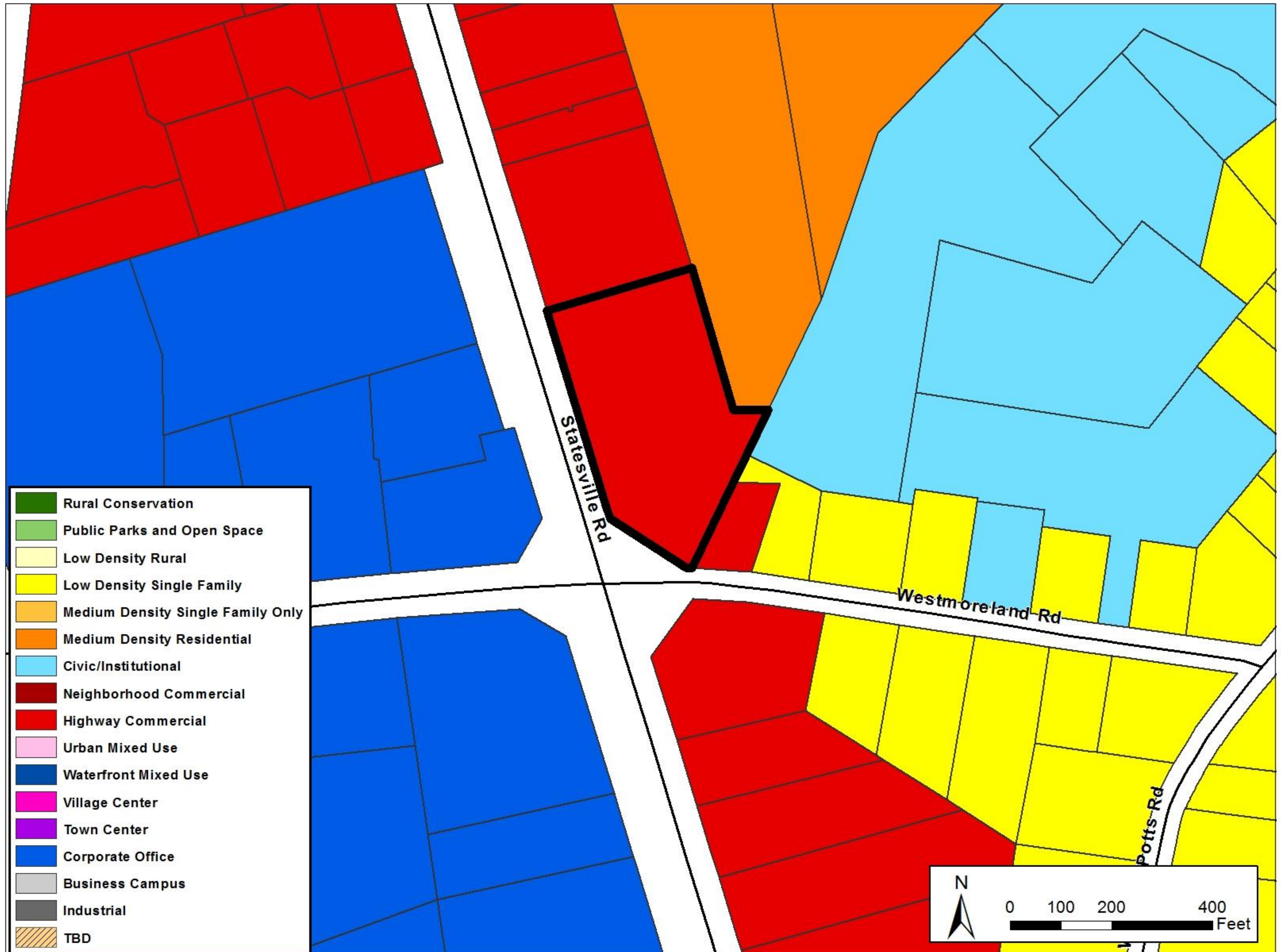
# Boatyard Eats Proposal



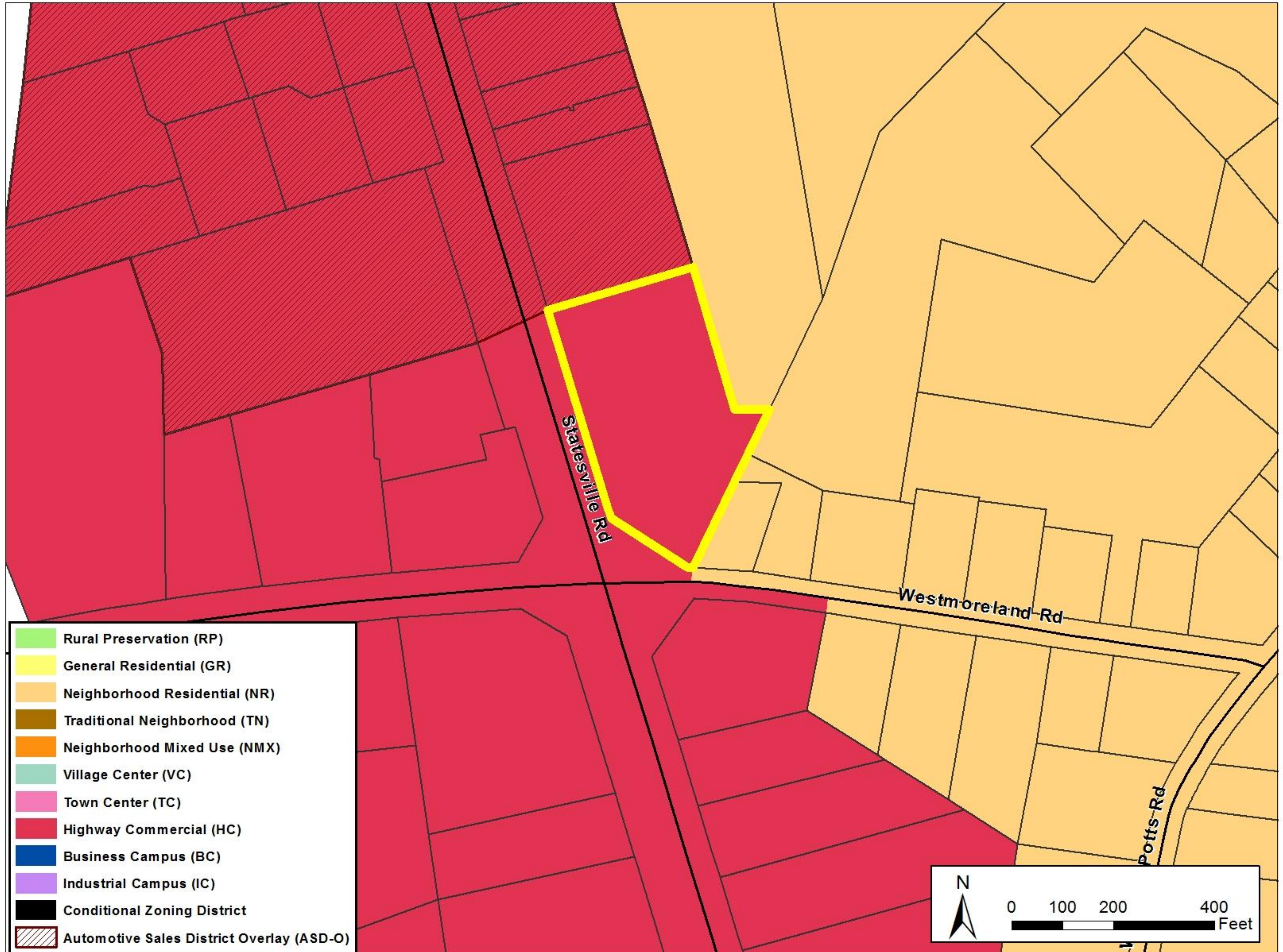
# Boatyard Eats Proposal



# Boatyard Eats Proposal



# Boatyard Eats Proposal





**REZ 12-16**  
**Boat Yard Eats**  
***Conditional Zoning Request***

**Town Board Meeting**  
**April 3<sup>rd</sup>, 2017**

**OWNER(S):** Old Swan Development, LLC  
84303 Winslow  
Chapel Hill, NC 27517

**APPLICANT:** Old Swan Development, LLC  
84303 Winslow  
Chapel Hill, NC 27517

**PROPERTY LOCATION:** 18424 Statesville Rd (The North East corner of the intersection of Westmoreland Rd and US 21, PID: 00514108)

**PROPERTY SIZE:** 3.64 acres

**CURRENT LAND USE:** Commercial/Vacant

**PROPOSED LAND USE:** Restaurant

**EXISTING ZONING:** HC (Highway Commercial)

**PROPOSED ZONING:** CZ (Conditional Zoning)

**EXISTING CONDITIONS:**

1. Description of Adjoining Zoning and Land Uses – As shown on the Town of Cornelius zoning map, this property is currently zoned HC (Highway Commercial). This property is bordered by HC zoning (within the Automotive Sales District Overlay) to the North, and NR (Neighborhood Residential) zoning to the East. The property to the North contains a car rental business. A small portion of the subject property borders the grounds (Athletic fields) of JV Washam Elementary School. The property directly to the East houses a small commercial building.
2. Topography – The topography is generally flat. There is an existing berm that rises ~4'-6' along the eastern edge of the property which borders the CMC property and the existing commercial building that fronts Westmoreland Rd.
3. Vegetation – Generally, the entire site outside of the existing buildings and parking lot is wooded.
4. Infrastructure – Utilities are readily available for this site. This site currently contains two buildings. There is a small single tenant commercial building on the North end of the property (nail salon, ~1,000 sq. ft.) and a ~7,000 sq. ft. commercial building (used for boat storage and sales) near the corner of Westmoreland and US 21. Boat Yard Eats will be using the existing ~7,000 sq. ft. building to house the seating area for the restaurant use.

5. Traffic – The applicant has had preliminary coordination with NCDOT to determine drive locations and configuration. The applicant is moving forward at this time with two driveways for the Boat Yard Eats restaurant. The Boat Yard Eats driveway on Westmoreland Rd will be right in-right out and portable curb with bollards ([www.qwickkurb.com](http://www.qwickkurb.com)) will be used to restrict left turns. On US 21 there are currently three existing driveway cuts on the entire site. This project will consolidate two of these driveways into a new driveway for access to Boat Yard Eats on US 21. This drive way also be restricted to right-in-right-out using the same portable curd that is proposed on Westmoreland Rd. Placement of the portable curb will be on the centerline of Westmoreland Rd and US 21 where used. NCDOT is allowing the use of the portable curb and bollards to mitigate the loss of permanent infrastructure during the upcoming widening of US 21. The other existing driveway which accesses the nail salon will remain un-changed. All driveways for this project are subject to NCDOT driveway permitting which occurs during the approval of construction documents



#### STAFF COMMENTS:

1. Project Overview – Boat Yard Eats is a restaurant based around a rotating lineup of food truck offerings. The old Anchor Marine building is proposed to be repurposed to house this use, along with upgrades to the grounds. The building itself will house a kitchen which will serve a very limited menu offering a signature dish that will be served every day, along with seating. There will be three permanent parking spaces (complete with electrical hookups) for food trucks in the rear of the site. There is also outdoor seating proposed under an existing canopy that is attached to the building. Along with the food offerings, there is an outdoor entertainment area with a stage proposed in the rear of the site on the existing pavement.
2. District Consistency – Restaurants are typically permitted with conditions in the Highway Commercial district. However, with the inclusion of the outdoor entertainment area conditional zoning is the best option for this request.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6<sup>th</sup>, 2014 designates this property as Highway Commercial. Restaurants are one of the primary land uses found in this land use designation.
4. Pre-Development Review Committee – An initial concept plan was presented to the PDRC on March 8<sup>th</sup> 2016. Staff received comments that were very positive.

5. Open Space/Water Quality – This development is not required to provide open space. However, the applicant is proposing to provide the town with a 30' greenway easement along the eastern border of their property for the future Smithville to JV Washam greenway. The need for any storm water retention facilities will be assessed by Mecklenburg County LUESA during the concept plan and construction document submittal.
6. Community Meeting – The applicant held the required community meeting on Wednesday, January 11<sup>th</sup>, 2016. A list of the attendees and a summary of the meeting is attached to your agenda packet.
7. Planning Board Meeting – This case went before the Planning Board on Monday, March 13<sup>th</sup>, 2017. The Planning Board voted unanimously to recommend approval of the requested conditional zoning subject to staff's recommended conditions.

#### **PLANNING BOARD AND STAFF RECOMMENDATIONS:**

Planning Board and Staff are recommending approval of this 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 materials for the proposed cooler addition shall match and be consistent with the current building materials.
5. Payment for the installation of the 10' sidewalk along US 21 and Westmoreland Rd must be received by the town prior to the issuance of a certificate of occupancy.
6. The 30' greenway easement shown on the site plan must be granted to the town prior to the approval of construction documents. If in the future the town disturbs the landscape buffer area within the 30' greenway easement, the town will replace the buffer with comparable plantings that meet the type A buffer requirements.
7. Any pole sign within the right-of-way must be removed on or before the approval of construction documents. All other signage must meet the requirements of chapter 10 of the Town of Cornelius Land Development Code and must be permitted separately.

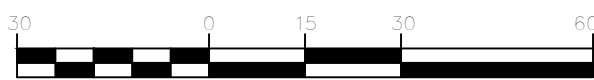
# PROPOSED BOATYARD EATS CORNELIUS, NC

## NOTES:

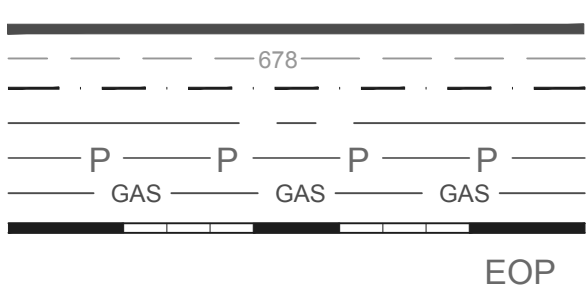
1. ALL PARCEL INFORMATION, PROPERTY DIMENSIONS AND COORDINATES FOR THIS PROPERTY REFERENCED FROM A SURVEY COMPLETED BY SOUTHPOINT SURVEYING PLLC. TOPOGRAPHIC INFORMATION REFERENCED FROM A SURVEY COMPLETED BY SOUTHPOINT SURVEYING PLLC.
2. THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN. AMICUS PARTNERS' PLLC ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY CONFLICTS CONCERNING UTILITIES THAT ARISE DURING CONSTRUCTION SHOULD BE IMMEDIATELY REPORTED TO THE ENGINEER.
3. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION TO REQUEST THE EXACT FIELD LOCATIONS OF ALL UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OCCURRING DURING CONSTRUCTION AND MUST PROVIDE 48 HOURS NOTICE PRIOR TO THE REPAIR OR REPLACEMENT OF SAID UTILITIES.
4. ANY EROSION AND SEDIMENT CONTROL MEASURES MUST CONFORM TO THE REQUIREMENTS SET FORTH BY MECKLENBURG COUNTY AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT & QUALITY.
5. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM THE NECESSARY REGULATORY AUTHORITIES PRIOR TO CONSTRUCTION. IN THE EVENT THE CONTRACTOR IS UNCERTAIN ABOUT PERMITTING REQUIREMENTS DURING ANY PHASE OF CONSTRUCTION, THE CONTRACTOR SHOULD IMMEDIATELY CONTACT THE ENGINEER, MECKLENBURG COUNTY, OR THE TOWN OF CORNELIUS PLANNING DEVELOPMENT PRIOR TO PROCEEDING.
6. IF EXISTING CONDITIONS PROVIDED ON THE PLAN DIFFER FROM THOSE AT THE SITE, CONTACT THE ENGINEER BEFORE DEVIATING FROM THE DESIGNED AND APPROVED LAYOUT.
7. THE CONTRACTOR SHALL TAKE MEASURES TO PROTECT ANY ADJACENT PROPERTY, PUBLIC UTILITY, ROADWAY, RAILWAY, AND THE SAFETY OF THE GENERAL PUBLIC. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES AND REPERCUSSIONS OCCURRING FROM THOSE DAMAGES.
8. NO FORMAL GEOTECHNICAL OR ENVIRONMENTAL INVESTIGATION WAS PERFORMED BY AMICUS PARTNERS' PLLC TO EVALUATE WHETHER OR NOT ANY HAZARDOUS, TOXIC, OR HARMFUL MATERIALS EXIST OR ARE CONTAINED WITHIN THE LIMITS OF THE PROPERTY. AMICUS ENGINEERING ASSUMES NO RESPONSIBILITY FOR ANY REMEDIAL ACTION THAT MAY ARISE IF SAID MATERIALS ARE DISCOVERED DURING THE COURSE OF CONSTRUCTION NOR IS AMICUS PARTNERS' PLLC LIABLE FOR ANY LEGAL RAMIFICATIONS THAT MAY ARISE SHOULD AN ENVIRONMENTAL LAW BE VIOLATED BASED ON THE DISCOVERY OF SAID MATERIAL.



GRAPHIC SCALE

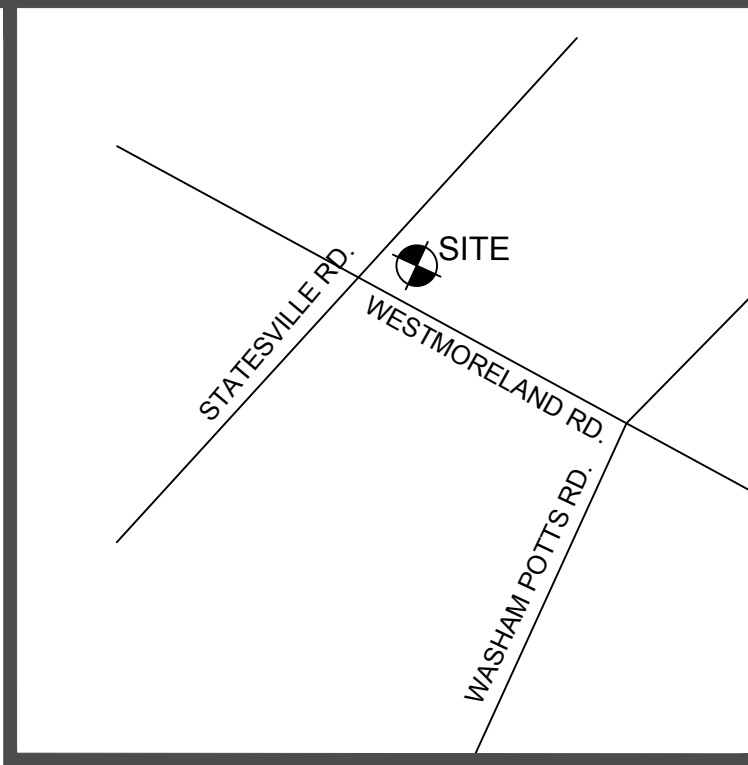
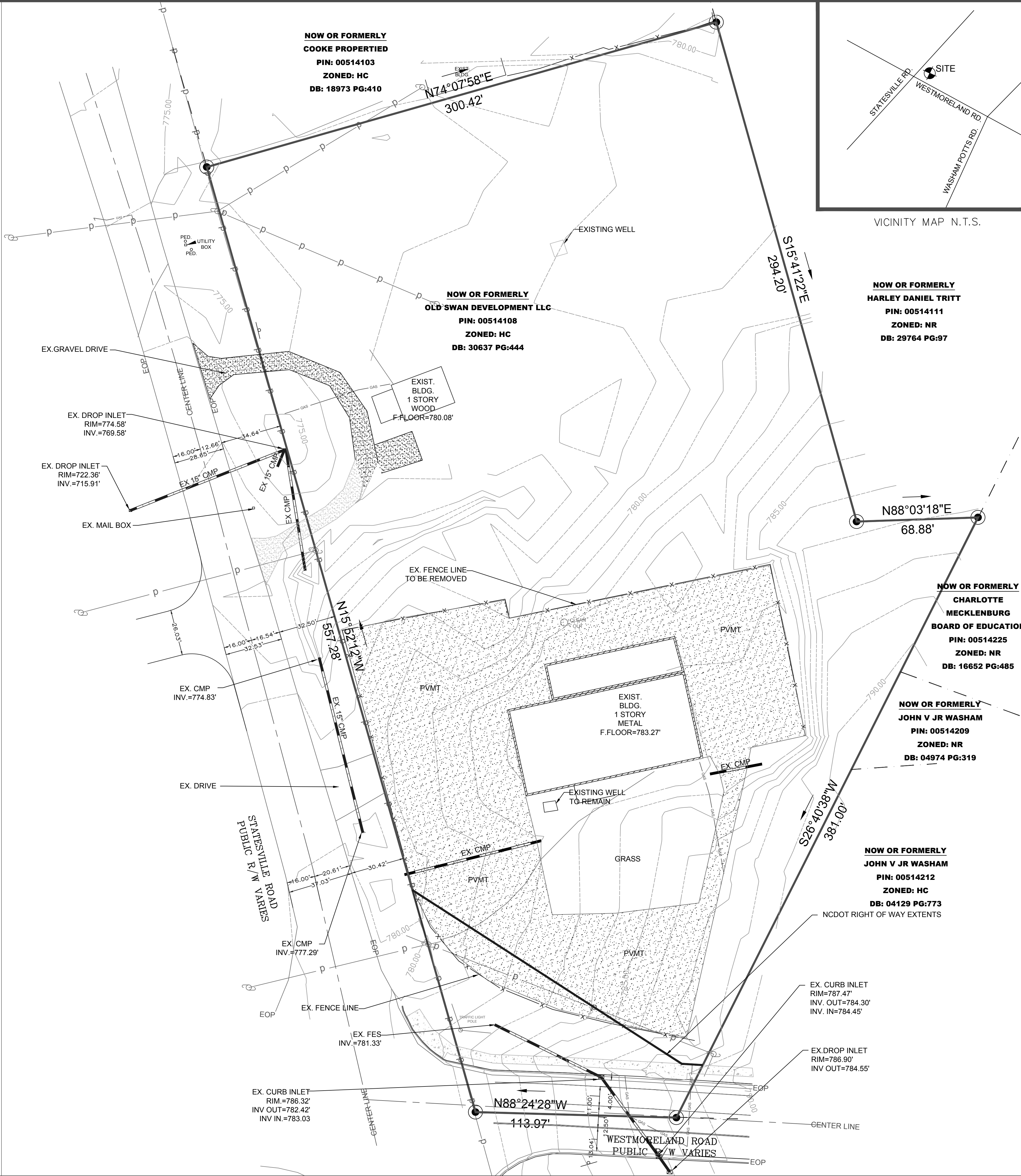


## LEGEND



SUBJECT PROPERTY BOUNDARY  
EXISTING TOPOGRAPHY  
ADJACENT / EXISTING PARCELS  
EXISTING ROAD CENTERLINE  
EXISTING OVERHEAD POWER LINE  
EXISTING GAS LINE  
EXISTING STORM STRUCTURE  
EDGE OF PAVEMENT

BEFORE YOU STOP, CALL THE NC ONE-CALL  
CENTER AT 811.  
IT'S THE LAW.



Firm License # P-1191  
331 Coddle Market Drive  
Suite 110  
Concord, NC 28027  
Civil Site Design  
Low Impact Development  
Small-Scale Building Design  
Telephone: 704.573.1621  
Facsimile: 704.248.7951

Seals:

PROPOSED BOATYARD EATS  
CORNELIUS, NORTH CAROLINA  
FOR:  
OLD SWAN DEVELOPMENT

Project Number: 17.16.121  
Date: 02/23/2017  
Drawn By: CM  
Checked By: NRP

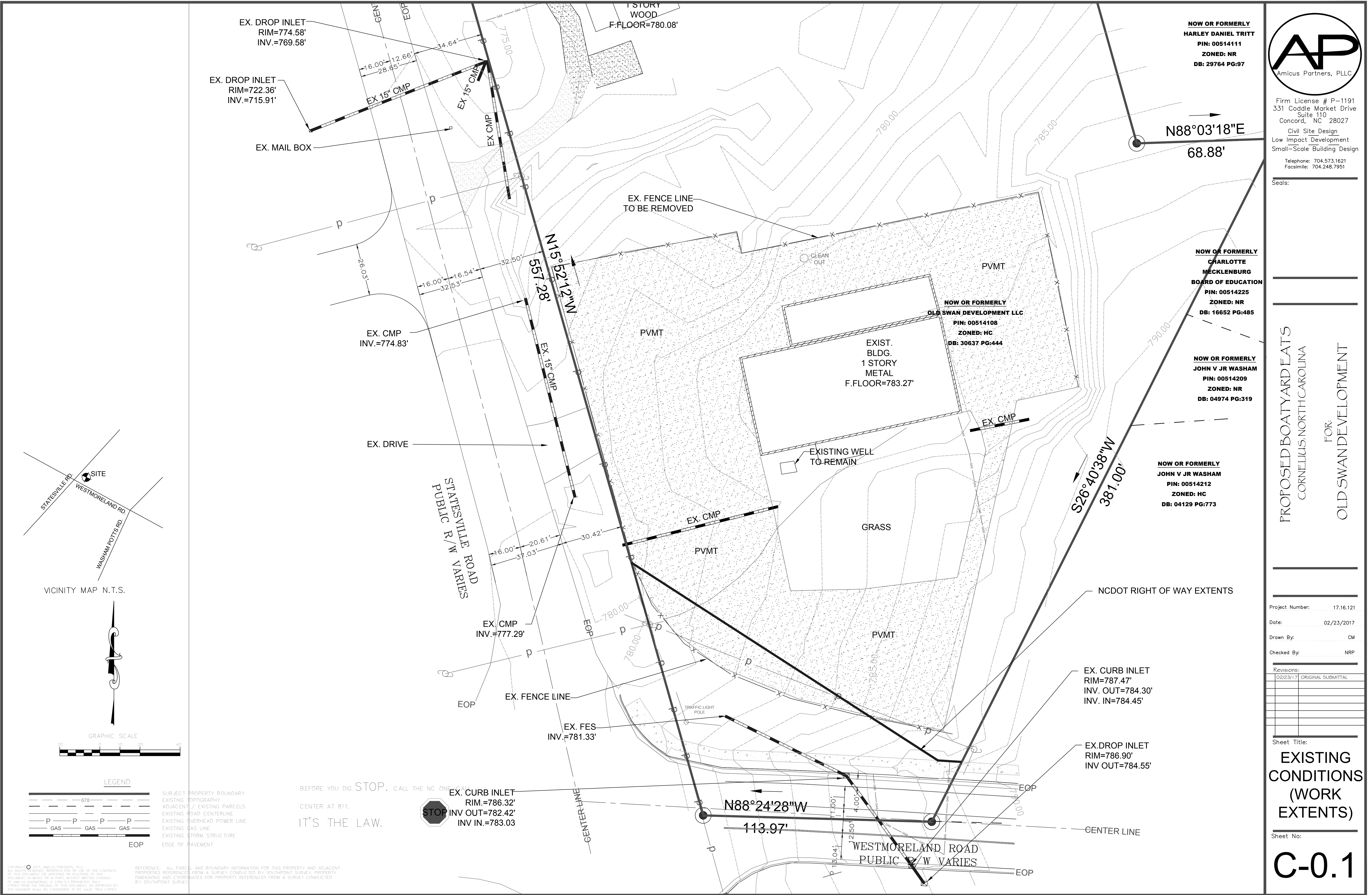
Revisions:  
02/23/17 ORIGINAL SUBMITTAL

Sheet Title:

EXISTING  
CONDITIONS

Sheet No:

C-0.0



Firm License # P-1191  
331 Coddle Market Drive  
Suite 110  
Concord, NC 28027  
Civil Site Design  
Low Impact Development  
Small-Scale Building Design  
Telephone: 704.573.1621  
Facsimile: 704.248.7951

Seals:

**NOW OR FORMERLY**  
**HARLEY DANIEL TRITT**  
PIN: 00514111  
ZONED: NR  
DB: 29764 PG:97

**NOW OR FORMERLY**  
**CHARLOTTE**  
**MECKLENBURG**  
**BOARD OF EDUCATION**  
PIN: 00514225  
ZONED: NR  
DB: 16652 PG:485

**NOW OR FORMERLY**  
**JOHN V JR WASHAM**  
PIN: 00514209  
ZONED: NR  
DB: 04974 PG:319

**NOW OR FORMERLY**  
**JOHN V JR WASHAM**  
PIN: 00514212  
ZONED: HC  
DB: 04129 PG:773

PROPOSED BOATYARD EATS  
CORNELIUS, NORTH CAROLINA  
FOR:  
OLD SWAN DEVELOPMENT

Project Number: 17.16.121  
Date: 02/23/2017  
Drawn By: CM  
Checked By: NRP

Revisions:	
02/23/17	ORIGINAL SUBMITTAL

Sheet Title:  
**EXISTING**  
**CONDITIONS**  
**(WORK**  
**EXTENTS)**

Sheet No:  
**C-0.1**

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REFERENCE: ALL PARCEL AND BOUNDARY INFORMATION FOR THIS PROPERTY AND ADJACENT PROPERTIES REFERENCED FROM A SURVEY CONDUCTED BY SOUTHPOINT SURVEY. PROPERTY DIMENSIONS AND COORDINATES FOR PROPERTY REFERENCED FROM A SURVEY CONDUCTED BY SOUTHPOINT SURVEY.

Lot or Parking Area	ACCESSIBLE PARKING (FROM APPENDIX B)		# of Accessible Spaces Provided		Total = Accessible Provided
	Total # of Parking Spaces Required	Provided	Regular with 5' Access Aisle	Regular with 8' Access Aisle	
Microbrewery & Restaurant/ Brewpub	59	60	0	1	3

- a. Required number of parking spaces based on Cornelius Land Development Code.  
b. MINIMUM (1 space per 3 seats) (175 seats)/(3) = 59 parking spaces required.  
c. Required number of accessible spaces based on City of Charlotte Land Development Standards Manual Detail #50.10A.  
d. 51-75 parking spaces requires 3 accessible spaces with 1 of the 3 being van accessible.

PRE-CONSTRUCTION NOTES:

- CONTACT THE UTILITY COMPANY TO RELOCATE ANY EXISTING UTILITY POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE OF THIS PROJECT MUST BE RELOCATED AT THE EXPENSE OF THE APPLICANT.
- ALL DEVELOPMENT CREATING A TOTAL OF 20,000 SQUARE FEET OF IMPERVIOUS AREA SINCE SEPTEMBER 1978 WILL REQUIRE STORM DRAINAGE DETENTION.
- SURVEYOR TO VERIFY RIGHT-OF-WAY LOCATION PRIOR TO CONSTRUCTION. ALL PROPOSED IMPROVEMENTS AND CONSTRUCTION WITHIN A MAINTAINED RIGHT-OF-WAY IS DONE IN ACCORDANCE WITH MECKLENBURG COUNTY DEVELOPMENT STANDARDS.

BEFORE YOU DIG STOP. CALL THE NC ONE-CALL

CENTER AT 811.

IT'S THE LAW.

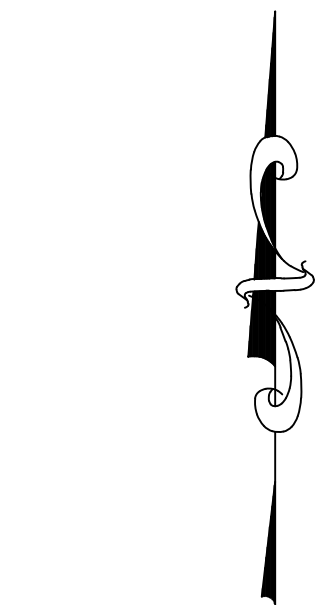
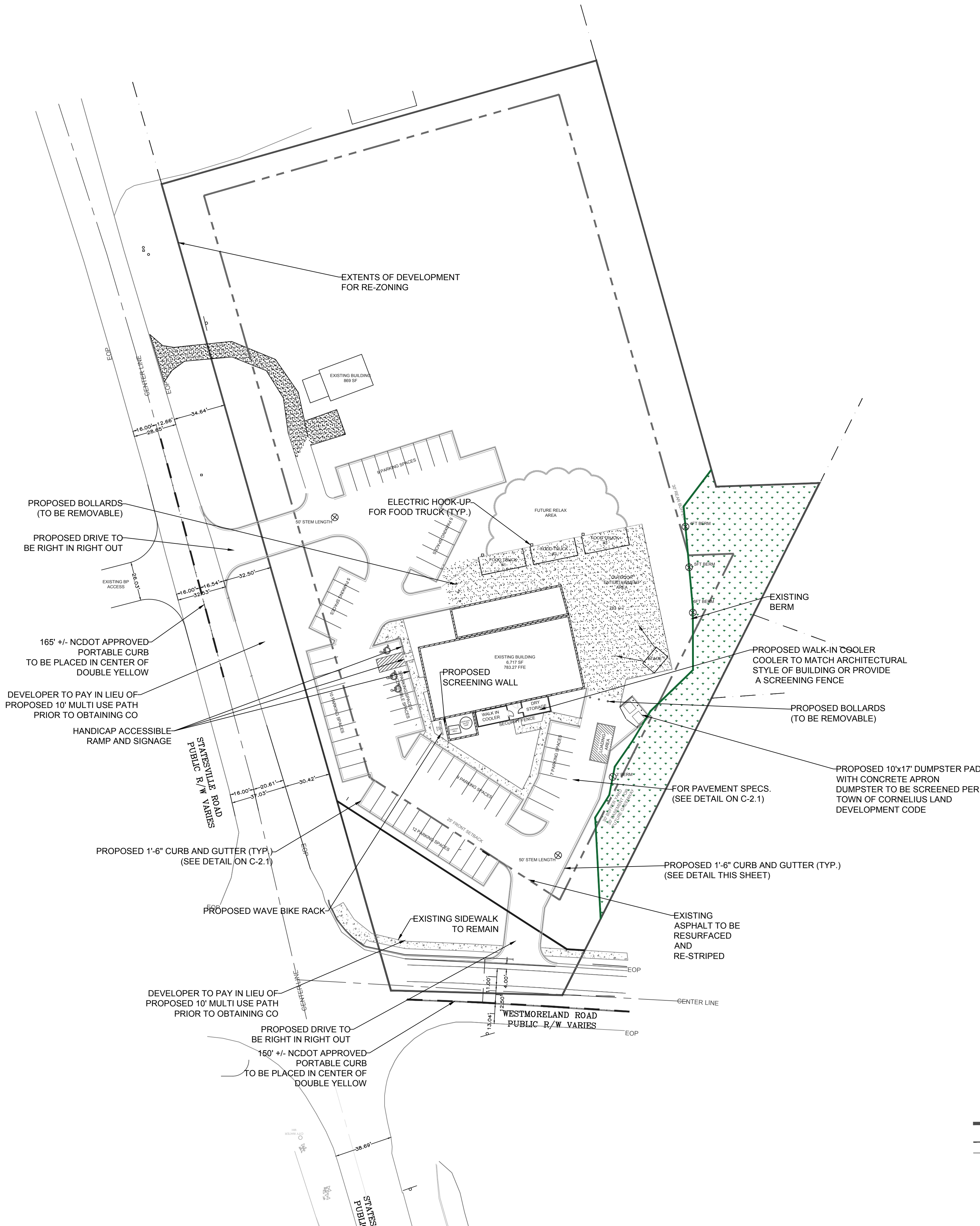


GENERAL SITE PLAN NOTES:

- ALL SIGNAGE WILL BE APPROVED AND PERMITTED SEPARATELY. ALL SIGNS MUST MEET THE REQUIREMENTS SET FORTH BY THE TOWN OF CORNELIUS ZONING ORDINANCE AND ANY COVENANCE THAT MAY APPLY FOR THE AREA.
- SIDEWALKS SHALL BE CONSTRUCTED OF NOT LESS THAN 3,600 PSI CONCRETE AND SHALL BE 4 INCHES THICK, CONSTRUCTED ON AN ADEQUATELY GRADED BASE, EXCEPT WHERE A SIDEWALK CROSSES A DRIVEWAY IT SHALL BE 6 INCHES THICK. SUBGRADE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST. THE SURFACE OF THE SIDEWALK SHALL BE STEEL TROWEL AND LIGHT BROOM FINISH AND CURED WITH AN ACCEPTABLE CURING COMPOUND. TOOLED JOINTS SHALL BE PROVIDED AT INTERVALS OF NOT LESS THAN 6 FEET AND EXPANSION JOINTS AT INTERVALS OF NOT MORE THAN 45 FEET. THE SIDEWALK SHALL HAVE A LATERAL SLOPE OF (1/4) INCH PER FOOT.
- ALL PARKING SPACES SHALL BE AT LEAST 9 FT WIDE AND 19 FT DEEP. SUBGRADE FOR PARKING LOT AND LOADING AREAS TO BE COMPACTED TO 100% MAXIMUM DENSITY OBTAINABLE WITH A STANDARD PROCTOR TEST. SEE DETAILS SHEET FOR PAVEMENT REQUIREMENTS IN LOADING AND PARKING AREAS.
- ADDRESS MUST BE POSTED IN VISIBLE LOCATION WITH 6-INCH NUMBERS.
- HVAC AND SIMILAR TYPES OF INCIDENTAL MACHINERY OR EQUIPMENT SHALL BE SCREENED FROM VIEW OR LOCATED IN SUCH A MANNER AS TO NOT BE VISIBLE FROM THE STREET. TRASH RECEPTACLES, DUMPSTERS, UTILITY METERS, ABOVE-GROUND TANKS, SATELLITE DISHES, AND ANTENNAS SHALL BE SIMILARLY SCREENED.
- ALL MEASUREMENTS ARE TAKEN FROM BACK OF CURB, UNLESS OTHERWISE NOTED.

ADDITIONAL SITE PLAN AND LAYOUT NOTES:

- THESE NOTES ARE STANDARD SITE DEVELOPMENT NOTES AND SOME OF THESE NOTES MAY NOT APPLY TO THIS SPECIFIC SITE.
- COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR.
  - ALL ROAD IMPROVEMENTS AT STATESVILLE ROAD AND WESTMORELAND ROAD TO BE COORDINATED WITH JURISDICTIONAL INSPECTIONS DEPARTMENT PRIOR TO CONSTRUCTION.
  - DEVELOPER WILL PROVIDE STREET SIGNS (IF REQUIRED) IN CONJUNCTION WITH STATE AND LOCAL REQUIREMENTS.
  - SIGHT TRIANGLES SHOWN ARE THE MINIMUM REQUIRED.
  - IN ROLLING AND HILLY TERRAINS, SWEEPING OF THE STONE BASE AND/OR APPLICATION OF A TACK COAT MAY BE REQUIRED NEAR INTERSECTIONS. THESE REQUIREMENTS WILL BE ESTABLISHED BY THE INSPECTOR BASED ON FIELD CONDITIONS.
  - APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
  - IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
  - SUBSURFACE DRAINAGE FACILITIES MAY BE REQUIRED IN THE STREET RIGHT-OF-WAY IF DEEMED NECESSARY BY THE LOCAL INSPECTOR.
  - CURB AND GUTTER ON PLANS ALONG STATESVILLE ROAD AND WESTMORELAND ROAD MAY BE ADJUSTED BASED UPON FIELD STAKING BY CITY/COUNTY ENGINEERING. ASSOCIATED STORM DRAINAGE MAY ALSO REQUIRE MODIFICATION BASED UPON FIELD CONDITIONS.
  - THE PURPOSE OF A STORM DRAINAGE EASEMENT IS TO PROVIDE STORM WATER CONVEYANCE AND ANY STRUCTURES AND/OR OBSTRUCTION TO STORM WATER FLOW IS PROHIBITED.
  - HIGH DENSITY POLYETHYLENE (HDPE) STORM DRAINAGE PIPE INSTALLED WITHIN EXISTING OR PROPOSED PUBLIC STREET RIGHT-OF-WAY MUST BE APPROVED BY THE CITY'S INSPECTOR PRIOR TO ANY BACKFILL BEING PLACED. BACKFILL MATERIAL MUST BE APPROVED BY THE CITY INSPECTOR PRIOR TO PLACEMENT OF THE MATERIAL WITHIN THE PUBLIC RIGHT-OF-WAY.
  - THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBTSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
  - ANY BUILDING WITHIN THE 100'-1 BUILDING RESTRICTION FLOODLINE IS SUBJECT TO THE RESTRICTIONS OF LOCAL FLOODPLAIN REQUIREMENTS AND RESTRICTIONS.
  - ALL OPENINGS (E.G., DOORS, WINDOWS, VENTS) IN STRUCTURE BUILT ON LOT SHOULD BE LOCATED A MINIMUM OF ONE FOOT ABOVE THE ADJACENT FINISHED GROUND SURFACE (APPLIES TO LOTS WHICH MAY EXPERIENCE SIGNIFICANT OVERLAND FLOW NOT CONSIDERED IN THE 100'-1 FLOOD ANALYSIS).
  - P.E. SEALED SHOP DRAWINGS FOR ANY RETAINING WALLS MUST BE SUBMITTED TO CITY/COUNTY ENGINEER PRIOR TO CONSTRUCTION.
  - AS BUILT DRAWINGS AND PLANS OF THE STORM DRAINAGE SYSTEM, INCLUDING DESIGNED DITCHES, MUST BE SUBMITTED PRIOR TO FINAL INSPECTION TO THE CITY/COUNTY ENGINEERING DEPARTMENT IN ACCORDANCE WITH THE CITY/COUNTY ZONING ORDINANCE.
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LEGEND

- SUBJECT PROPERTY BOUNDARY
- ADJACENT / EXISTING PARCELS
- EXISTING ROAD CENTERLINE
- EDGE OF PAVEMENT



Firm License # P-1191  
331 Coddle Market Drive  
Suite 110  
Concord, NC 28027

Civil Site Design  
Low Impact Development  
Small-Scale Building Design

Telephone: 704.573.1621  
Facsimile: 704.248.7951

Seals:

PRELIMINARY  
NOT FOR  
CONSTRUCTION

PROPOSED BOATYARD/EATS  
CORNELIUS, NORTH CAROLINA

FOR:  
OLD SWAN DEVELOPMENT

Project Number: 17.16.121

Date: 02/23/2017

Drawn By: CM

Checked By: NRP

Revisions:

02/23/17 ORIGINAL SUBMITTAL

Sheet Title:

SITE  
PLAN

Sheet No:

C-2.0

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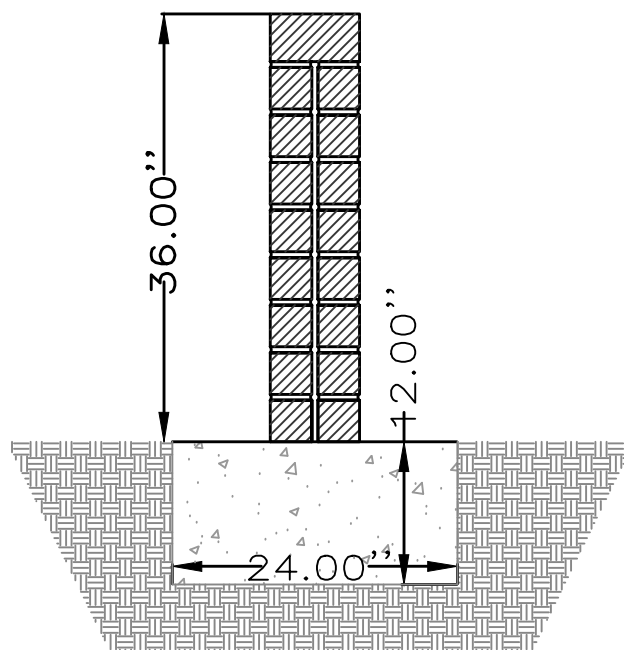
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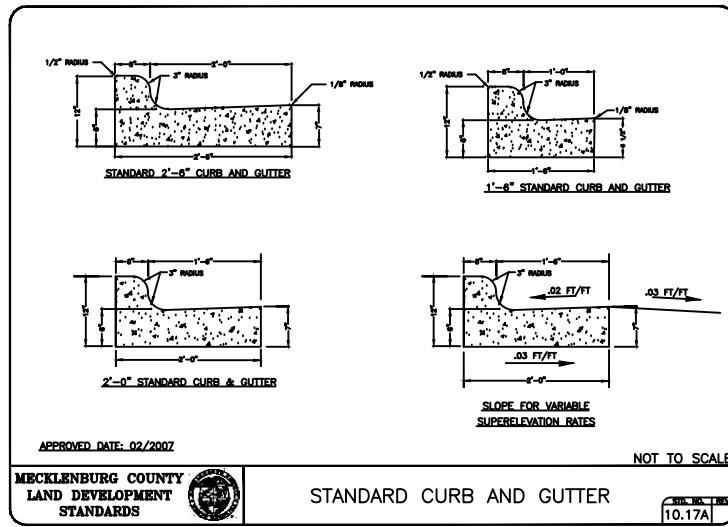
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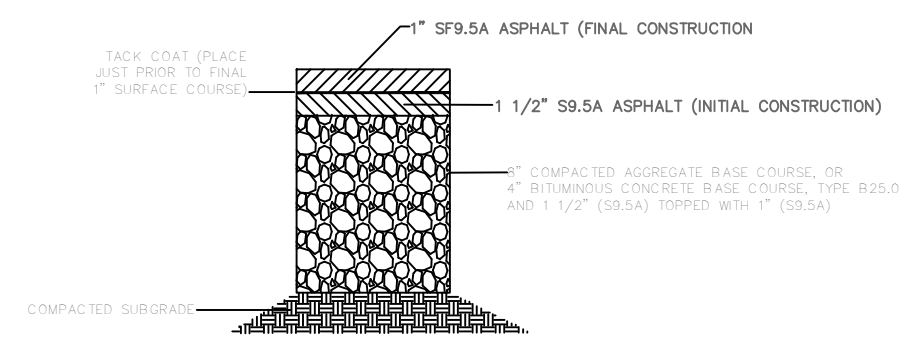
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20. PER CHAPTER 6 OF CORNELIUS LAND DEVELOPMENT CODE: DRIVE-THROUGH FACILITIES LOCATED ON THE SIDE OF A BUILDING, WITH THE EXCEPTION OF BANKS, SHALL BE LIMITED TO ONE-LANE ONLY, AND SHALL BE SCREENED FROM OFF-SITE VIEW WITH A TYPE 'A' LANDSCAPED BUFFER PER CHAPTER 9.
21. ALL MENU BOARDS, DRIVE THROUGH SERVICE WINDOWS, OR OTHER DRIVE-THROUGH STRUCTURES MUST BE LOCATED ON THE REAR OR SIDE OF THE PRINCIPAL STRUCTURE, SHALL NOT CONFLICT WITH THE PRIMARY PUBLIC ENTRANCE, AND MUST BE SCREENED FROM OFF-SITE VIEW WITH A TYPE 'A' LANDSCAPED BUFFER PER CHAPTER 9.
22. BUILDINGS THAT INCLUDE DRIVE THROUGH FACILITIES SHALL STILL CONFORM TO FRONTAGE BUILD OUT REQUIREMENTS. HOWEVER, THE BUILDING MAY BE SETBACK IN ORDER TO ALLOW ONE DRIVE-THROUGH EXIT LANE IN FRONT OF THE PRINCIPAL BUILDING IN ORDER FOR THE DRIVE THROUGH FACILITY TO BE PHYSICALLY SEPARATED FROM OTHER VEHICULAR TRAFFIC AND PEDESTRIANS. DRIVE-THROUGH EXIT LANES MAY BE WITHIN THE FRONT YARD AREA BUT CANNOT BE WITHIN THE STREET RIGHT-OF-WAY, AND MUST BE SCREENED FROM THE RIGHT-OF-WAY BY A WALL A MINIMUM OF 3-FEET IN HEIGHT. A HEDGEROW SHALL BE PROVIDED BETWEEN THE RIGHT-OF-WAY AND THE WALL. THE WALL MUST CONTAIN MATERIALS THAT MATCH THE PRINCIPAL BUILDING.
23. THE DRIVE-THROUGH LANE(S) MUST BE DISTINCTLY MARKED BY SPECIAL STRIPING, PAVEMENT MARKINGS, OR TRAFFIC ISLANDS AND PHYSICALLY SEPARATED FROM ON-SITE PARKING AREAS.



3' HIGH WALL DETAIL  
NOT TO SCALE

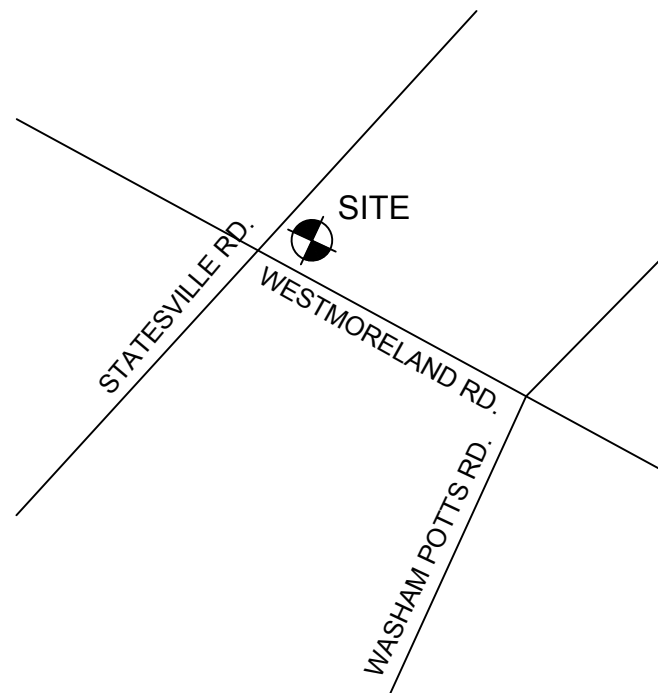


STANDARD CURB AND GUTTER



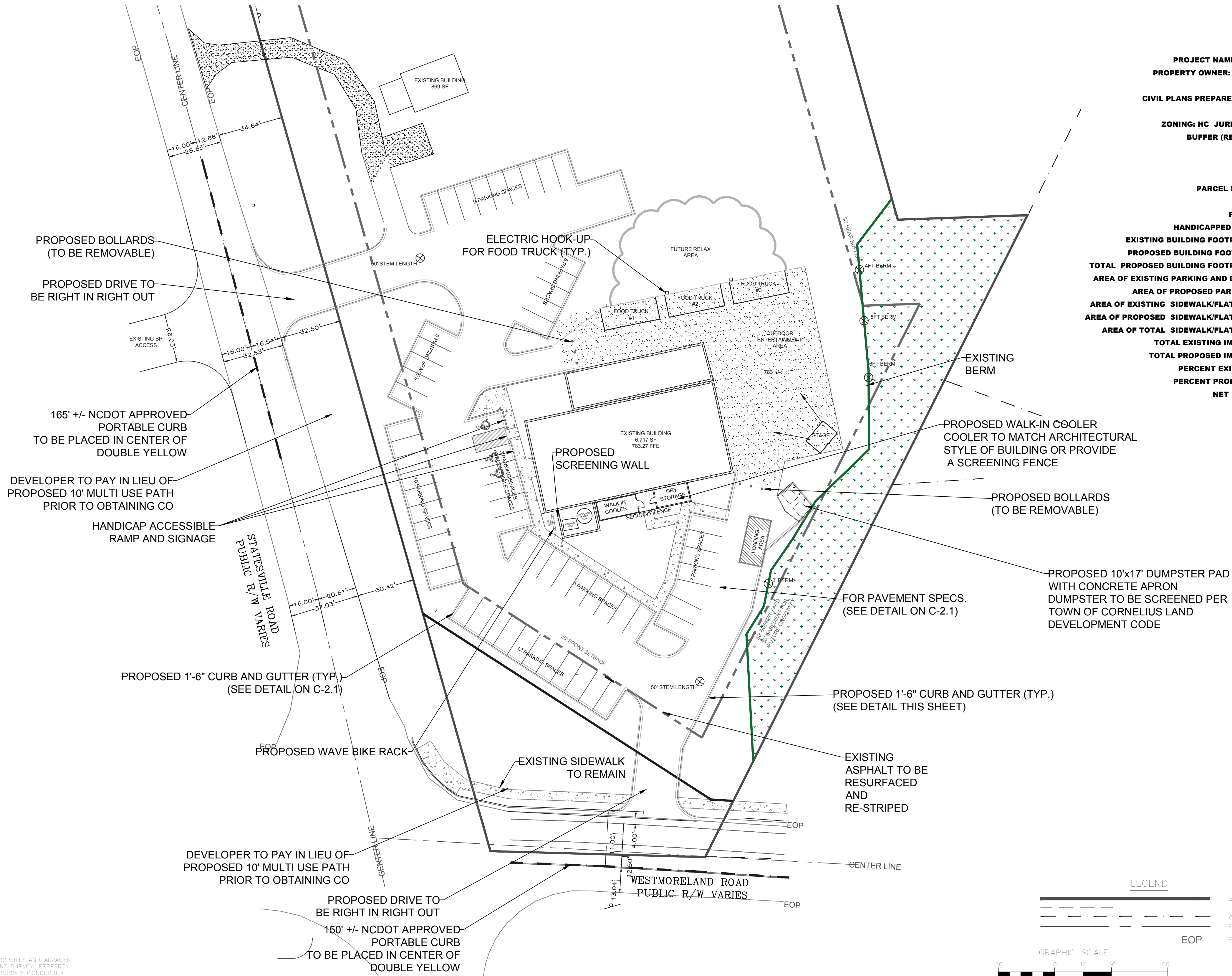
PAVEMENT SECTION DETAIL

SCALE: N.T.S. [REF: MCLD STD]

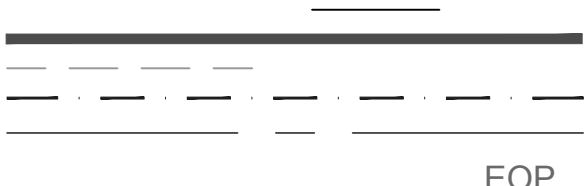


VICINITY MAP N.T.S.

**ZONING CODE SUMMARY**  
**PROJECT NAME: BOATYARD EATS CORNELIUS**  
**PROPERTY OWNER: OLD SWAN DEVELOPMENT, LLC**  
**PARCEL P.I.N. 00514108**  
**CIVIL PLANS PREPARED BY: AMICUS PARTNERS, PLLC**  
**PHONE: 704-573-1621**  
**ZONING: HC JURISDICTION: CITY OF CORNELIUS**  
**BUFFER (REAR AT RC ZONED PROP.): 30 FT**  
**MIN. FRONT YARD (S): 25 FT**  
**MIN. SIDE YARD (S): 15 FT**  
**MIN. REAR YARD: 30 FT**  
**PARCEL SIZE: 158,581/3.64SQ. FT/ACRES**  
**PROPOSED USE: RESTAURANT**  
**PARKING PROVIDED: 60 SPACES**  
**HANDICAPPED PARKING PROVIDED: 3 SPACES**  
**EXISTING BUILDING FOOTPRINT COVERAGE: 7,586 SQ. FT**  
**PROPOSED BUILDING FOOTPRINT COVERAGE: 505 SQ. FT**  
**TOTAL PROPOSED BUILDING FOOTPRINT COVERAGE: 8,091 SQ. FT**  
**AREA OF EXISTING PARKING AND DRIVE COVERAGE: 35,779 SQ.FT**  
**AREA OF PROPOSED PARKING AND DRIVE: 32,370 SQ. FT**  
**AREA OF EXISTING SIDEWALK/FLATWORK COVERAGE: 1,217 SQ.FT**  
**AREA OF PROPOSED SIDEWALK/FLATWORK COVERAGE: 1,451 SQ.FT**  
**AREA OF TOTAL SIDEWALK/FLATWORK COVERAGE: 2,668 SQ.FT**  
**TOTAL EXISTING IMPERVIOUS AREA: 44,582 SQ.FT**  
**TOTAL PROPOSED IMPERVIOUS AREA: 43,129 SQ.FT**  
**PERCENT EXISTING IMPERVIOUS AREA: 28%**  
**PERCENT PROPOSED IMPERVIOUS AREA: 27%**  
**NET INCREASE IN IMPERVIOUS: -1%**



LEGEND



GRAPHIC SCALE



Firm License # P-1191  
331 Coddle Market Drive  
Suite 110  
Concord, NC 28027

Civil Site Design  
Low Impact Development  
Small-Scale Building Design

Telephone: 704.573.1621  
Facsimile: 704.248.7951

Seals:

PROPOSED BOATYARD EATS  
CORNELIUS, NORTH CAROLINA  
FOR:  
OLD SWAN DEVELOPMENT

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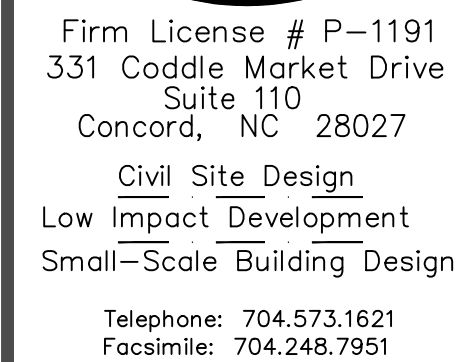
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SITE  
PLAN  
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PROPOSED BOATYARD EATS  
CORNELLUS, NORTH CAROLINA  
FOR:  
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## C-3.0

LANDSCAPING NOTES:

1. LANDSCAPING SHOULD BE OF SUFFICIENT SIZE SO THAT MATURE APPEARANCE WILL BE ACHIEVED WITHIN 3-5 YEARS OF INSTALLATION.

2. ALL TREES TO BE PLANTED SHALL BE AT LEAST 8" ABOVE GROUND LEVEL AND AT LEAST 2.5" IN CALIPER AT THE TIME OF INSTALLATION, AND SHALL HAVE AN EXPECTED MATURE HEIGHT OF AT LEAST 20'.

3. ALL SHRUBS TO BE PLANTED SHALL BE MEASURED AT LEAST 5 GALLONS IN CONTAINER SIZE AND 3' ABOVE GROUND LEVEL AND SHALL REACH THE HEIGHT REQUIRED FOR PERFORMANCE WITHIN 3 YEARS OF INSTALLATION.

4. THE SELECTION OF PLANTS, PLANTING METHODS, MINIMUM HEIGHT, ROOT BALL AND CONTAINER SIZE, NUMBER OF BRANCHES, AND WIDTH, SHALL CONFORM WITH THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN FOR THAT TYPE OF TREE OR SHRUB AT THE TIME ON INSTALLATION.

5. GROUND COVER MAY BE ORGANIC AND INORGANIC. ORGANIC GROUND COVERS SHALL PROVIDE 100 PERCENT COVERAGE ON THE GROUND WITHIN (3) YEARS OF INSTALLATION. EXCEPT FOR SEEDING, GRASS OR TURF SHALL PROVIDE 100 PERCENT COVERAGE UPON INSTALLATION. ORGANIC MULCH MAY BE USED AROUND PLANTING TO MAINTAIN SOIL MOISTURE AND PREVENT THE GROWTH OF WEEDS. INORGANIC GROUND COVERS CONSISTING OF RIVER ROCK OR SIMILAR MATERIALS MAY BE USED PROVIDED THEY DO NOT EXCEED 20 PERCENT COVERAGE OR THE REQUIRED LANDSCAPE PLANTING AREA.

6. EQUIPMENT, WOOD AND SIMILAR OBJECTS SHALL NOT BE STORED OR LAID UPON THE CRITICAL ROOT ZONE AREA DURING OR AFTER CONSTRUCTION. CHEMICALS AND LIQUID CONSTRUCTION WASTES SHALL NOT BE DUMPED, POURED, OR SPILLED IN THE AREA OF ANY PLANT MATERIALS. WASHING OF CONCRETE MIXERS SHALL NOT BE DONE NEAR THE SITE.

8. EXCAVATE PITS WITH VERTICAL SIDES APPROXIMATELY THE DEPTH OF THE ROOTBALL AND WITH A CIRCULAR OUTLINE WHICH SHALL BE APPROXIMATELY 2 TO 3 TIMES WIDER THAN THE ROOTBALL. FOR PLANTING PITS, BEDS OR TRENCHES WHICH ARE TO BE DEVELOPED WHEN PAVING EXISTED PREVIOUSLY, ALL PAVING AND BASE STONE SHALL BE REMOVED AS PART OF THE EXCAVATION.

9. REMOVE ROCK, DEBRIS, INORGANIC COMPOSITIONS, AND CHEMICAL RESIDUES FROM SOIL IN PLANTING PITS.

10. CULTIVATE SHRUB PLANTING PITS TO MINIMUM DEPTH OF 18-INCHES GROUND COVER AND VINE PLANTING PITS SHALL BE CULTIVATED TO A MINIMUM DEPTH OF 12-INCHES.

11. INSTALL ROOT BALL ON A FLAT, COMPACTED SURFACE OR UNDISTURBED SOIL AND REMOVE ANY INORGANIC TIES ON TOP OF ROOT BALL. REMOVE THE TOP 1/3 OF WIRE BASKETS. LEAVE THE TOP OF THE ROOT BALL EXPOSED, TO BE COVERED BY MULCH ONLY.

12. FINISH THE PLANTING WITH A MINIMUM 3-INCH LAYER OF MULCH OF PINE NEEDLES, TREE BARK, OR SIMILAR MATERIALS DISTRIBUTED AROUND THE TREE TRUNK.

13. PREPARE SOIL, PLANT, FERTILIZE, MULCH, AND CONTROL INSECTS AND DISEASE IN CONFORMANCE WITH THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE, LANDSCAPE MANAGEMENT CALENDAR.

14. RE-ESTABLISH NATIVE PLANTS SALVAGED FROM THE SITE OR RELOCATE AS A RESULT OF GRADING IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE.

15. SUPPORT TREES AND SHRUBS ADEQUATELY WHEN PLANTED IN ORDER TO AVOID INTERFERENCE WITH THEIR TYPICAL GROWTH PATTERNS. GUYING AND STAKING SHALL BE 2X2 INCH HARDWOOD STAKES AND SHALL BE REMOVED AFTER ONE YEAR.

16. LANDSCAPE CONTRACTOR TO VERIFY TREE AND SHRUB SELECTION WITH OWNER PRIOR TO PLACEMENT. LANDSCAPE CONTRACTOR TO CROSS REFERENCE TOWN OF CORNELIUS APPROVED PLANTS WITH WATER TOLERANT PLANTS LISTED IN THE MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES BY NCDEQ.

PROPOSED PLANTING CHART

Type of Yard	Required Plantings	Approximate Length	Proposed Plantings
TYPE-A (6)(7)		605 ft	
Large Maturing Tree	2.5 per 100'		0
Small Maturing Tree	5 per 100'		0
Shrubs	20 per 100'		0
TYPE-B (a) (2)(3)		326 ft	
Deciduous Trees (1)	1.675 per 100'		6
Evergreen Trees (1)	3.35 per 100'		11
Shrubs	13.4 per 100'		66
TYPE-C (b)			
Large Maturing Tree	no parking space more than 60' from base of tree	n/a	6
Small Maturing Tree	optional		0
Shrubs (4)	optional		13
TYPE-D (c)			
Large Maturing Tree	1 per 40' or	262 ft	0(5)
Small Maturing Tree	1 per 20'		0(5)
Shrubs	optional		0(5)

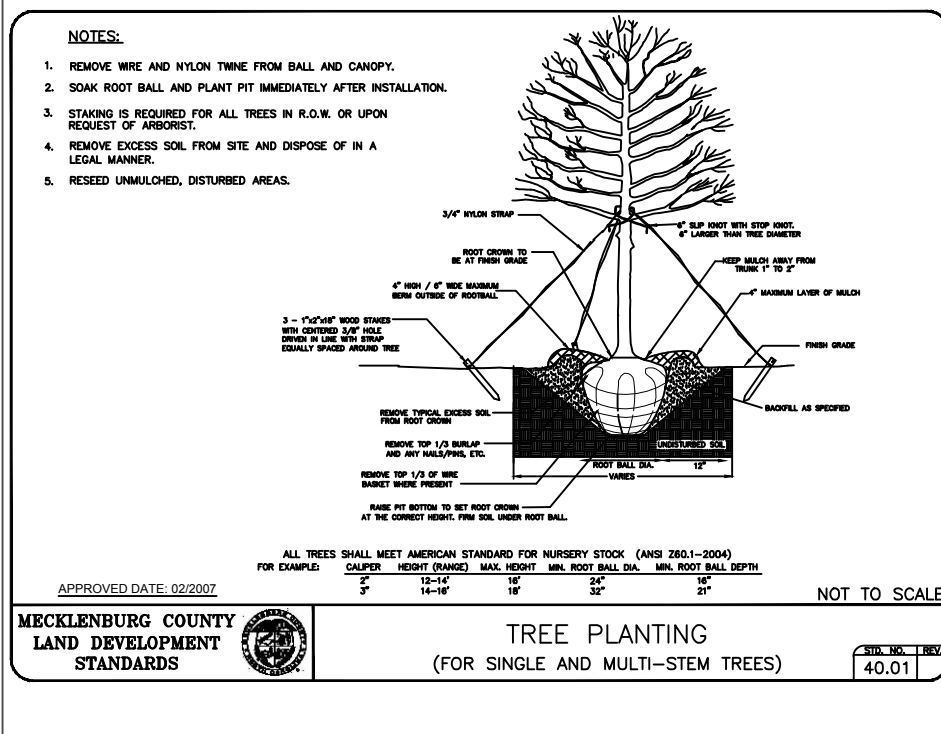
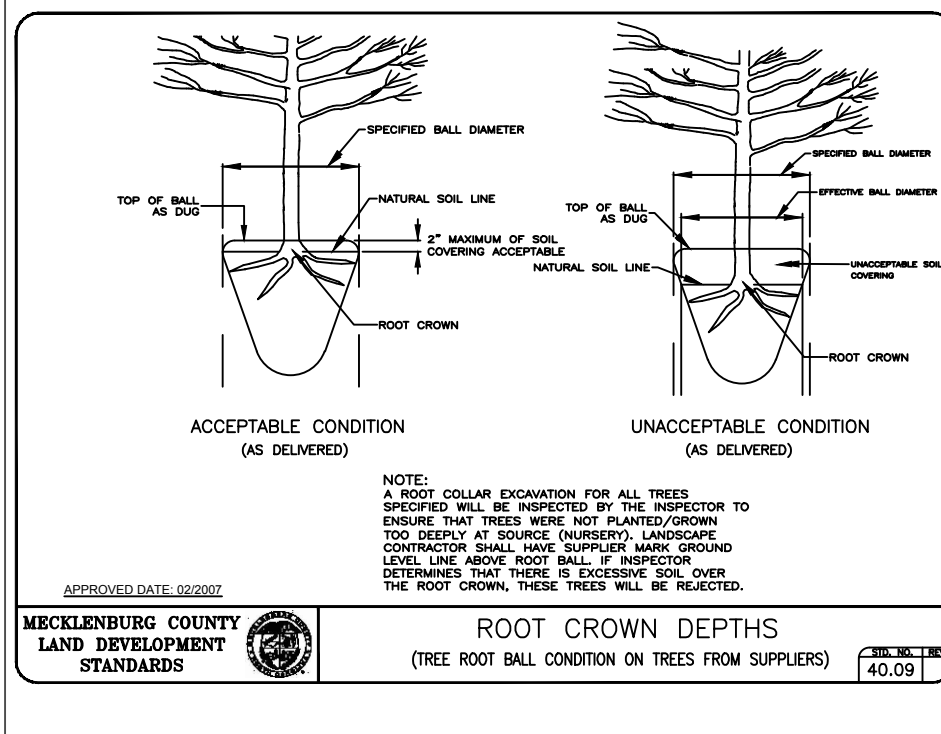
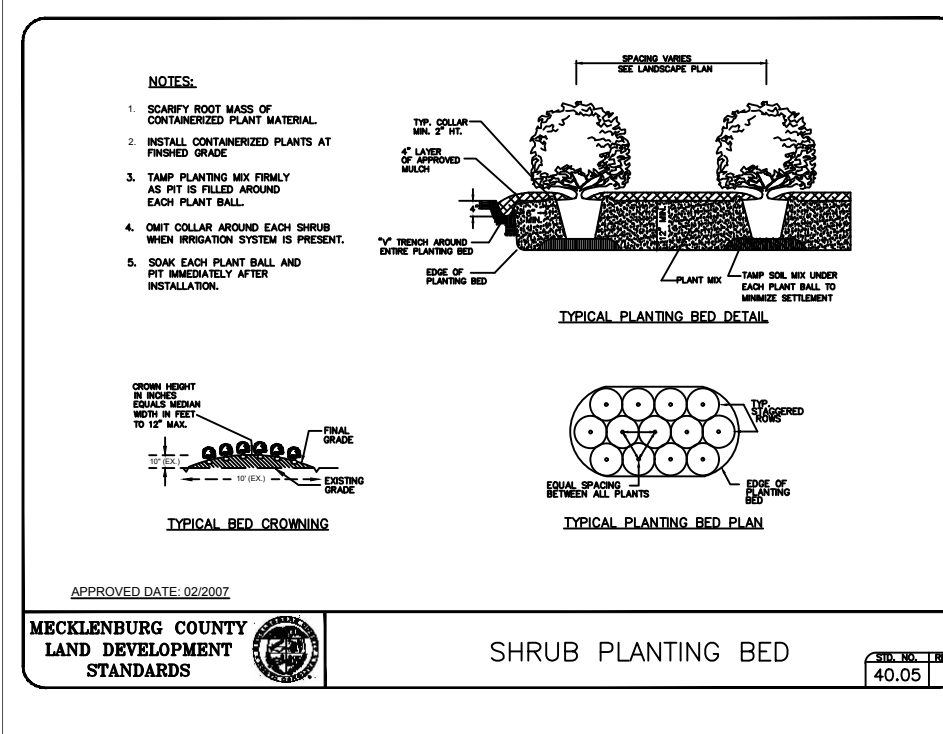
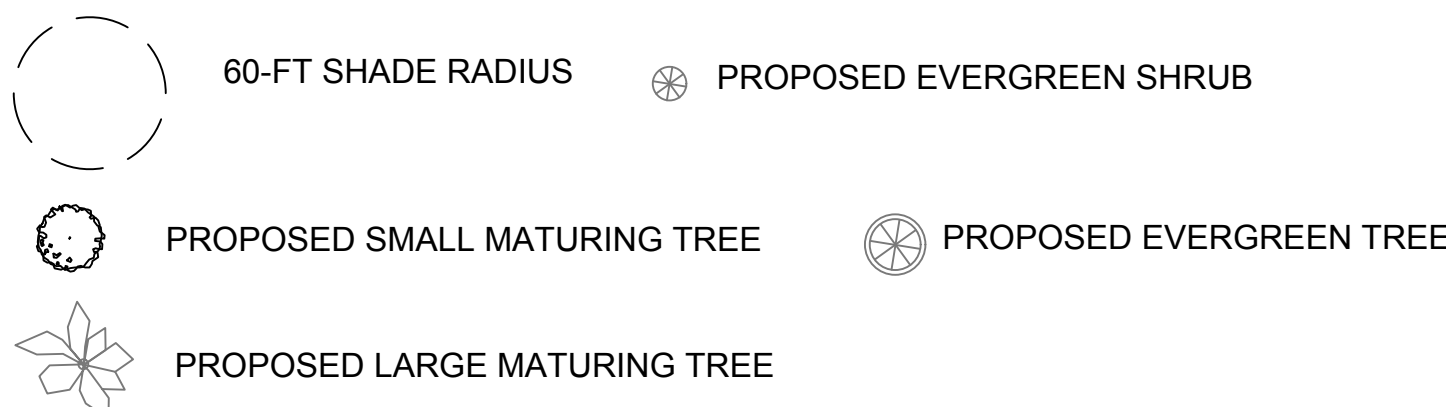
a.) THIS TYPE FUNCTIONS AS A SEMI-OPAQUE SCREEN FROM THE GROUND TO AT LEAST A HEIGHT OF 4' FOR SCREENING OF CAR LIGHTS AND GLARE. INTERMITTENT PLANTING OF DECIDUOUS AND EVERGREEN TREES SHALL OBTAIN A HEIGHT AT MATURITY OF NO LESS THAN 20'. AT LEAST 75% OF THE REQUIRED SHRUBS SHALL BE EVERGREEN SPECIES LOCALLY ADAPTED TO THE AREA.

b.) THIS TYPE FUNCTIONS AS A TREE CEILING OVER A PARKING AREA PROVIDING SHELTER FROM THE SUN AND RAIN.

c.) THIS TYPE FUNCTIONS AS A UNIFYING ELEMENT ALONG ALL STREET FRONTS BY ESTABLISHING AN ATTRACTIVE AND CONSISTENT STREETScape AND SCALE. TREE SELECTIONS SHALL BE PROVIDED FOR IN ACCORDANCE WITH THE TOWN OF CORNELIUS STREET TREE SELECTION POLICY.

- 1) DECIDUOUS TREES AND EVERGREEN TO BE SMALL MATURING DUE TO EXISTING OVERHEAD UTILITIES
- 2) SCREENING HAS BEEN REDUCED TO 5' WIDE DUE TO EXISTING NATURE OF SITE PER CONVERSATIONS WITH THE PLANNING DEPARTMENT. A MASONRY WALL ALONG PERIMETER HAS NOT BEEN INCLUDED DUE TO CONFLICTS WITH EXISTING UTILITIES AND EXISTING STORMWATER PRESENT ON AND OFF-SITE.
- 3) SHRUBS HAVE BEEN PROVIDED BASED ON THE REQUIREMENTS OF TYPE B-2
- 4) SHRUBS TO BE USED TO SCREEN PROPOSED COOLER
- 5) OWNER TO PAY IN LIEU OF STREET TREES ALONG WEST MORELAND AND STATESVILLE RD
- 6) AN EXISTING HEAVILY VEGETATED BERM WILL BE USED IN PLACE OF TYPE A-2 BUFFER. EXISTING PLANTINGS TO BE USED IN LIEU OF PROPOSED PLANTINGS.
- 7) 30 FT BUFFER YARD TO ALSO ACT AS A 30 FT EASEMENT FOR THE TOWNS FUTURE GREENWAY MASTER PLAN.

PLANT LEGEND



Firm License # P-1191  
331 Coddle Market Drive  
Suite 110  
Concord, NC 28027

Civil Site Design  
Low Impact Development  
Small-Scale Building Design

Telephone: 704.573.1621  
Facsimile: 704.248.7951

Seals:

PROPOSED BOATYARD EATS  
CORNELIUS, NORTH CAROLINA  
FOR:  
OLD SWAN DEVELOPMENT

Project Number: 17.16.121

Date: 02/23/2017

Drawn By: CM

Checked By: NRP

Revisions:

02/23/17 ORIGINAL SUBMITTAL

Sheet Title:

LANDSCAPING  
PLAN  
(WORK  
EXTENTS)

Sheet No:

C-3.1

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THE ENGINEER, SHALL BE CONSIDERED TO BE VALID. TRUE COPIES.

REFERENCE: ALL PARCEL AND BOUNDARY INFORMATION FOR THIS PROPERTY AND ADJACENT  
PROPERTIES REFERENCED FROM A SURVEY CONDUCTED BY SOUTHPART SURVEY. PROPERTY  
DIMENSIONS AND COORDINATES FOR PROPERTY REFERENCED FROM A SURVEY CONDUCTED  
BY SOUTHPART SURVEY.

BEFORE YOU DIG STOP. CALL THE NC ONE-CALL

CENTER AT 811.

IT'S THE LAW.

Attendees from BoatYard Eats: David Stockwell, Samantha Stockwell, Audrey Stockwell, Quinn Stockwell, Joseph Stockwell, Joli Stockwell

Town of Cornelius attendees: Will Washam, Chuck Travis

Introduction and power point presentation by David Stockwell

Question: will the music be inside or outside the building?

Answer: We will have a stage outside in the rear of the building and a stage inside the building.

Question: What will be the hours of operation?

Answer: We will open [at eleven AM](#) and close [at midnight](#). Hours might change.

Question: When will you open?

Answer: Once we secure all permits and approvals we would anticipate opening summer 2017.

Question: How do you enter and exit the property?

Answer: Currently we have multiple curb cuts but NCDOT will control how we enter and exit the property. We would like an entrance and exit on Statesville Road and on Westmoreland.

Question: Will you give entertainers the opportunity to use the property?

Answer: Yes, we will connect with the community and we will have times for local entertainment to showcase their talent.

Question: You will be a restaurant but you will not serve food?

Answer: We are building a kitchen and we will have one or two key food items but we are going to have rotating food trucks that will showcase their menus.

Question: What age group are you targeting?

Answer: That's a good question. We believe that all age groups will enjoy our: food truck menus, our varied entertainment, and our featured micro breweries. It will be a family friendly gathering place for our town.

Question: How will we know what the menu will be?

Answer: We have a web site and we will have a calendar showing what food trucks are being featured. We also know that some people will just pop by without consulting our calendar.

Question: How will you pick the food trucks?

Answer: Another good question. Over time we will know from our customers which food trucks are the most popular. Customers will vote with their dollars. It will take us time to evaluate the best food trucks in the area.

Question: How many food trucks.

Answer: Three food trucks but we might have events occasionally and have extra food vendors, such as a chili cook off.

Question: What will be the capacity?

Answer: Couple of hundred.

Question: Did you purchase the property?

Answer: Yes, last year in March.

Question: What criteria will you use to select food trucks?

Answer: We have already been to events and have been sampling the food. I think over time our customers will let us know which food items they want and their input will guide us in the selection process.

Question: How is this concept family friendly?

Answer: It's casual, it's inside and outside, the entertainment will be varied, we expect the town's walking path to connect to the rear of the property, and we will allow dogs outside the building.

Question: How long before the greenway will be there?

Answer: We don't know but we have assured the town that we will grant them an easement through the rear of our property.

Question: What are the benefits to the town?

Answer: We would like to feature some of the history of the town, it will be a local gathering place, we will keep people local and we will be dog friendly, and we want to help tie in the greenway.

Question: Besides bands what other entertainment do you anticipate.

Answer: With a stage we could feature local entertainment: comics, short plays, musical events, holiday events, school events. I think we are open to almost anything.

---

**Minutes  
TOWN OF CORNELIUS  
PRE-DEVELOPMENT REVIEW COMMITTEE**

March 8, 2016

12:00 pm

**Members Present**

David Gilroy  
Joe Harris  
Wayne Herron  
Anthony Roberts  
Brian Simmons  
Karen Tovar  
Woody Washam (Arrived @ 12:26)

**Members Absent**

**Staff Present**

Jason Pauling, Senior Planner  
Jody Clark, Planning Admin  
Frances Tucker, Planning Intern

**VISITORS**

See Sign-In Sheet

**DETERMINATION OF QUORUM**

The meeting of the Pre-Development Review Committee began at 12:05 p.m.

**REVIEW & RECOMMENDATION ON AGENDA ITEMS**  
**HOTEL/CONVENTION CENTER**

Mr. Herron welcomed everyone and gave a brief overview of PDRC. Following introductions, Mr. Herron briefly reviewed the proposed hotel/convention center. The first map is our zoning map. You will note that the property outlined is split with two residential zoning districts (GR & NR). Any changes as we normally do would go through a Conditional Zoning process. The next page is our Land Use Plan. In 2014 we adopted an updated Land Use Plan. We have three new categories along the waterfront called Waterfront Mixed Use. The Land Use Plan says we would hope to get development that provides a mix of uses that may include single-family, waterfront non-residential, and also non-residential along West Catawba that mix together to create more of a synergy and have waterfront uses. We realize that anything of that nature is going to take a number of years. With that being said, Dr. Nara understands that he has this Waterfront Mixed Use category that is in the Land Use Plan and he realizes that he has residential zoning. He would like to present a plan to you. While we have certain parameters in the Land Use Plan, it's a policy and guide of where we want to be. There's been a lot of discussion about balance tax base or trying to get more balance in the tax base. Right now we are at 83% residential and 17% non-residential. We are really striving to move on the non-residential side. We are limited on what land we have for development. We also talk about being very careful before we consider an approved residential development that we don't give up any opportunities that we might have for quality non-residential development. The applicant hopes to present their concept to you today, get some feedback, and make a decision down the road whether or not it is viable to file an application.

**Jeremy Millingen, Architect**

**Dr. Sreeramulu Nara, Property Owner**

Mr. Millingen welcomed everyone and talked about how they propose to use the site. He shared a preliminary proposal of the Lake Norman Hotel. Design elements include gardens and hidden

parking. There is also a plan for a pool. He noted that the project has been planned so that all shadows will fall north of the site and not east or west on the neighbors.

Mr. Herron asked for comments from committee members.

Mr. Roberts asked him to talk about the height and how he envisions the layout with the convention center.

Mr. Gilroy asked his preference as far as floors.

Mr. Millingen responded and said that his architectural preference would be 6-8 stories and it would sit on the convention center.

Mr. Washam inquired about the target number of rooms.

Mr. Millingen said, "150-300...We are still doing market study."

Mr. Gilroy inquired about the brands that are looking.

Mr. Millingen said that he is not at liberty to say.

Mr. Roberts noted if it is on the water, it would be more of a Class A type hotel.

Mr. Millingen said, "That is correct. They want to know the area will support it financially."

Mr. Simmons said, "This is a game-changing facility. It's a Class A facility that companies will utilize."

Mr. Harris feels that it has to be more of a low-rise village concept and in the water. He encouraged embracing the lake.

Mr. Gilroy said, "This is an asset that we are really interested in and if 6-8 is a deal breaker, I think we should keep talking about it."

Mr. Washam agreed.

Mr. Grant stated that as they develop their plan to keep in mind that public access is really important and it is noted in our Comprehensive Master Plan.

Expanding the lake was mentioned. Mr. Millingen plans to talk with Duke about creating more water front.

Mr. Washam recommended that they also touch base with Sally Ashworth at Visit Lake Norman as they will have a wealth of knowledge.

Mr. Gilroy thanked the applicants and said, "We are very interested in this plan."

Mr. Herron and Mr. Roberts expressed to attendees that they appreciate comments and they would have an opportunity to talk and be heard at future public meetings. There is a process to include a Community Meeting.

## **BOATYARD EATS**

### **David Stockwell, Presenter**

Mr. Herron introduced David Stockwell. He serves on our Historic Preservation Committee. He lives in Cornelius. Just a little background information from the Town's standpoint...The property is located at the corner of US 21 and Westmoreland. This is where the Anchorage Marine building is located. Our Land Use Plan calls for Highway Commercial uses and this fits right in. With that, he turned the meeting over to Mr. Stockwell.

Mr. Stockwell thanked everyone. He introduced his wife and said they live in Cornelius and have two children. They are both from North Carolina. David is from Chapel Hill and his wife is from Greensboro. They have lived here for five years now. He presented their plan for BoatYard Eats. He said, "At BoatYard Eats, it's all about the people getting together, having a good time, and enjoying themselves. BoatYard Eats is experiential dining. We offer an authentic rotating food truck experience that delivers a high quality and unique eating experience to Cornelius. BoatYard Eats is a place to gather with your family and friends. It's the community's place to enjoy live music, food trucks, and local beers, wines, and spirits. Whether our customers visit us in flip flops or loafers, each BoatYard Eats location will create an inviting and relaxed environment meant for everyone to enjoy. BoatYard Eats looks to pay tribute to the "life's better at the lake" mentality and will showcase historical photographs and pieces from Cornelius, Lake Norman and surrounding towns. Customers will be able to walk down memory lane while enjoying a modern cuisine and local brews." Mr. Stockwell shared a copy of the layout, as well as materials to be used to include the use of rope, wood and stained metal.

Mr. Roberts said, "I like it. Looks good."

Mr. Gilroy said it is super creative.

Mr. Washam said, "I think it's pretty cool."

Mr. Simmons added that it is unique and different. He thinks it would be a nice asset to the community.

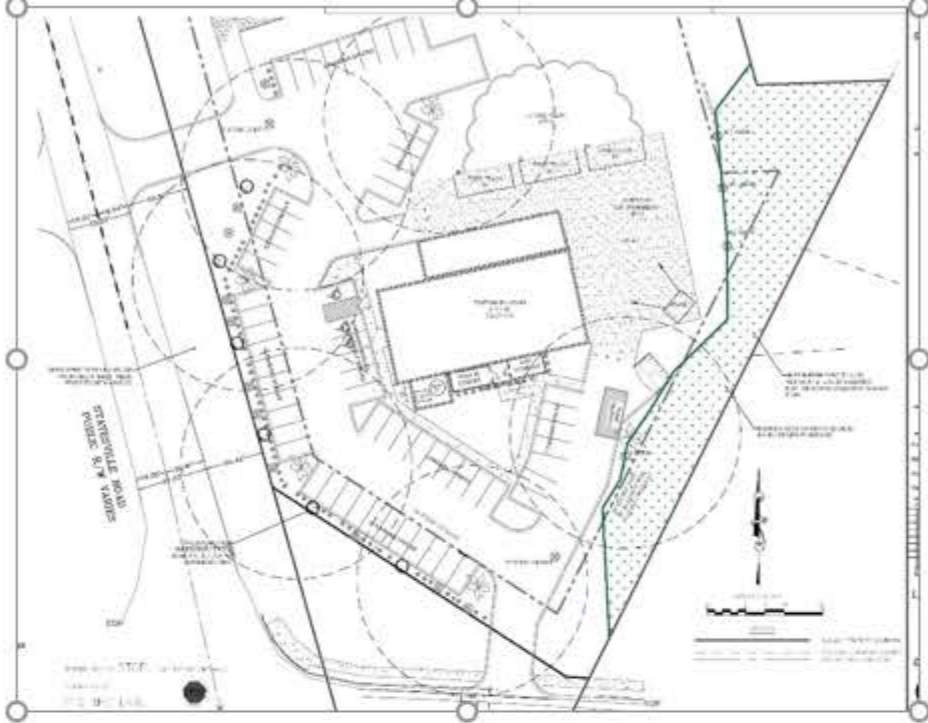
Mr. Herron asked for additional comments. With there being none, he adjourned the meeting.

## **ADJOURNMENT**

The meeting adjourned at 1:28 p.m.

**BOATYARD EATS (HWY 21 & WESTMORELAND)**

- 3.6 Acres
- Existing Zoning: HC
- Proposed Zoning: CZ
- Proposed Use: Restaurant & Events Venue
- Town Board Public Hearing: April 3<sup>rd</sup>





03/07/2017



 ANCHORAGE  
MARINE 

03/07/2017

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP**

**REZ 12-16 Boat Yard Eats**

**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 Number 00514108 consisting of approximately 3.64 acres located at 18424 Statesville Rd, be reclassified as *Conditional Zoning 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 3<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lori A. Harrell, Town Clerk

\_\_\_\_\_  
Karen Wolter, Town Attorney

## C-2.1

## **EXHIBIT B**

### **Conditions of REZ 12-16 – Boat Yard Eats**

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 materials for the proposed cooler addition shall match and be consistent with the current building materials.
5. Payment for the installation of the 10' sidewalk along US 21 and Westmoreland Rd must be received by the town prior to the issuance of a certificate of occupancy.
6. The 30' greenway easement shown on the site plan must be granted to the town prior to the approval of construction documents. If in the future the town disturbs the landscape buffer area within the 30' greenway easement, the town will replace the buffer with comparable plantings that meet the type A buffer requirements.
7. Any pole sign within the right-of-way must be removed on or before the approval of construction documents. All other signage must meet the requirements of chapter 10 of the Town of Cornelius Land Development Code and must be permitted separately.

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

**REZ 12-16 Boat Yard Eats**

**WHEREAS**, Old Swan Development, LLC, initiated the process to zone parcels of land to *Conditional Zoning District* as shown in *Exhibit A* to develop said land as a Restaurant and Outdoor Events/Gathering Facility at 18424 Statesville Rd (Parcel ID# 00514108).

**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 3<sup>rd</sup> day of April, 2017.

\_\_\_\_\_  
Charles L. Travis, III, Mayor

ATTEST:

\_\_\_\_\_  
Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Wolter, Town Attorney

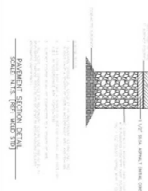
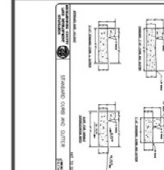
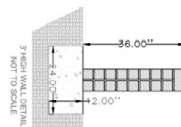
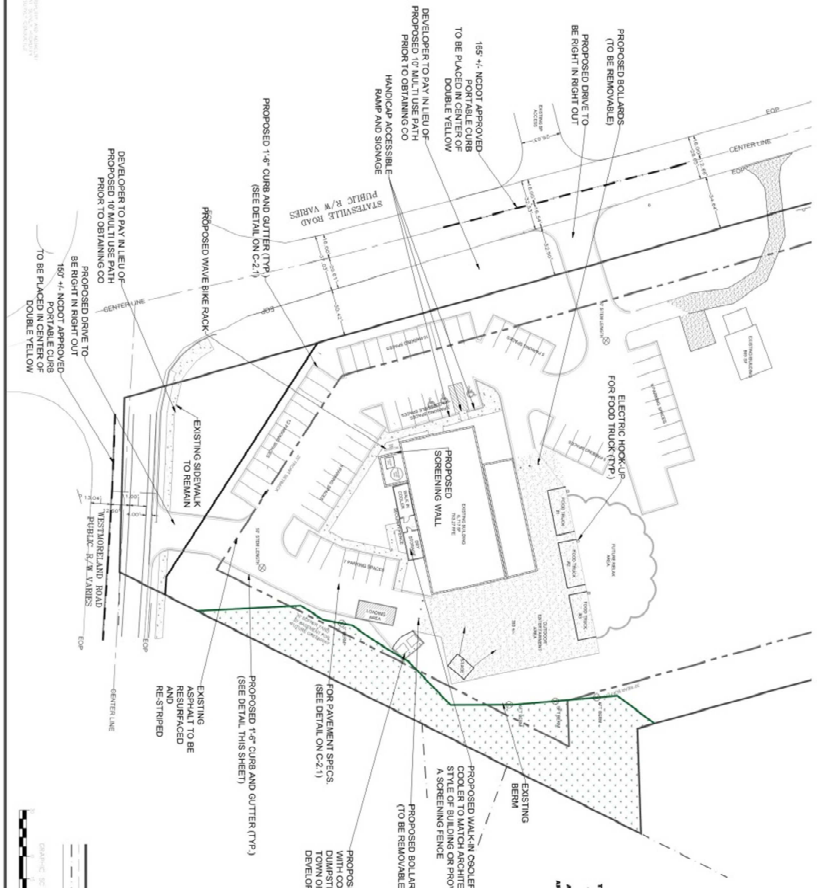
## Exhibit A

Molecular Weight Resistant Device	Field 1 of Parking Spaces		Field 2 of Accessible Spaces Provided		Field 3 = Accessible Provided
	Required	Provided	Required with 5' Access Path	Required with 8' Access Path	
50			0	1	1

h. **MINIMUM** (1 space per 3 seats) (775 seats)/(3) = 589 parking spaces required.

[illegible]

BEFORE YOU DO STOP, CALL THE NEAREST  
CENTER AT 811.  
IT'S THE LAW.

[illegible][illegible]

PROPOSED BOATYARD EATS  
CORNELIUS, NORTH CAROLINA  
FOR  
OLD SWAN DEVELOPMENT

**SITE  
PLAN  
(WORK  
EXTENTS)**

C-2.1

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP

Director of Planning

### Action Requested:


At the March 20th Town Board Meeting, Commissioners reviewed a compromise proposal from the NCDOT regarding the Torrence Chapel/West Catawba intersection. Concerns were expressed regarding how development may be reviewed and allowed within the vicinity of the intersection. Traffic impacts may play a role in the timing and growth of average daily traffic (ADT) volumes. Due to this concern, the Town Board may wish to consider amendments to the Zoning map and to the Land Development Code.

The time required for developing, publicly debating and implementing such map and text amendments could result in possible development or redevelopment applications being filed that would be inconsistent with the goal of maintaining the left turn movement at Torrence Chapel/West Catawba to 2035 or beyond. For this reason, a temporary development moratorium of sixty (60) days is being proposed, while map and text amendments are developed, publicly debated and implemented.

### Manager's Recommendation:

Approve the Ordinance as presented.

### ATTACHMENTS:

Name:	Description:	Type:
 <a href="#">ORD-Moratorium_Ordinance.pdf</a>	Moratorium Ordinance	Ordinance

**AN ORDINANCE TO INSTITUTE A TEMPORARY MORATORIUM ON  
SUBDIVISIONS, DEVELOPMENT PERMITS AND DEVELOPMENT APPLICATIONS  
WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT LOCATED WEST OF  
I-77 WITHIN THE TOWN OF CORNELIUS PLANNING JURISDICTION**

**WHEREAS**, the State of North Carolina has authorized the state's municipalities to adopt temporary moratoria in accordance with NCGS 160A-381; and

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

**WHEREAS**, the Town and NCDOT worked together to study potential alternatives to address increased congestion at the Torrence Chapel intersection with West Catawba Avenue; and

**WHEREAS**, on January 17, 2017, the NCDOT presented the Town with a proposed plan for road improvements including a preferred alternative for the Torrence Chapel intersection that called for the elimination of the left turn movement onto West Catawba Avenue; and

**WHEREAS**, the Town has received considerable citizen and business input that elimination of the left turn movement will greatly impact the health, safety, welfare and quality of life of our citizens and the viability of business in the area; and

**WHEREAS**, the NCDOT has considered the input received from the Town's citizens and business community and has offered the Town a compromise alternative for the Torrence Chapel intersection. The compromise alternative offers a delay in removing the left turns based on the growth in the average annual daily traffic (AADT). NCDOT proposes to reduce the maximum green time for the left turn as AADT growth crosses the 5%, 7% and 15% thresholds. Left turns will be fully eliminated by the NCDOT at 15% growth in AADT; and

**WHEREAS**, the estimated growth rate in AADT over the past four years has been approximately 1% per year, if this growth rate were to be maintained, it is estimated the elimination of the left turn movement may occur in 2035; and

**WHEREAS**, the Town of Cornelius Board of Commissioners ("Board") has expressed concern regarding the inability of the existing Land Development Code regulations to effectively address the aforementioned concerns, the Board has found that there is an urgent need to develop and implement an amended Land Development Code and possible zoning map amendments with respect to development and redevelopment occurring within the Highway Commercial (HC) zoning district impacting the Torrence Chapel intersection; and

**WHEREAS**, the Town has considered, as possible alternatives to the establishment of a temporary development moratorium, such as amending the text of its Land Development Code and amending the zoning map to provide that development and redevelopment within the HC zoning district, around the Torrence Chapel intersection, shall be subject to either a conditional zoning process or to the specifications and standards of an applicable overlay district; and

**WHEREAS,** The Town determined that the time required for developing, publicly debating and implementing such text amendments or map amendments could result in possible development and redevelopment occurring within the HC zoning district surrounding the Torrence Chapel intersection, which would be inconsistent with the goal of maintaining the left turn movements to 2035 or beyond; and

**WHEREAS,** the Board hereby finds that a temporary development moratorium having a duration of sixty (60) days is a reasonably necessary and cost-effective procedure to preserve the status quo within the HC zoning district, west of I-77, while zoning map and text amendments are developed, publicly debated and implemented; and

**WHEREAS,** a public hearing on the question of the moratorium 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:**

SECTION 1: A temporary moratorium is hereby established within the HC zoning district, west of I-77, on any city development approval required by law, except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses in accordance with NCGS §160A—381(e).

SECTION 2: The development moratorium established under this ordinance shall have a duration of sixty (60) days.

SECTION 3: During the duration of the temporary development moratorium established under this ordinance, the Town will develop map and/or text amendments and will commence the required procedures for reviewing, publicly debating and implementing the same.

SECTION 4: Absent an imminent threat to public health or safety, the development moratorium adopted pursuant to this ordinance shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional zoning or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval or to preliminary or final subdivision plat applications which were accepted for review by the Town prior to the call for the public hearing to adopt the moratorium ordinance.

SECTION 5: Nothing in this ordinance shall be construed as limiting, prejudicing or adversely affecting the Town's authority and ability to concurrently or consecutively use any of the procedures available to it by ordinance, regulation or statute which the Town deems applicable to enforce its Land Development Code including, but not being limited to, the Town's abatement of any public nuisances and violations through any of the procedures set forth in the Land Development Code or in any other local, state or federal statute or regulation.

SECTION 6: That all ordinances, parts of ordinances, plans and policies which conflict with the provisions hereof are hereby repealed to the extent of such conflict.

SECTION 7: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8: That this ordinance, and the moratorium imposed thereby, shall be effective immediately upon its adoption and shall remain continuously in effect up to and including June 2, 2017, after which date the moratorium shall terminate unless it is subsequently renewed or extended.

Adopted this the 3<sup>rd</sup> day of April, 2017.

---

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lori A. Harrell, Town Clerk

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Karen Wolter, Town Attorney

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP  
Director of Planning

**Action Requested:**

Adopt a Resolution accepting the remaining streets in the Preserve at Robbins Park, Phase 1, Map 1 for Town maintenance.





- Robbins Crescent Drive (a portion of)
- Robbins Ridge Road (a portion of)

The request, as submitted, meets all of the Town's current standards for street acceptance.

**Manager's Recommendation:**

Adopt resolution as presented.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Resolution.docx</a>	Resolution - Preserve at Robbins Park, P1 M1	Resolution Letter
 <a href="#">P1M1.jpg</a>	Exhibit 1, Map - Preserve at Robbins Park, P1	Backup Material
 <a href="#">application_street_acceptance_Phase_1_Map_1_remaining_streets_3-2017.pdf</a>	Exhibit 2, Letter - Preserve at Robbins Park, P1 M1 Request	Backup Material
 <a href="#">Phase_I_recorded_plat.PDF</a>	Recorded Plat - Preserve at Robbins Park P1 M1	Backup Material

**TOWN OF CORNELIUS  
RESOLUTION TO ADOPT CERTAIN  
STREETS FOR MAINTENANCE**

**WHEREAS**, Cornelius is a rapidly growing community and is desirous of providing the most effective and efficient governmental services to its residents; and

**WHEREAS**, Cornelius has been requested by Classica Homes to accept streets currently maintained by said developer in the Preserve at Robbins Park subdivision; and

**WHEREAS**, the streets are identified in the attached Exhibit #1 and a request by the developer, Classica Homes, is attached as Exhibit #2; and

**WHEREAS**, the Town of Cornelius is desirous of accepting said streets for maintenance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS** that the Town of Cornelius does hereby accept for maintenance a portion of Robbins Crescent Drive and a portion of Robbins Ridge Road.

Adopted this 3<sup>rd</sup> day of April, 2017.

SEAL

\_\_\_\_\_  
Charles L. Travis, III, Mayor

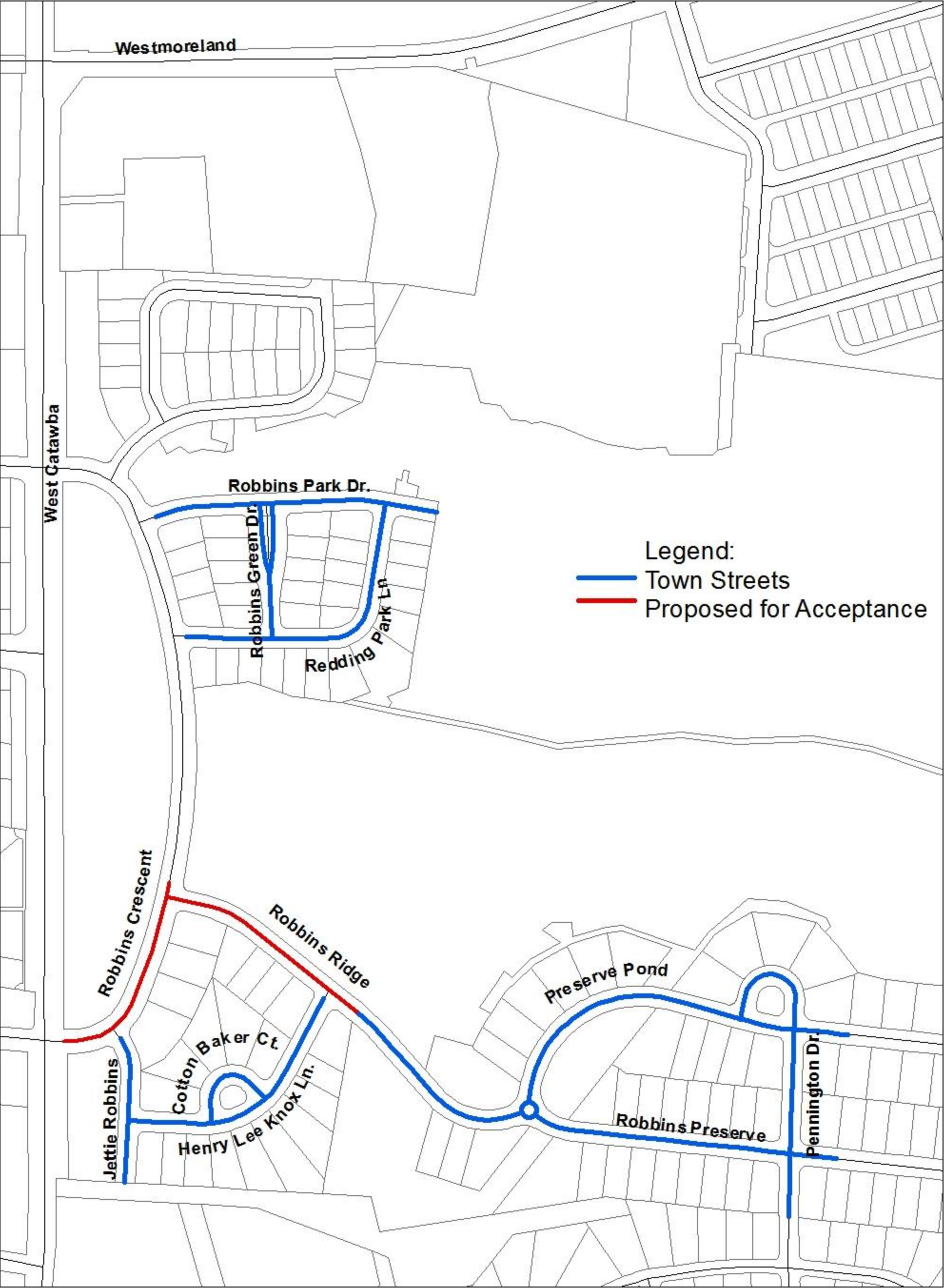
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lori A. Harrell, Town Clerk

\_\_\_\_\_  
Karen Wolter, Town Attorney

Preserve at Robbins Park  
Street Acceptance  
P1, M1  
April 3, 2017



## Exhibit 2

March 7, 2017

Anthony Roberts  
Town Manager  
Town of Cornelius  
P.O. Box 399  
Cornelius, NC 28031

Re: Application for Street Acceptance

Dear Mr. Roberts:

I hereby certify, as the owner, that to the best of my knowledge the improvements in Phase 1 Map 1 of The Robbins Park subdivision have been constructed in accordance with the construction documents and are shown on a record map filed in the Mecklenburg County Register of Deeds Office in map book 52, page 3. All work must conform to the construction standards as identified in the Charlotte-Mecklenburg Land Development Standards Manual and the Town of Cornelius Land Development Code.

I, therefore, request that the following streets in Phase 1 Map 1 of Robbins Park subdivision be considered for maintenance acceptance by the Town of Cornelius. I understand that acceptance of said streets shall be made only by the Town of Cornelius Board of Commissioners in accordance with the Town's street acceptance policy.

Street Name	From	To	Length (in feet)
Robbins Ridge Road	Robbins Crescent Drive	Phase 2 Map 1.	590.4
Robbins Crescent Drive	West Catawba Road	Phase 3 Map 1	611.6

(if additional space is required, continue on back)

Signature of Owner

[RJasinski@ClassicaHomes.com](mailto:RJasinski@ClassicaHomes.com)

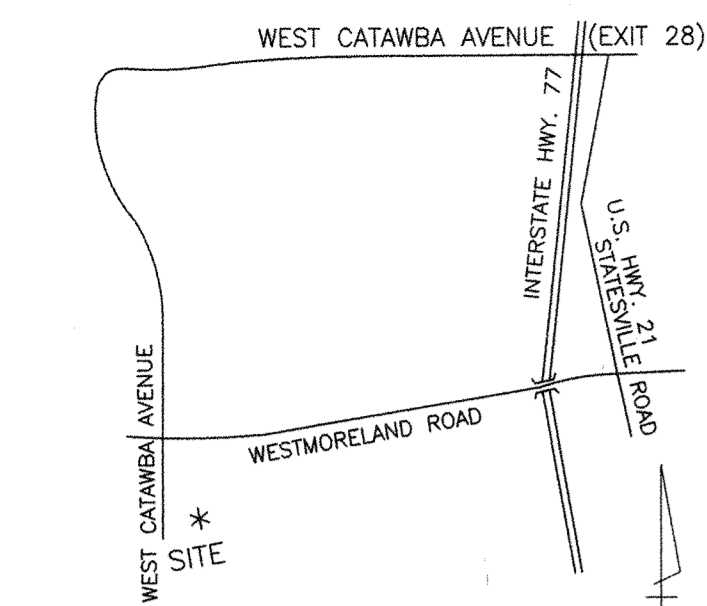
704-201-8976

E-mail Address

2215 Ayrslay Town Blvd. Suite G, Charlotte, NC 28273

Phone Number

Mailing Address (street number, street name, city, state, zip)



VICINITY MAP (NTS)

**LEGEND**

CONTROL CORNER  
IRON REBAR FOUND  
PKS - PK NAIL SET  
EM - ELECTRIC METER  
GM - GAS METER  
BM - BENCHMARK  
IPF - IRON PIN FOUND  
IPS - IRON PIN SET  
T.P. - TAX PARCEL  
DB - DEEDBOOK  
PG - PAGE  
SDE - STORM DRAIN EASEMENT  
PSDE - PUBLIC STORM  
NCDOT - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
R/W - RIGHT OF WAY  
S.W.I.M. - STORM WATER IMPROVEMENT MANAGEMENT  
PDE - PERMANENT DRAINAGE EASEMENT

SS - SANITARY SEWER  
SDE - SURVEYED BOUNDARY LINE  
TIE OR DEED/PLAT LINE

80' - 80' LOTS  
63' - 63' LOTS

CURVE	LENGTH	RADIUS	CHORD	BEARING	TANGENT	DELTA
C1	165.59	142.50	156.43	N56°36'31"E	93.57	66°34'40"
C2	38.62	1654.46	38.62	N22°39'03"E	19.31	1°20'15"
C3	314.61	1657.53	314.14	N16°32'23"E	157.78	10°52'31"
C4	15.65	5693.15	15.65	N11°27'33"E	7.83	0°09'27"
C5	30.76	20.00	27.81	S32°25'14"E	19.35	88°00'36"
C6	164.44	377.50	163.14	N64°00'07"W	83.54	24°57'29"
C7	4.42	527.50	4.42	N51°16'59"W	2.21	0°28'47"
C8	85.85	207.50	85.24	N78°02'40"E	43.55	23°42'23"
C9	29.93	20.00	27.21	N70°56'34"W	18.56	89°43'58"
C10	71.31	123.62	70.32	N13°37'59"W	36.69	33°03'03"
C11	24.41	20.00	22.92	S06°53'19"W	13.99	69°55'47"
C12	67.12	207.50	66.83	N32°35'12"E	33.86	18°32'02"
C13	17.09	1719.46	17.09	N23°02'06"E	8.54	0°34'10"
C14	23.05	1719.46	23.05	N22°21'58"E	11.52	0°48'05"
C15	81.01	1719.46	81.00	N20°57'57"E	30.51	20°19'58"
C16	83.65	1719.46	83.64	N18°33'21"E	41.83	24°17'15"
C17	72.13	1719.46	72.12	N15°57'37"E	36.07	22°41'3"
C18	30.98	20.00	27.98	S59°08'20"W	19.57	88°45'37"
C19	76.97	322.50	76.79	N69°38'38"W	38.67	13°40'28"
C20	63.52	322.49	63.41	N57°08'52"W	31.86	11°17'05"
C21	16.83	222.50	16.83	N30°38'19"E	8.42	4°20'04"
C22	36.15	20.00	31.43	N84°35'40"W	25.40	103°33'58"
C23	38.58	89.99	38.29	N55°53'40"W	19.59	24°33'54"
C24	49.81	89.99	49.18	N84°02'00"W	25.56	31°42'45"
C25	49.81	89.99	49.18	S64°15'14"W	25.56	31°42'48"
C26	49.81	89.99	49.18	S32°32'28"W	25.56	31°42'45"
C27	37.13	89.99	36.87	S04°51'49"W	18.84	23°38'32"
C28	34.97	20.00	30.68	N43°08'56"E	23.92	100°11'30"
C29	31.32	20.00	28.21	S41°53'46"E	19.90	89°43'06"
C30	16.23	177.50	16.22	N00°20'38"E	8.12	51°41'18"
C31	79.93	177.50	79.26	N51°10'32"W	40.65	25°48'03"
C32	31.51	20.00	28.35	S48°06'4"W	20.10	90°16'54"
C33	36.70	277.50	36.67	N89°27'23"E	18.37	7°34'36"
C34	57.52	277.50	57.41	N79°43'49"E	28.86	11°52'32"
C35	57.49	277.50	57.39	N67°51'28"E	28.85	11°52'12"
C36	60.34	277.50	60.22	N55°41'36"E	30.29	12°27'32"
C37	59.47	277.50	59.36	N43°19'27"E	29.85	12°16'46"
C38	42.17	277.50	42.13	N32°49'51"E	21.13	8°42'28"
C39	34.91	20.00	30.64	S78°28'37"W	23.84	100°00'00"
C40	27.93	20.00	25.71	N11°31'23"W	16.78	80°00'00"
C41	4.43	472.50	4.43	N51°15'16"W	2.21	0°32'13"

AREA SUMMARY TABLE  
(CALCULATED BY THE COORDINATE METHOD)

LOTS = 285.545 S.F. OR 6.555 ACRES  
ROADS = 141,451 S.F. OR 3.247 ACRES  
COMMON OPEN SPACE = 3,487 S.F. OR 0.080 ACRES  
DONATION PARCEL = 47,067 S.F. OR 1.080 ACRES  
NCDOT DEDICATION = 16,580 S.F. OR 0.381 ACRES  
TOTAL AREA: 494,130 S.F. OR 11.343 ACRES

CERTIFIED TO BE TRUE AND CORRECT COPY  
OF THE ORIGINAL MAP RECORDED IN  
BOOK: 01-10-009  
DATE: 10/15/09  
BY: JAMES TIMOTHY THOMAS, REGISTER OF DEEDS  
J. DAVID GRANBERRY, REGISTER OF DEEDS

## LOT SPECIFICATIONS

(TOWN OF CORNELIUS DEVELOPMENT CODE SECT. 5.3)

ZONING: NEIGHBORHOOD RESIDENTIAL (NR)

MIN. FRONT SETBACK: 10 FT (EXCEPT WHERE DENOTED OTHERWISE "LOTS 57-61, & 47-49.")

MAX. FRONT SETBACK: 25 FT

SIDE SETBACKS: 5 FT (CORNER SIDE: 10')

REAR SETBACK: 25 FT

MIN. LOT WIDTH: 60 FT

ACCESSORY STRUCTURE REAR SETBACK: 5 FT

ACCESSORY STRUCTURE SIDE SETBACK: 5 FT

DEVELOPMENT DATA

PHASE I	63' LOTS	80' LOTS	TOTAL LOTS	LOT ACREAGE	ROAD LENGTH
MAP I	18	5	23	6.56 AC	2,614 LF
TOTAL	18	5	23	6.56 AC	2,614 LF

LINE	LENGTH	BEARING
L1	37.42	N01°06'12"E
L2	16.09	S89°53'51"W
L3	44.57	S76°28'52"E
L4	65.00	S00°08'38"E
L5	16.04	N89°53'51"E
L6	37.85	S23°53'24"W
L7	44.03	N76°28'52"W
L8	8.29	S43°37'21"E
L9	8.64	N06°56'48"W
L10	18.12	S28°04'34"E
L11	37.61	N51°31'23"W
L12	52.90	S87°58'13"W
L13	26.69	N84°07'40"W
L14	20.27	N13°44'33"W

MECKLENBURG COUNTY  
DB 12672 PG 404  
PB 49 PG 593/601  
TAX#005-071-88A

AREA DEDICATED  
TO NCDOT  
16,580 Sq.ft.  
0.381 Acres

## SURVEY NOTES:

- NORTH ORIENTATION IS BASED ON MAP BOOK 49 PG. 593-601.
- TITLE OF SUBJECT PROPERTY IS BASED ON DEEDS, AND GIS INFORMATION DATA ONLINE, ALL DEEDS REFER TO MECKLENBURG COUNTY REGISTRY NC.
- THIS PROJECT SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA COMMUNITY FLOOD PANEL 3710463-200J DATED 3/2/2009.
- NO ENVIRONMENTAL ISSUES ADDRESSED DURING THE PERFORMANCE OF THIS SURVEY.
- IRONS AT ALL CORNERS, UNLESS NOTED OTHERWISE.
- WATER SHED LOCATIONS AND ZONE ARE "MOUNTAIN ISLAND PROTECTION AREA: PA-2"
- MAINTENANCE OF COMMON AREAS AND LAND IS TO BE MAINTAINED BY DEVELOPER AND OR HOMEOWNERS ASSOCIATION.
- MAINTENANCE OF ALL SDE'S AS SHOWN ON THE PLAT ARE THE RESPONSIBILITY OF THE PROPERTY OWNER OR ASSIGNS.
- UNDISTURBED OPEN SPACE AREA: FUTURE DISTURBANCE IS PROHIBITED IN THESE AREAS EXCEPT FOR GREENWAY TRAILS WITH UNLIMITED PUBLIC ACCESS, NEW CHARLOTTE-MECKLENBURG UTILITY LINES AND CHANNEL WORK/MAINTENANCE ACTIVITIES BY CHARLOTTE-MECKLENBURG STORM WATER SERVICES.
- IF THERE ARE IMPROVEMENTS TO A STATE MAINTAINED ROAD, THEN NO MORE THAN 49 LOTS WILL BE APPROVED ON RESIDENTIAL SUBDIVISION PLATS UNTIL REQUIRED TURN LANES ARE CONSTRUCTED UNLESS AN EXCEPTION IS GRANTED.
- THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SDE) IS TO PROVIDE STORM WATER CONVEYANCE IN BUILDINGS ARE NOT PERMITTED IN THE EASEMENT AREA. ANY OTHER OBJECTS WHICH IMPEDE STORM WATER FLOW OR SYSTEM MAINTENANCE ARE ALSO PROHIBITED.
- THIS SURVEY IS INVALID UNLESS IT CONTAINS THE ORIGINAL SIGNATURE AND SEAL OF THE ABOVE STATED SURVEYOR.

60 30 0 60 180  
SCALE 1" = 60'

I HEREBY CERTIFY THAT ALL STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO TOWN SPECIFICATIONS AND STANDARDS OR THAT GUARANTEES OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF CORNELIUS HAS BEEN RECEIVED.

DATE: 10/15/09  
COUNTY STAFF: MECKLENBURG CO.

FILED FOR  
REGISTRATION  
OCT 08 2009  
3:38 PM  
MECKLENBURG COUNTY, NC

MECKLENBURG COUNTY  
DB 12672 PG 404  
PB 49 PG 593/601  
TAX#005-071-2A

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND DEVELOPMENT CODE FOR CORNELIUS, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE TOWN OF CORNELIUS FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF MECKLENBURG COUNTY. I FURTHER CERTIFY THAT THE BOARD OF COMMISSIONERS ONLY ACCEPTS THE DEDICATION OF THE PUBLIC PARKS SHOWN THEREON, IF SUCH PARKS ARE LOCATED WITHIN THE CORPORATE LIMITS OF CORNELIUS, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE BOARD OF COMMISSIONERS, IT IS IN THE PUBLIC INTEREST TO DO SO.

DATE: 10/16/09  
PLANNING DIRECTOR  
TOWN OF CORNELIUS, NC

CERTIFICATE OF APPROVAL FOR RECORDING THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY. I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE WATERSHED PROTECTION ORDINANCE AND IS APPROVED BY THE TOWN OF CORNELIUS FOR RECORDING AT THE MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

DATE: 10/16/09  
TOWNSHIP ADMINISTRATOR  
WATERSHED, MECKLENBURG COUNTY, NC

STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

REVIEW OFFICER: JAMES TIMOTHY THOMAS  
DATE: 10/16/09

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF CORNELIUS AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, PRESERVE AND PROTECT ALL SIGNIFICANT TREES OVER 18 INCHES IN DIAMETER IN THE TREE AND ROOT PROTECTION AREA, PLANT SUPPLEMENTARY TREES IF REQUIRED, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS, TO PUBLIC OR PRIVATE USES AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES THAT ARE LOCATED IN PUBLIC UTILITY EASEMENTS OF RIGHTS-OF-WAY TO THE TOWN OF CORNELIUS AND THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.

DATE: 10/16/09  
OWNER(S): JAMES TIMOTHY THOMAS  
BY: JAMES TIMOTHY THOMAS

IMPERVIOUS AREA TABLE  
(calculated by the Coordinate Method)

LOT#	Impervious Area (S.F.)
42	4550
43	4550
44	4550
45	4550
46	4000
47	4000
48	4000
49	4000
50	4000
51	4000
52	4000
53	4000
54	4550
55	4000
56	4000
57	4000
58	4000
59	4000
60	4000
61	4000
62	4000
63	4000
64	4000
Lot Total	94750
Streets	87886
Sidewalk	24194
COS 1	225
Bank of Impervious Area	20142
Phase 1 Total	227197

I, JAMES TIMOTHY THOMAS, A PROFESSIONAL LAND SURVEYOR NO. L-4333, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:

X A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;

C. THAT THIS PLAT IS OF AN EXISTING PARCEL(S) OF LAND;

D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN A THROUGH D ABOVE.

JAMES TIMOTHY THOMAS, PLS L-4333

DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
PROPOSED SUBDIVISION ROAD  
CONSTRUCTION STANDARDS CERTIFICATION

APPROVED: Louis Mitchell, Jr.  
DISTRICT ENGINEER

DATE: 10/15/09

DOT SIGNATURE IS FOR RECORDING PURPOSES ONLY AND NOT TO ACCEPT NEW ROAD OR STREETS INTO THE STATE MAINTAINED SYSTEM.

I, JAMES TIMOTHY THOMAS PLS #4330, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 18176, PAGE 666); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT BOOK 49, PAGE 593-601; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF SEPTEMBER, A.D., 2009.

LICENSE NO. L-4330  
PROFESSIONAL LAND SURVEYOR

DATE	REVISION	BY
9/27/08	COMMENTS PER TOWN OF CORNELIUS	CHW
8/5/09	LUESA NORTH COMMENTS	JEC
5/7/09	GITY AND LUESA NORTH COMMENTS	JEC

**GPA**  
PROFESSIONAL LAND SURVEYORS OF NC  
www.gpaland.com  
(CHARLOTTE BRANCH)  
605 PHILLIP DAVIS DRIVE  
SUITE 212  
CHARLOTTE NC 28217  
OFFICE (704) 335-8600  
FAX (704) 335-8655  
(CHARLOTTE BRANCH)  
2265 Clements Ferry Road  
Suite 212  
Charlotte, NC 29492  
Office (843) 971-9099  
Fax (843) 971-8992  
(HILTON HEAD BRANCH)  
ONE GODFREY PLACE SUITE 2  
BLUFFTON SC 29910  
OFFICE (843) 815-3839  
FAX (843) 815-3862  
"EXCELLENCE AS A NORM"

SCALE  
1"=60'  
F.L.D. BK. PG.  
JOB NO.  
080027  
DATE  
3/1/09  
DRAWN BY  
JEC/CHW  
CHECKED BY  
JIT

THE PRESERVE AT ROBBINS PARK MAP 1, PHASE 1  
LOCATED IN THE TOWN OF CORNELIUS, MECKLENBURG  
NORTH CAROLINA  
RECORD MAP

PREPARED FOR: WESTMORELAND LAKE LLC  
1800 SOUTH BLVD. SUITE #200  
CHARLOTTE NC 28202  
LEWEL TOWNSHIP  
SHEET 1 OF 1

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk



**Action Requested:**

Approve the Regular Meeting minutes for March 6th & 20th.

**Manager's Recommendation:**

Approve minutes.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">03-06-17_Regular_meeting_draft.docx</a>	March 6th Minutes	Backup Material
 <a href="#">03-20-17_Regular_Meeting_draft.docx</a>	March 20th Minutes	Backup Material

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## BOARD OF COMMISSIONERS

March 6, 2017  
Minutes

### PRE-MEETING – 5:45PM

✓ Hwy. 115 Utility Burial Update

Kathy Moyer with ElectriCities gave an update on the utility burial project along the Hwy. 115 corridor and assured the Board that work is progressing even though it appears that nothing has been done. She also informed them that the utility poles will remain intact until it is determined what improvements NCDOT will propose for the corridor.

✓ Commerce Station Internal Rate of Return Update

Manager Roberts gave the annual IRR update on Commerce Station and explained that the Town of Huntersville would like to pay off the installment financing contract early and if the Board agreed the town's portion of the payoff would be ~\$204K. After the Board discussed the early payoff benefits they agreed to consider approving a budget amendment at the March 20<sup>th</sup> meeting.

### REGULAR MEETING – 7:00PM

1. CALL TO ORDER

Mayor Travis called the meeting to order at 7:02PM.

2. DETERMINATION OF QUORUM

All commissioners were present for the meeting.

3. APPROVAL OF AGENDA

*Commissioner Washam made a motion to amend and approve the agenda by adding Item 11B a Resolution in Support of Lifting the Self-Distribution Ban for Breweries.*

*Commissioner Gilroy seconded the motion and it passed unanimously, 5-0.*

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Lucas Johnson with Boy Scout Troop 72 led the pledge after a moment of silence was observed.

5. CITIZEN CONCERNS/COMMENTS

**Ralph Gettings – 19925 Schooner Drive**, expressed his concerns with his perception of partisan issues throughout the Town's various advisory boards.

6. MAYOR/COMMISSIONERS/MANAGER REPORTS

Commissioner Ross reported on the following:

- Chamber – Woman's Conference will be held on March 30<sup>th</sup> at the Peninsula Club; Power Luncheon with CMS Superintendent Dr. Wilcox on March 16<sup>th</sup> at North Stone Country Club

Commissioner Washam reported on the following:

- CACC – in the process of hiring an executive director; discussing naming the art center
- EDC – 15 active projects in Cornelius and 31 in the region
- Attended a ribbon cutting at the Cycle Bar

Commissioner Duke reported on the following:

- PARC – summer camp registration is sold out; Hoyt Wilhelm Park dedication will be held on March 25<sup>th</sup>; applications are being accepted for Community Garden plots
- Art Center – Home Grown exhibit is closing on March 24<sup>th</sup>; the 2017 Beyond Walls exhibit will be open to the public on May 6<sup>th</sup>; a morning with the Easter Bunny will be held on March 24<sup>th</sup>
- VLN – Board meeting will be held on March 15<sup>th</sup>

Commissioner Miltich reported on the following:

- Cornelius Conversation will be held on March 7<sup>th</sup>
- NCDOT has done a field change for additional turning radius at the Nantz Road/West Catawba intersection

Mayor Travis reported on the following:

- FY18 budget retreat will be held on March 8<sup>th</sup> & 9<sup>th</sup> at Graylyn International Conference Center in Winston-Salem

## 7. PRESENTATIONS

### A. Corporal Lee Cook Retirement Recognition

Chief Hoyle explained that Corporal Cook retired from the police department on March 1<sup>st</sup> after suffering from an irreversible medical condition. He outlined Cpl. Cook's years of civil service and his 12 years of dedicated service to the residents of Cornelius and that he will be sorely missed throughout the Cornelius Police Department.

Mayor Travis and the Board of Commissioners recognized Cpl. Cook and his family and thanked him for his years of service. Mayor Travis then called for a motion to approve a Resolution awarding Cpl. Cook his badge and service revolver upon his retirement.

*Commissioner Washam made a motion to approve Resolution #2017-00837 awarding Corporal Cook's badge and service revolver. Commissioner Ross seconded the motion and it passed unanimously, 5-0.*

**Resolution #2017-00837 is hereby made part of the minutes by reference.**

### B. CPD Officer Recognition

Chief Hoyle recognized Corporal Queen and K-9 Dag for their outstanding service in 2016 and earning employee of the quarter for October-December and as the 2016

officer of the year. Mayor Travis and the Board of Commissioners recognized Cpl. Queen and thanked him for his dedication in keeping Cornelius residents safe.

C. NCDOT Project Updates

Teresa Gresham with Kimley-Horn gave the Board an update on the following NCDOT transportation projects:

- STIP U-5873 – improvements for Hwy. 115/Potts Street’s outline includes: project design (spring/summer 2017), public meeting (summer/fall 2017), environmental documents (spring 2018), ROW acquisition begins (winter 2018/2019) and construction to begin (spring 2020); and
- STIP U-5108 – Northcross Drive Extension’s outline includes: project design (spring/fall 2017), public meeting (fall 2017), environmental document (winter 2018/2019), ROW acquisition begins (summer/fall 2018) and construction to begin (winter/spring 2020)

8. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

A. REZ 10-16 DB Holdings (Auto Sales Dealership)

Mayor Travis called for a motion to open a public hearing for rezoning REZ 10-16 DB Holdings. The public hearing notice is attached hereto.

*Commissioner Gilroy made a motion to open the public hearing. Commissioner Ross seconded the motion and it passed unanimously, 5-0.*

Planning Director, Wayne Herron gave the staff presentation outlining the request from DB Automotive Real Estate Holdings, LLC to develop an automotive sales, service and storage use located at 18837 Statesville Road. The proposed project consists of removing two existing buildings and constructing a new 22,850 square foot building in Phase 1 and then will expand to 26,800 square feet in Phase 2 to include a larger showroom. The existing site is approximately 5.6 acres, and is zoned Highway Commercial (HC), and within the Automobile Sales Overlay District (AS-O). Staff and the Planning Board recommend approval with 7 Conditions.

Commissioner Gilroy expressed concern with the building not actually facing Hwy. 21. Mr. Herron explained that although the placement is unusual, the change in elevation was one factor taken into consideration by the ARB and Planning Board who felt there was value in what was being proposed vs. what exists currently.

Commissioner Duke asked if the proposal is for a new car dealership and if so, what manufacture would be there. Mr. Herron stated that the request is for a new car dealership and he believed the applicant was still in negotiations so the brand has not yet been determined.

Commissioner Gilroy questioned if there were any creek improvements being proposed with the project. Mr. Herron stated that the County will not allow the applicant to make any improvements past the parking lot upgrades. Asst. Manager Grant explained that the County controls all stream restoration projects and would consider the area as a major stream restoration where storm water funds are used; however, this area has not been calendared but has been identified as an area of

critical concern. Staff will continue to have conversations with the County on combining this restoration area with Willow Pond and McDowell Creek restoration located upstream. Manager Roberts suggested that maybe the County would consider partnering with the applicant to clean up the stream area.

Mayor Travis questioned where the trash facility was located. Mr. Herron stated that the applicant's architect had indicated that it would be handled internally; however, if there's a dumpster outside the *Code* requires it to be located in the rear of the site. Mayor Travis cautioned them on the placement in the rear as it would be seen from the interstate as well. He suggested that the Board consider adding a condition that the trash facility be defined on the site plan.

Duane Strong with Adams & Associates Architecture and Charlie Caputo with Spectrum Building Company representing the applicant explained that the County has specifically told them they are not to touch anything along the tree edge even though the applicant would like to clean up the area and make it more presentable. Manager Roberts stated that he would contact Dave Canaan with the County and see what can be done. Mr. Strong outlined the materials being used on the building and Mr. Caputo explained the reasoning for positioning the building on the site. He also stated that he believed the trash facility was identified on the site plan (lower right hand corner in the rear of the site), it's just not included in the packet.

Mayor Travis thanked Mr. Strong and Mr. Caputo for their input. He then invited the public to comment, there being no comments he called for a motion to close the public hearing.

*Commissioner Ross made a motion to close the public hearing on REZ 10-16. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

*Commissioner Miltich made a motion to approve Ordinance #2017-00642 to amend the zoning map reflecting rezoning REZ 10-16 with staff conditions and the additional condition that the applicant shall work with staff to identify the appropriate dumpster location on the site plan. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**Ordinance #2017-00642 is hereby made part of the minutes by reference.**

*Commissioner Washam made a motion to approve Resolution #2017-00838 declaring rezoning REZ 01-16 is consistent with the Town's Land Use Plan and reasonable in the public interest.*

**Resolution #2017-00838 is hereby made part of the minutes by reference.**

## 9. CONSIDERATION OF APPROVAL

### A. Street Acceptance – Preserve at Robbins Park

Manager Roberts outlined the streets within the Preserve at Robbins Park that are ready to be considered for Town maintenance.

*Commissioner Miltich made a motion to approve Resolution #2017-00839 accepting Pennington Drive and portions of Robbins Ridge Road, Preserve Pond Road and Robbins Preserve Road for town maintenance. Commissioner Ross seconded the motion and it passed unanimously, 5-0.*

**Resolution #2017-00839 is hereby made part of the minutes by reference.**

**B. 2017 Election Filing Fees**

Manager Roberts explained that the Board of Elections requires each municipality to set the filing fees for each election. He informed the Board that the filing fees for years past have been set as \$12 for Mayor and \$5 for Commissioners.

*Commissioner Ross made a motion to approve setting the 2017 filing fees as \$12 Mayor/\$5 Commissioners. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**C. Hickory Street Extension Contract**

Manager Roberts explained that Granite Contracting was the lowest bidder for the Hickory Street Extension project and referenced the bid tab sheet included in the agenda packet.

*Commissioner Ross made a motion to approve a contract with Granite Contracting, LLC and authorize the Town Manager and Attorney to finalize and execute it. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**10. CONSENT AGENDA**

- A. Approve Minutes – Regular Meeting for Feb. 20<sup>th</sup> (Approved 5-0)
- B. Approve Minutes – Closed Session for Feb. 20<sup>th</sup> (Approved 5-0)
- C. Call for Public Hearing for Economic Development (Approved 5-0)
- D. FY2017 Audit Contract (Approved 5-0)

*Commissioner Ross made a motion to approve the Consent Agenda as presented. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**11. NEW BUSINESS**

**A. Resolution in Support of Local Bill to Annex Certain Properties into the Town Limits of Cornelius**

Manager Roberts explained that the Resolution will be used as part of a Local Bill being sponsored by Rep. Bradford and Sen. Tarte to annex certain properties west of Hwy. 115 into the Town limits to eliminate “donut holes” and allow for the Town to provide fire and police services to those properties.

*Commissioner Ross made a motion to approve Resolution #2017-00840 supporting a local bill to annex certain properties into the town limits of Cornelius. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**Resolution #2017-00840 is hereby made part of the minutes by reference.**

B. Resolution in Support of Lifting the Self-Distribution Ban

Manager Roberts explained that the Resolution will support the request that state legislators consider lifting the self-distribution ban on state-wide breweries too allow craft breweries to expand their distribution of craft beers.

Commissioner Washam made a motion to approve Resolution #2017-00841 supporting state legislators lifting the self-distribution ban on craft breweries. Commissioner Miltich seconded the motion and it passed unanimously, 5-0.

**Resolution #2017-00841 is hereby made part of the minutes by reference.**

12. COMMISSIONER CONCERNS

A. Lake Level Data

Commissioner Gilroy questioned if staff has received any data from Duke on the Catawba Wateree system. Manager Roberts stated that he will have data to discuss at the budget retreat and that Rep. Bradford has been working with Duke to get an informational webinar together. Commissioner Washam added that Duke is no longer maintaining mosquito control.

13. ADJOURNMENT

*There being no further business to discuss, Commissioner Washam made a motion to adjourn at 8:45PM. Commissioner Ross seconded the motion and it passed unanimously, 5-0.*

Approved this 3<sup>rd</sup> day of April, 2017.

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Charles L. Travis, III, Mayor

ATTEST:

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Lori A. Harrell, Town Clerk



## BOARD OF COMMISSIONERS

March 20, 2017  
Minutes

### PRE-MEETING – 5:45PM

#### ❖ Overview of the Personnel Policy Update

Susan Manning gave an overview of the proposed Personnel Policy changes outlined in the executive summary.

Commissioner Washam asked if the policy covered random drug testing. Ms. Manning stated that random testing is not in the policy but could be added if desired. Commissioner Washam asked about contract positions. Ms. Manning explained that contracted positions (i.e. Town Manager and Attorney) are governed by their contracts so the Personnel Policy does not apply to those positions. Commissioner Washam asked if the policy addressed when compensation should be looked at. Ms. Manning stated that there is nothing specific in the policy but it does need to be more of a best practice.

Mayor Travis asked how the employee review process is defined. Ms. Manning stated that performance evaluations have been expanded upon (i.e. Page 37) and Manager Roberts explained that employees are currently reviewed on their anniversary date; however, he is considering changing the process and reviewing all employees at a specific time of year. Mayor Travis asked if the attorneys and department heads have reviewed the proposed changes. Attorney Bringewatt stated that legal is very comfortable with the process and believes the updates are good. Manager Roberts stated that some department heads have been involved on specific sections; however, not all have reviewed the policy update but that a meeting will be held at a later date to go over the changes.

Ms. Manning finished by stating that best practice is to review the policy annually instead of doing every so often.

#### ❖ Overview of the FY17 Operating Budget Amendment

Finance Director, Julie Niswonger gave an overview of the proposed FY17 budget amendment allocating funds for early pay off of the following debt:

- Commerce Station \$217,598
- Fire Station #1 \$1,114,166
- Park Improvements \$255,604
- Westmoreland Athletic Complex \$747,048

She explained that the town will have an overall savings in interest of \$202,387.

#### ❖ Closed Session – Economic Development/Real Estate

Mayor Travis called for a motion to go into Closed Session to discuss a potential real estate matter.

*Commissioner Gilroy made a motion to go into Closed Session at 6:19PM. Commissioner Miltich seconded the motion and it passed unanimously, 5-0.*

*Upon return to the pre-meeting at 6:40PM, Commissioner Washam made a motion to approve a contract to purchase tax parcel number 00317715 for a purchase price of \$447,500 with a closing date no later than December 31, 2017. Commissioner Duke seconded the motion and it passed unanimously, 5-0.*

#### **REGULAR MEETING – 7:00PM**

**1. CALL TO ORDER**

Mayor Travis called the meeting to order at 7:03PM.

**2. DETERMINATION OF QUORUM**

All commissioners were present for the meeting.

**3. APPROVAL OF AGENDA**

*Commissioner Ross made a motion to approve the agenda as presented. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

Harry Saake led the pledge after a moment of silence was observed.

**5. MAYORAL PROCLAMATIONS**

**A. Alwyn Smith Proclamation**

Mayor Travis and the Board of Commissioners recognized Alwyn Smith for his 42 years of dedicated citizenship and wished him well upon his return back to England to live with family. Mayor Travis proclaimed March 20, 2017 as Alwyn Smith Day to honor Mr. Smith.

**6. CITIZEN CONCERNS/COMMENTS**

**David Critchlow – 19921 Berkeley Commons Drive**, outlined a free service he provides for older adults to ensure they live life on their terms. He explained how he is a personal advocate in areas such as, Social Security benefits, what to do when a spouse passes away, Medicare and financial education.

**Alma Owens – 9906 Bailey Road**, expressed her concerns with a bike lane that is being installed in front of her house that will prevent her from parking in front of her house.

**Alwyn Smith – 21109 Lakeview Circle**, thanked everyone for their friendship over the years and said he would miss them all.

**7. MAYOR/COMMISSIONERS/MANAGER REPORTS**

Manager Roberts reported on the following:

- Nantz Road intersection signal should be fully operational by mid-April

Commissioner Ross reported on the following:

- Chamber – Business Before Hours will be held on Mar. 21<sup>st</sup> at Sailpointe at Lake Norman (8AM) and the Women’s Conference will be held on Mar. 30<sup>th</sup> at the Peninsula Club (11AM).

Commissioner Washam reported on the following:

- CACC – Board of Directors is starting to build back the advisory board and are accepting applications.
- EDC – there are 15 projects in Cornelius and 31 in the region.
- North Meck Alliance – guest speaker was NCDOT representatives that gave a presentation on safety issues along I-77 and stated they would look into and consider

lowering the speed limit to 55MPH in the construction areas if necessary. The other topic was the MTC's \$2.3M budget item to study the Red Line in some other location than the existing Norfolk Southern railroad tracks.

Commissioner Gilroy reported on the following:

- LDCAB – the group continues their work.
- Attended the walking tour on March 18<sup>th</sup>

Commissioner Duke reported on the following:

- VLN – attended the 4<sup>th</sup> annual “Making Waves Hospitality Awards”
- PARC – Hoyt Wilhelm Park dedication will be held on Mar. 24<sup>th</sup>

Commissioner Miltich reported on the following:

- Cornelius Conversation – next meeting will be on April 4<sup>th</sup>
- CRTPO – NCDOT Secretary Trogon was the guest speaker who reported that he is launching an independent review of the Toll Lane contract and will also be reviewing all the comments made by the municipalities that were gathered last year that the former Secretary never responded to. He committed to getting back to each municipality after his review has been completed.

Mayor Travis reported on the following:

- Recognized Finance Director, Julie Niswonger in receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association
- Displaying pictures from the FY18 Budget Retreat on Mar. 8<sup>th</sup>, Smithville Cleanup and HPC Walking Tour held on Mar. 18<sup>th</sup> (*Exhibit Book 30*)

#### 8. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

##### A. Olde Mecklenburg Brewery, Inc. (WMHY,LLC) Economic Development Grant

Mayor Travis called for a motion to open the public hearing on the Olde Mecklenburg Brewery Economic Development Grant and continue it until April 17<sup>th</sup> per the applicant's request.

*Commissioner Miltich made a motion to open the public hearing. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

#### 9. CONSIDERATION OF APPROVAL

##### A. Personnel Policy Update

Manager Roberts gave an overview of the Executive Summary outlining the updates made to the Cornelius Personnel Policy. Attorney Bringewatt stated that legal is in favor of approving the updates as presented.

*Commissioner Washam made a motion to approve the Cornelius Personnel Policy amendments as presented. Commissioner Miltich seconded the motion and it passed unanimously, 5-0.*

##### B. FY17 Operating Budget Amendment

Finance Director, Julie Niswonger explained that the proposed budget amendment will use \$2,334,416 of fund balance to pay off 4 projects early with a combined savings in interest of \$202,387 and recognizes \$300 in donations to the Cornelius Arts and Community Center.

*Commissioner Miltich made a motion to approve Ordinance #2017-00643 amending the FY17 operating budget to use fund balance in the amount of \$2,334,416 to pay off debt and recognize \$300 in donations to the Cornelius Arts and Community Center. Commissioner Washam seconded the motion and it passed unanimously, 5-0.*

**Ordinance #2017-00643 is hereby made part of the minutes by reference.**

10. CONSENT AGENDA

A. Tax Refunds = \$6380.38

*(Approved 5-0)*

*Commissioner Washam made a motion to approve the Consent Agenda as presented. Commissioner Ross seconded the motion and it passed unanimously, 5-0.*

11. OLD BUSINESS

A. W. Catawba/Torrence Chapel Intersection Improvement Project

Asst. Manager Grant recapped NCDOT's Preferred Alternative option for the West Catawba/Torrence Chapel Road intersection improvements. He explained that since NCDOT's presentation on January 17<sup>th</sup>, staff has continued discussions about retaining left turns and a compromise has been achieved. He outlined the improvements compromise that included: all improvements identified in the Preferred Alternative, plus allowing left turns; establish a baseline traffic count for the intersection and continue to take counts annually with a mutually agreed means of confirming the counts; a gradual step-down of left turn green times as traffic grows; and the elimination of left turns when traffic growth reaches 15% more (~15 years based upon historical growth). Commissioner Gilroy asked how the intelligent signals will affect the operations. Mr. Grant stated that if NCDOT implements that type of signal it's unknown how it will impact the traffic operations.

Commissioner Washam stated that it's important to work with DOT on establishing the base line. Mr. Grant recommended that the Town establish the base line but in terms of data both parties need to agree on how that data is measured.

Commissioner Miltich stated that NCDOT's main concern is the efficiency of the interchange and the impact on the interstate (backups on the interstate ramps and onto I-77). Mr. Grant agreed and stated that he believes the AADT measurement is the most objective form of measurement.

Mr. Grant then explained that the Knox Road improvements would be delayed until the future conversion is done (i.e., when the left turns are eliminated); however, NCDOT will design the project to include the future conversion phase to minimize the construction of the conversion. Mayor Travis asked if the Town can contribute to the expansion along Knox Road. Mr. Grant said that NCDOT has stated it would help the town seek funding for Knox Road.

Mayor Travis asked if the old Hanaford site would provide better connectivity. Manager Roberts stated that he and Wayne Herron met earlier in the afternoon to discuss how that site could be subdivided into 4 parcels and that the land owner is considering doing so to prevent from coming to the Board for development approval. Mayor Travis asked what the zoning was for the site. Mr. Herron stated Highway Commercial. Commissioner Gilroy stated that the site is a critical piece of land and was troubled with the fact that the Board could have no control over its development. Manager Roberts stated that he would look back at the Exit 28 Small Area Plan and see if there are any options.

Mr. Grant stated that due to funding time constraints, NCDOT will immediately begin design work based upon all the preceding (i.e., the conversion compromise approach). The Board then agreed to have Mr. Grant bring a back a municipal agreement between NCDOT and the Town for approval.

12. COMMISSIONER CONCERNS

A. MTC Budget

Mayor Travis explained that one of the topics discussed during the North Meck Alliance meeting was the MTC's \$2.3M budget item to study the Red Line rail options. As discussed the consensus during the meeting was to ask MTC to reallocate those funds to be used to make improvements within the CATS systems (i.e. standing pads, bus shelters, etc.) and the Town of Huntersville drafted a Resolution supporting that discussion. He stated that he agreed with most of Huntersville's Resolution; however, he did not feel that the Red Line opportunity should be abandoned all together. Commissioner Washam agreed with Mayor Travis.

B. Resolution Exempting Cornelius Residents from Toll

Commissioner Gilroy displayed a Resolution (Exhibit Book 30) he proposed the Board give consideration. He outlined the highlights and stated that the resolve requests that NCDOT and I-77 Mobility Partners allow vehicles with less than three occupants to travel in the toll lanes for free and to waive toll fees for all permanent residents of the Town of Cornelius for the life of the contract.

Commissioner Washam questioned if portions of the Resolution could be added to the comments that Secretary Trogdon will be reviewing. Mayor Travis stated that he has had conversations with Rep. Bradford and Sen. Tarte on finding a way to buy the project back from I-77 Mobility Partners after it's completed. Commissioner Duke questioned what the uniqueness was for Cornelius to be exempt vs. Huntersville or Davidson.

Asst. Manager Grant stated that the request for toll exemption of less than 3 occupants is part of the Town's original letter to former Secretary Tennyson with the exemption that it is intended for local traffic. He suggested that the Board review the original request and send him any additional comments to include for Secretary Trogdon.

13. ADJOURNMENT

*There being no further business to discuss, Commissioner Miltich made a motion to adjourn at 8:35PM. Commissioner Duke seconded the motion and it passed unanimously, 5-0.*

Approved this 3<sup>rd</sup> day of April, 2017.

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Charles L. Travis, III, Mayor

ATTEST:

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Lori A. Harrell, Town Clerk

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 3, 2017

**To:** Mayor and Board of Commissioners

**From:** Lori Harrell, Town Clerk


**Action Requested:**

Approve the Closed Session minutes for March 20th.

**Manager's Recommendation:**

Approve minutes.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">03-20-17_Closed_Session_draft.docx</a>	Closed Session Minutes	Backup Material

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