



**Board of Commissioners Meeting  
January 13, 2015  
PD Community Room  
6:30 PM**

- I. **COMMENCEMENT**
  - A. Call to Order
  - B. Ceremonial Opening
  - C. Adoption of Agenda
- II. **PUBLIC COMMENTS**
- III. **CONSENT AGENDA**
  - A. Approval of Minutes and Seal Closed Session
    - 1) October 14, 2014 Regular & Closed Session
    - 2) October 28, 2014 Regular & Closed Session
    - 3) October 30, 2014 Recessed & Closed Session
    - 4) November 11, 2014 Regular & Closed Session
    - 5) November 20, 2014 Special & Closed Session
    - 6) November 24, 2014 Regular & Closed Session
    - 7) December 9, 2014 Closed Session
    - 8) December 12, 2014 Recessed & Closed Session
  - B. Approval of Street Closures for 2015 Events
  - C. Approval of November-December Tax Report
  - D. Approval of January Tax Refunds per NCGS
  - E. Approval of Quarterly Budget Report
  - F. Approval of Budget Amendments for Parks & Recreation
  - G. Approval of Fee Schedule for Meeting Place & Town Fields
- IV. **RECOGNITIONS & REPORTS**
  - A. Mayor's Report
  - B. Commissioner's Report
  - C. Town Manager's Report
- V. **PUBLIC HEARING**
  - A. Washington Street Easement Closing (Recessed from December 9, 2014)  
**Presenter: [Chaplin Spencer](#)**
  - B. Petition CU-002641-2014  
Request by Angela Berger, on behalf of Kid's Pit Stop, Inc, for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw Marvin Road for a daycare  
**Presenter: [Chris Rice](#)**
  - C. Petition CU-002567-2014

Request by Tommy Holevas, on behalf of Waxhaw Professional Park, LLC, for an amendment to the Conditional Use Permit for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved Conditional Use Permit plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow for church use. Phase 4 is located on the eastern side of tax parcel 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings

Presenter: [Lisa McCarter](#)

## VI. **OLD BUSINESS**

- A. Discussion & Possible Approval of Closing the Washington Street Easement Pursuant NCGS 160A-299 (0.065 Acres)

Presenter: [Chaplin Spencer](#)

- B. Discussion & Possible Approval of Petition CD-001877-2013

Request by Cornerstone Development of the Carolinas, Inc. on behalf of the property owner, LY-CAR, LLC, for a Conditional Rezoning/Map Amendment from R1 (Single-Family Residential) to CD-R3 (Conditional District-Single-Family) on approximately 120.24 acres (Tax Parcel ID numbers 05-063-030A and 05-063-034) located off Old Waxhaw Monroe Road. The petitioner is requesting CD-R3 in order to be able to develop 130 single family lots

Presenter: [Chris Rice](#)

- C. Update on Kensington Drive

Presenter: [Chaplin Spencer](#)

## VII. **NEW BUSINESS**

- A. Discussion & Possible Approval of Petition CU-002641-2014

Request by Angela Berger, on behalf of Kid's Pit Stop, Inc, for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw Marvin Road for a daycare

Presenter: [Chris Rice](#)

- B. Discussion & Possible Approval of Petition CU-002567-2014

Request by Tommy Holevas, on behalf of Waxhaw Professional Park, LLC, for an amendment to the Conditional Use Permit for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved Conditional Use Permit plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow for church use. Phase 4 is located on the eastern side of tax parcel 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings

Presenter: [Lisa McCarter](#)

- C. Discussion & Possible Appointment of 2015 CRTPO Delegate & Alternate

Presenter: [Greg Mahar](#)

- D. Discussion & Possible Action pertaining to Gray Byrum Road Right of Way Acquisition Including Potential Condemnation

Presenter: [Chaplin Spencer](#)

- E. Discussion & Possible Approval of Skate Park & David G. Barnes Park Security Enhancements  
Presenter: [Natalie Jackson](#)
- F. Introduction & Discussion of Town Board Rules of Procedure  
Presenter: [Steve Maher](#)
- G. Discussion & Possible Action related to an annexation petition by Petitioner Town of Waxhaw for approximately 18.571 acres located off and including portions of Kensington Drive and adjacent to the Quellin residential subdivision  
Presenter: [Chaplin Spencer](#)
- H. Discussion on Budget Reallocation to Fund McDonald House  
Presenter: [Greg Mahar](#)  
Financial Impact: \$300,000

VIII. **CLOSED SESSION**

- A. Personnel, contractual matters and to seek legal counsel per G. S. 143.318.11(a): Personnel, Contractual Matters and Real Estate

IX. **ADJOURNMENT**

To speak concerning an item on the Agenda, please print your name and address on the signup sheet on the counter prior to the meeting. Each speaker will be limited to 3 minutes.

PLEASE SILENCE YOUR CELL PHONES WHILE MEETING IS IN PROGRESS

# 2015 WAXHAW EVENTS MASTER CALENDAR

JANUARY						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JULY						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 03 First Friday
- 04 Fourth of July Parade, Beach Party, Fireworks
- 10 Jammin' by the Tracks Friday Night Concert
- 17 Jammin' by the Tracks Friday Night Concert
- 24 Jammin' by the Tracks Friday Night Concert
- 31 Jammin' by the Tracks Friday Night Concert

FEBRUARY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

AUGUST						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24/31	25	26	27	28	29

- 07 First Friday Jammin' by the Tracks Friday Night Concert
- 14 Jammin' by the Tracks Friday Night Concert

MARCH						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

- 04 First Friday
- 11 Patriot Day Ceremony

APRIL						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- 03 First Friday

OCTOBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 02 First Friday
- 09 Grill'n & Chill'n BBQ Cook-off
- 10 Autumn Treasures Arts & Crafts Festival Grill'n & Chill'n BBQ Cook-off
- 11 Autumn Treasures Arts & Crafts Festival

MAY						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

- 01 First Friday
- 16 Spring Fest Art Kaleidoscope Main Street Festival Crawl
- 17 Spring Fest Art Kaleidoscope
- 25 Memorial Day Ceremony

NOVEMBER						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 06 First Friday
- 11 Veterans Day Ceremony

JUNE						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- 05 First Friday
- 12 Jammin' by the Tracks Friday Night Concert
- 19 Jammin' by the Tracks Friday Night Concert
- 26 Jammin' by the Tracks Friday Night Concert

DECEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 04 Seniors Christmas Party Holiday Festival of Lights First Friday
- 05 GingerSnap 5K Race
- 13 Christmas Parade Snack with Santa
- 13-19 Santa's Ride thru the Neighborhoods



## TOWN OF WAXHAW

P.O. Box 6  
Waxhaw, N.C 28173  
Telephone (704) 843-2195 Fax (704) 843-2196  
www.waxhaw.com

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Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

### MAYOR

DAUNE GARDNER

### TOWN COMMISSIONERS

MICHAEL STEWART (Mayor Pro-Tem)

PAUL FITZGERALD

JOHN HUNT

STEVE MAHER

JAMES WARNER

### INTERIM TOWN MANAGER

GREG MAHAR

### TOWN CLERK

MELODY SHULER

January 6, 2015

RE: Street Closings for 2015 Events

Dear Town Board of Commissioners,

The Town of Waxhaw Events Division respectfully requests the following street closures for upcoming 2015 events.

### **Waxhaw Art Kaleidoscope (formerly known as Spring Fest)**

Event times: Saturday 5/16/2015 10 am – 6 pm. Sunday 5/17/2015 12 pm – 6 pm.

### **Saturday, May 16<sup>th</sup>, 2015 6 am through Sunday May 17<sup>th</sup>, 2015 8 pm**

- East North Main Street from North Providence Street to Highway 16
- West North Main Street from Highway 16 to North Broad Street
- North Church Street from McDonald Street to West North Main Street
- McDonald Street from Highway 16 to corner of North Hicks

### **Memorial Day**

### **Monday, May 25<sup>th</sup>, 2015 10 am – 2 pm**

Event time: 12 noon

- East North Main Street from Highway 16 to North Providence Street

### **July 4<sup>th</sup> Parade**

### **Saturday, July 4<sup>th</sup>, 2015**

Event time: 10:00 am

- 6:00 am - 1:00 pm E. N. Main Street from Highway 16 to N. Providence Street
- 8:00 am – 1:00 pm Price Street from Highway 16 to N. Providence Street
- 8:00 am – 1:00 pm N. Providence St. from Howie Mine Road to Blythe Mill Rd.
- 9:00 am – 1:00 pm Church/Jackson/High/Broad at Main Streets
- 9:45 am – 1:00 pm West North Main Street from Highway 16 to Rehobeth Road

We are requesting DOT approval to close the following additional roads:

- 9:45 am – 1:00 pm Highway 16 from Church Street to Highway 75
- 9:45 am – 1:00 pm Howie Mine Road from Highway 16 to N. Providence Street
- 9:45 am – 1:00 pm Highway 75 from Rehobeth Road to S. Providence Street

**2015 Event Street Closure Request**  
**Page 2**

**July 4<sup>th</sup> Beach Party**

**Saturday, July 4<sup>th</sup>, 2015**

- 12:00 pm – 9:00 pm W. N. Main Street from N. High Street to Highway 16
- 12:00 pm – 9:00 pm Church Street from W. N. Main Street to McDonald Street
- 8:00 am – 9:00 pm McDonald Street from Highway 16 to Broad Street

**Patriot Day**

**Friday, September 11<sup>th</sup>, 2015**

Event time: 8:30 am

- 7:00 am – 10:00 am E. N. Main Street from Highway 16 to N. Providence Street

On behalf of the Waxhaw Business Association, we respectfully request the temporary road closure of East North Main Street for their annual September 11th memorial ceremony.

**Autumn Treasures**

**Friday, October 9<sup>th</sup> 2015 9:30 am – 12 midnight**

**Saturday, October 10<sup>th</sup> 2015 12:01 am – 6 pm**

**Sunday, October 11<sup>th</sup> 2015 12 pm – 6 pm**

(Event times: Saturday 10/9 10 am – 5 pm. Sunday 10/11 12 pm – 5 pm.

Friday is BBQ team setup day only)

- North Church Street from Price Street to Main Street
- McDonald Street from Highway 16 to North Broad Street
- East North Main Street from Providence Street to Highway 16
- West North Main Street from Highway 16 to North Broad Street

Note:

These closures are requested to accommodate the following activities during Autumn Treasures:

KCBS BBQ Cook-off Friday 10/9/15 and Saturday 10/10/15

Arts and Crafts Festival with Kidz Zone Saturday 10/10/15 and Sunday 10/11/15

**Holiday Festival of Lights**

**Friday, December 4, 2015 5:00 pm – 9:00 pm**

No road closures anticipated for this event.

**2015 Event Street Closure Request**  
**Page 3**

**Christmas Parade**

**Sunday, December 13, 2015**

(Event time: 3:00 pm)

- 11:00 am - 5:00 pm East North Main Street from Highway 16 to N. Providence Street
- 11:00 am - 5:00 pm N. Providence Street from East North Main Street to Blythe Mill Road
- 2:30 pm - 5:00 pm Price Street from Highway 16 to N. Providence Street
- 2:30 pm - 5:00 pm Blythe Mill Road from Highway 16 to N. Providence Street
- 2:30 pm - 5:00 pm Church/Jackson/High/Broad Streets at West North Main Street
- 2:30 pm – 5:00 pm West North Main Street from Highway 16 to Rehobeth Rd

We are requesting DOT approval to close the following additional roads:

2:30 pm - 5:00 pm	Howie Mine Road from Highway 16 to N. Providence Street
2:45 pm - 5:00 pm	Highway 16 from Church Street to Highway 75
2:45 pm - 5:00 pm	Highway 75 from Rehobeth Road to S. Providence Street



**Monthly Tax Report  
NOVEMBER-DECEMBER, 2014**

TAX YEAR	NET TAXES BILLED	DISCOVERIES/ BILLED	LIENS ADDED TO BILLS	ADJUST- MENTS/INTE REST	TOTAL CHARGES	YTD COLLECTIONS	PERCENT COLLECTED	BALANCE DUE
2014	\$ 5,358,889.98	\$ 82,801.67		-244.16	\$ 5,441,447.49	\$ 4,679,046.35	85.99%	\$ 762,401.14
2013	\$ 4,812,216.20			\$ 920.71	\$ 4,813,136.91	\$ 4,765,195.43	99.00%	\$ 47,941.48
2012	\$ 4,496,347.83			\$ 351.98	\$ 4,496,699.81	\$ 4,463,016.72	99.25%	\$ 33,683.09
2011	\$ 4,336,769.42			\$ 253.22	\$ 4,337,022.64	\$ 4,312,114.59	99.43%	\$ 24,908.05
2010	\$ 4,284,442.80			\$ 209.34	\$ 4,284,652.14	\$ 4,263,002.65	99.49%	\$ 21,649.49
2009	\$ 4,119,781.20			\$ 146.50	\$ 4,119,927.70	\$ 4,103,057.73	99.59%	\$ 16,869.97

**OTHER YEARS TAX COLLECTIONS 07/01/14 TO 07/31/14**

<u>YEAR</u>	<u>TAX PAID</u>	<u>Amount Owed</u>
2008	\$ -	\$ 9,937.57
2007	\$ -	\$ 6,847.10
2006	\$ -	\$ 6,283.63
2005	\$ -	\$ 4,865.27

**2014-2015 MOTOR VEHICLE TAX DEPOSITS 07/01/14 TO 06/30/2015: \$ 227,297.97**

**2014-2015 PRIVILEGE LICENSE PAID 07/01/14 TO 06/30/15: \$ 7,081.86**

*Ann F. Sutton*

**Certified Tax Collector**



TOWN of WAXHAW

# REFUNDS

<u>DATE</u>	<u>PARCEL #/ PRIVILEGE LICENSE/ PERMIT</u>	<u>OWNER NAME or PAYABLE TO</u>	<u>PRIVILEGE LICENSE NAME</u>	<u>OWNER ADDRESS</u>	<u>REFUND AMOUNT</u>
12/17/2014	05116003 & 06168145 - Overpayment	Stonegate Mortgage Corp.		PO Box 336, Mansfield, OH 44902	\$1,686.56
12/17/2014	06162457 - Overpayment	Corelogic Real Estate Tax Service (Chase)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$204.00
12/17/2014	06192620, 06168181, 06162594, 05114176 - Overpayments	Corelogic Real Estate Tax Service (Loan Care & Stearns Lending)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$1,215.87
12/17/2014	05114108, 06108969, 06165225, 06168187, 06192615 - Overpayments	Corelogic Real Estate Tax Service (Central Loan Administration)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$3,585.26
12/17/2014	06186218 - Overpayment	Corelogic Real Estate Tax Service (Provident Funding)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$1,552.51
12/17/2014	06138001G - Overpayment	Corelogic Real Estate Tax Service (Financial Bank, NA) (MB)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$812.94
12/17/2014	06108600 & 06108931 - Overpayment	Corelogic Real Estate Tax Service (Freedom Mortgage)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$1,574.98
12/17/2014	06108826, 06108840, 06108899, 06108940, 06108945, 06108959, 06168108 - Overpayments	Corelogic Real Estate Tax Service (Pennymac)		Refund Department, PO Box 961250, Fort Worth, TX 76161	\$1,331.44
12/19/2014	06162433 - Overpayment	Charles & Helena Speicher		8205 Haveron St., Waxhaw, NC 28173	\$614.68
12/22/2014	06192741 - Overpayment	Andrew Gerstner		9020 Arnsberg Dr., Waxhaw, NC 28173	\$265.20
12/22/2014	06108884 - Overpayment	Chi Woo Ip		2672 Southern Trace Dr., Waxhaw, NC 28173	\$263.60
12/31/2014	06192260 - Overpayment	ColFin AH-North Carolina 1, LLC		9305 E. Via de Ventura, Ste. 201, Scottsdale, AZ 85258	\$1,290.30
12/31/2014	Overpayments - 06108958, 06108780, 06108576, 06108933, 06108963	Lennar Carolinas, LLC		11230 Carmel Commons Blvd., Charlotte, NC 28226	\$1,464.75
1/5/2015	05165001 - Overpayment	WSLD Millbridge, VI, LLC		14502 N. Dale Mabry Hwy., Ste. 327, Tampa, FL 33618	\$21,644.95
1/5/2015	06162517 - Overpayment	James B. Goode		11517 Lady Alison Ct., Waldorf, MD 20601	\$221.00
<b>TOTAL</b>					<b>\$37,728.04</b>

## Budget vs Actual

Town of Waxhaw  
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Period Ending 12/31/2014

12 GENERAL FUND							
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent
<b>Revenues</b>							
12-301-005 Tax Penalties And Interest	11,000	0.00	330.62	649.99	1,802.96	(9,197.04)	16%
12-301-006 2006 Motor Vehicle Tax	150	0.00	0.00	160.73	182.64	32.64	122%
12-301-007 2007 Motor Vehicle Taxes	100	0.00	4.38	179.57	219.04	119.04	219%
12-301-008 2008 Motor Vehicle Tax	100	0.00	0.00	29.71	116.41	16.41	116%
12-301-009 2009 Motor Vehicle Tax	100	0.00	5.74	65.73	109.62	9.62	110%
12-301-010 2010 Motor Vehicle Tax	100	0.00	0.00	83.85	(106,181.21)	(106,281.21)	-
							106181%
12-301-011 2011 Motor Vehicle Tax	6,000	0.00	52.55	135.94	(33,384.23)	(39,384.23)	-556%
12-301-012 2012 Motor Vehicle Tax	7,000	0.00	36.10	268.64	(30,996.93)	(37,996.93)	-443%
12-301-013 2013 Motor Vehicle Tax	12,500	0.00	388.85	1,444.44	(29,561.51)	(42,061.51)	-237%
12-301-014 2014 Motor Vehicle Tax	382,470	0.00	35,718.39	109,692.42	227,297.97	(155,172.03)	59%
12-302-005 2005 Property Taxes	275	0.00	0.00	0.00	0.00	(275.00)	
12-302-006 2006 Property Taxes	400	0.00	0.00	0.00	0.00	(400.00)	
12-302-007 2007 Property Taxes	400	0.00	0.00	0.00	0.00	(400.00)	
12-302-008 2008 Property Taxes	700	0.00	0.00	0.00	0.00	(700.00)	
12-302-009 2009 Property Taxes	1,200	0.00	157.18	199.82	539.82	(660.18)	45%
12-302-010 2010 Property Taxes	2,400	0.00	270.77	365.46	913.77	(1,486.23)	38%
12-302-011 2011 Property Taxes	5,800	0.00	172.89	257.52	954.34	(4,845.66)	17%
12-302-012 2012 Property Tax	14,000	0.00	472.96	1,370.55	2,603.76	(11,396.24)	19%
12-302-013 2013 Property Taxes	35,000	0.00	656.94	1,351.03	7,491.33	(27,508.67)	21%
12-302-014 2014 Property Taxes	4,801,847	0.00	919,203.68	4,008,003.46	4,353,937.54	(447,909.46)	91%
12-310-001 NC State Sales Tax Revenue	1,500,000	0.00	117,183.93	351,323.89	481,148.87	(1,018,851.13)	32%
12-310-002 NC State Franchise Tax Revenue	220,000	0.00	170,852.53	170,852.53	170,852.24	(49,147.76)	78%
12-310-004 Law Enforcement Distribution -ABC Store Disb.	3,400	0.00	0.00	0.00	3,463.00	63.00	102%
12-310-005 NC Gasoline Tax Reimb.	30	0.00	0.00	0.00	1,722.47	1,692.47	5742%
12-310-006 NC State Beer & Wine Revenue	40,000	0.00	0.00	0.00	0.00	(40,000.00)	

## Budget vs Actual

Town of Waxhaw  
1/5/2015 2:21:31 PM

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Period Ending 12/31/2014

12 GENERAL FUND							
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent
12-310-008 Surplus Property-Disposal Reve	5,000	0.00	0.00	0.00	0.00	(5,000.00)	
12-310-009 ABC Revenue Waxhaw Store	2,200	0.00	0.00	0.00	0.00	(2,200.00)	
12-310-010 Nesbit Park Revenue/Rental	500	0.00	0.00	0.00	0.00	(500.00)	
12-310-012 Miscellaneous Revenue	1,200	0.00	7.38	1,071.52	1,156.25	(43.75)	96%
12-310-013 NCDOT R/W Mowing Reimbursement	4,300	0.00	0.00	0.00	0.00	(4,300.00)	
12-310-015 Union County Court Fees-	1,800	0.00	0.00	514.04	1,217.21	(582.79)	68%
12-310-016 Cable Franchise Revenue	10,000	0.00	0.00	0.00	0.00	(10,000.00)	
12-310-017 NC Solid Waste Disposal Fee Re	4,800	0.00	0.00	1,901.35	3,390.27	(1,409.73)	71%
12-310-018 The Meeting Place Rental Fee	200	0.00	25.00	75.00	250.00	50.00	125%
12-310-030 Police GID Enforcement Revenue	1,000	0.00	184.18	745.14	1,172.02	172.02	117%
12-312-001 Local Privilege License Fees	35,000	0.00	2,237.00	2,756.30	7,081.86	(27,918.14)	20%
12-312-002 Zoning/Permitting Fees	75,000	0.00	5,987.00	14,093.00	20,795.07	(54,204.93)	28%
12-312-003 Code Violation Fees/Liens	2,500	0.00	0.00	0.00	0.00	(2,500.00)	
12-312-004 Building Inspection Fees	725,000	0.00	58,657.94	146,282.87	289,470.90	(435,529.10)	40%
12-312-005 Plan Reviewing Fees	85,000	0.00	410.00	4,280.00	21,052.16	(63,947.84)	25%
12-312-006 Event Vendor Fees	20,000	0.00	530.00	2,565.00	16,040.00	(3,960.00)	80%
12-312-007 Dog License Tag Fees	300	0.00	12.00	57.00	242.00	(58.00)	81%
12-312-009 Homeowners Recovery Fund	5,400	0.00	230.00	550.00	1,010.00	(4,390.00)	19%
12-312-010 Police Reports/Misc Fees	300	0.00	209.04	239.04	323.04	23.04	108%
12-312-011 Local B/W Privilege License Fe	500	0.00	0.00	75.00	120.00	(380.00)	24%
12-312-012 Proof Roll Inspection Fees	8,000	0.00	0.00	7,200.00	12,000.00	4,000.00	150%
12-312-014 Waxhaw Village News Adv. Fees	10,000	0.00	180.00	310.00	1,655.00	(8,345.00)	17%
12-312-015 Parking Citations-Waxhaw	100	0.00	0.00	0.00	0.00	(100.00)	
12-312-018 Fire Inspection Fees	75,000	0.00	0.00	300.00	600.00	(74,400.00)	1%
12-312-020 Residential Sanitation Fees	356,736	0.00	48,835.81	291,077.81	313,057.35	(43,678.65)	88%
12-312-030 Waxhaw Cemetery-Sales Of Lots	5,400	0.00	1,590.00	2,390.00	4,620.00	(780.00)	86%
12-312-031 Waxhaw Cemetery-Open/Closing	4,000	0.00	1,950.00	4,950.00	7,950.00	3,950.00	199%
12-312-040 Police Dept. Explorer Club Do	2,000	0.00	255.00	879.21	1,549.21	(450.79)	78%

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-312-050 Infrastructure-Stormwater Testing Fees	12,000	0.00	0.00	0.00	1,081.60	(10,918.40)	9%	
12-312-070 Caboose Donations Fund	1,000	0.00	80.00	1,611.00	1,711.00	711.00	171%	
12-315-001 General Fund Checking- Interes	30	0.00	0.00	6.87	14.67	(15.33)	49%	
12-315-005 General Fund- CD- Interest	250	0.00	0.00	0.00	1,884.02	1,634.02	754%	
12-315-015 Money Market-Inv. Acct. Intere	3,000	0.00	0.00	0.00	1,327.42	(1,672.58)	44%	
12-315-020 Powell Fund Interest	50	0.00	0.00	5.26	9.86	(40.14)	20%	
12-316-002 Small Town Main St Donations	500	0.00	0.00	0.00	0.00	(500.00)		
12-316-020 Events Donation	4,000	0.00	0.00	4,659.00	4,659.00	659.00	117%	
12-316-030 Event Sponsorships	17,500	0.00	1,000.00	3,000.00	4,275.00	(13,225.00)	24%	
12-316-040 Police/DARE Donations	500	0.00	0.00	0.00	250.00	(250.00)	50%	
12-319-001 Powell Fund Revenue	295,000	0.00	0.00	0.00	146,315.14	(148,684.86)	50%	
12-320-999 General Fund Bal Appropriation	122,185	0.00	0.00	0.00	0.00	(122,185.00)		
<b>Revenues Totals</b>	<b>8,942,223</b>	<b>0.00</b>	<b>1,367,887.86</b>	<b>5,138,029.69</b>	<b>5,919,511.95</b>	<b>(3,022,711.05)</b>	<b>66%</b>	
<b>Expenses</b>								
12-298-001 Transfers Out To Capital Projects	730,585	0.00	0.00	669,200.00	669,200.00	61,385.00	92%	
12-298-002 Transfer Out to Facade Grant	35,000	0.00	0.00	0.00	0.00	35,000.00		
<b>Totals</b>	<b>765,585</b>	<b>0.00</b>	<b>0.00</b>	<b>669,200.00</b>	<b>669,200.00</b>	<b>96,385.00</b>	<b>87%</b>	
12-420-010 Administrative Salaries	552,076	0.00	39,306.89	146,665.64	259,231.10	292,844.90	47%	
12-420-011 Administration Overtime	16,561	0.00	800.53	3,316.48	5,698.87	10,862.13	34%	
12-420-020 Stipend-Elected Officials	94,014	0.00	7,834.48	23,503.44	47,006.88	47,007.12	50%	
12-420-030 FICA Taxes	50,693	0.00	3,528.61	12,527.07	22,375.04	28,317.96	44%	
12-420-040 401K Retirement	33,133	0.00	1,724.43	6,280.46	12,237.95	20,895.05	37%	
12-420-050 NC State Retirement Expense	46,850	0.00	3,619.58	7,786.70	17,770.38	29,079.62	38%	
12-420-060 Medical & Life Insurance Expe	71,070	0.00	6,563.19	16,705.61	31,540.10	39,529.90	44%	
12-420-070 Administrative Bonus Expense	1,800	0.00	1,900.00	1,900.00	1,900.00	(100.00)	106%	
12-420-080 General Liability Insurance Ex	9,300	0.00	0.00	(18.73)	9,204.29	95.71	99%	
12-420-081 Unemployment Expense	3,200	0.00	327.80	551.48	767.29	2,432.71	24%	
12-420-085 Employee Assistance Program	300	0.00	0.00	260.00	260.00	40.00	87%	

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
HR								
12-420-086 Medical Testing	70	0.00	140.00	175.00	175.00	(105.00)	250%	
12-420-087 Recruitment Expense	45,000	26,250.00	8,876.65	9,379.50	10,040.28	8,709.72	81%	
12-420-090 Admin Contract Work/Labor	2,700	0.00	0.00	0.00	2,700.00	0.00	100%	
12-420-200 On Line Banking Fees	6,000	0.00	0.00	877.33	2,426.00	3,574.00	40%	
12-420-205 Payroll Fees	12,000	0.00	228.95	2,847.61	6,306.99	5,693.01	53%	
12-420-210 Consulting Fees	25,000	0.00	0.00	0.00	15,183.59	9,816.41	61%	
12-420-230 Legal Fees ( Attorney)	105,000	0.00	12,866.80	39,020.17	72,019.19	32,980.81	69%	
12-420-240 Auditing Service Expense	22,000	0.00	5,055.00	9,480.00	19,230.00	2,770.00	87%	
12-420-250 Election Cost (UC Bd Of Elect)	4,000	0.00	0.00	0.00	0.00	4,000.00		
12-420-280 Adm. Dues And Subscriptions Ex	20,740	0.00	300.00	686.10	15,245.10	5,494.90	74%	
12-420-310 Auto Car Allowance-Manager	5,400	0.00	0.00	0.00	0.00	5,400.00		
12-420-311 Dues/Education-Mayor Ex	3,000	0.00	0.00	0.00	0.00	3,000.00		
12-420-312 Dues/Education-Commissioners	6,000	0.00	0.00	267.00	956.82	5,043.18	16%	
12-420-313 Education-Adm Staff	12,500	0.00	475.00	4,225.46	6,244.31	6,255.69	50%	
12-420-314 Meeting Expenses	1,500	0.00	62.15	264.01	1,222.07	277.93	82%	
12-420-315 Travel - Mayor	2,500	0.00	0.00	33.30	33.30	2,466.70	1%	
12-420-316 Travel - Board	6,000	0.00	0.00	0.00	121.08	5,878.92	2%	
12-420-317 Travel - Administration Staff	8,300	0.00	0.00	81.19	125.61	8,174.39	2%	
12-420-318 Board Retreat Expense	20,000	0.00	0.00	6,086.90	14,456.52	5,543.48	72%	
12-420-410 Telephone/Mobile Phone Exp	10,840	0.00	384.58	1,586.11	3,216.25	7,623.75	30%	
12-420-420 Office Supplies	15,500	0.00	1,095.05	2,688.21	6,843.96	8,656.04	44%	
12-420-430 Electric Service ( Duke)	10,000	0.00	23.13	747.89	1,853.38	8,146.62	19%	
12-420-435 Water/Sewer Utility Service Ex	800	0.00	31.33	67.31	120.94	679.06	15%	
12-420-440 Leased Equipment(Copier) E	17,000	0.00	1,304.49	3,067.61	6,677.35	10,322.65	39%	
12-420-450 Office Equip(Non-Captial Fun	4,200	0.00	0.00	370.25	3,710.58	489.42	88%	
12-420-455 Uniforms	835	0.00	0.00	74.14	107.89	727.11	13%	
12-420-460 Cleaning Services/Supplies	4,360	0.00	180.00	540.00	870.00	3,490.00	20%	
12-420-465 Printing Cost- Newsletter	8,000	0.00	1,570.00	2,491.00	2,491.00	5,509.00	31%	

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-420-467 Printing Expenses	5,000	0.00	0.00	1,117.91	2,117.91	2,882.09	42%	
12-420-470 Advertising Expense	2,850	0.00	0.00	0.00	0.00	2,850.00		
12-420-474 Vehicle Maintenance	300	0.00	4.99	606.31	606.31	(306.31)	202%	
12-420-475 Gas & Oil Expense	500	0.00	0.00	66.20	111.66	388.34	22%	
12-420-476 Gas Tank - Fuel Master	10,000	0.00	1,151.64	(852.81)	8,195.99	1,804.01	82%	
12-420-480 Technology Support/Equipment	45,350	0.00	486.33	7,612.25	14,633.38	30,716.62	32%	
12-420-485 Building Maintenance/Renovatio	5,000	0.00	0.00	50.00	315.16	4,684.84	6%	
12-420-490 Software Maintenance-Citipak	4,500	0.00	1,500.00	1,500.00	5,121.00	(621.00)	114%	
12-420-500 Human Resources Meetings/Wellness	3,000	0.00	110.93	465.85	884.97	2,115.03	30%	
12-420-710 Special Events Expense	150,450	10,711.06	13,226.01	74,869.11	102,267.80	37,471.14	75%	
12-420-711 Event Donation Expense	4,000	0.00	0.00	4,659.00	4,659.00	(659.00)	117%	
12-420-730 Contingency Fund	5,000	0.00	0.00	0.00	0.00	5,000.00		
12-420-750 Outside Agency Donations	53,250	0.00	5,000.00	6,500.00	34,750.00	18,500.00	65%	
12-420-780 OSHA Safety & Training	3,900	0.00	0.00	875.00	1,750.00	2,150.00	45%	
12-420-790 Economic Development	20,000	0.00	0.00	0.00	0.00	20,000.00		
12-420-791 Parks & Recreation Master Plan	18,000	0.00	0.00	0.00	0.00	18,000.00		
12-420-795 Small Town Main Street	47,540	16,200.00	722.12	9,246.35	12,856.04	18,483.96	61%	
12-420-875 Project Manager - Contract	40,000	0.00	0.00	5,152.10	29,265.84	10,734.16	73%	
12-420-990 Miscellaneous Expense	3,000	0.00	56.55	3,248.76	4,068.96	(1,068.96)	136%	
ADMINISTRATIVE DEPT Totals	1,679,882	53,161.06	120,457.21	419,650.27	821,973.13	804,747.81	52%	
12-510-010 Police Salaries	1,093,026	0.00	94,203.12	292,419.87	533,652.24	559,373.76	49%	
12-510-011 Police Overtime	32,791	0.00	1,734.28	9,312.97	18,746.42	14,044.58	57%	
12-510-030 FICA Taxes	86,125	0.00	7,246.35	21,998.22	40,141.19	45,983.81	47%	
12-510-040 401K Retirement	56,291	0.00	4,279.21	11,925.55	25,674.48	30,616.52	46%	
12-510-050 NC State Retirement	81,959	0.00	5,843.50	14,292.98	34,458.93	47,500.07	42%	
12-510-060 Medical& Life Insurance Expen	202,132	0.00	14,616.68	39,217.16	80,401.99	121,730.01	40%	
12-510-070 Police Bonus	5,200	0.00	5,400.00	5,400.00	5,400.00	(200.00)	104%	
12-510-080 General Liability Insurance Ex	67,500	0.00	0.00	3,305.20	61,704.21	5,795.79	91%	

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-510-081 Unemployment Insurance Expense	5,350	0.00	74.51	114.65	919.54	4,430.46	17%	
12-510-085 Employee Assistance Program HR	750	0.00	0.00	260.00	260.00	490.00	35%	
12-510-086 Medical Testing	3,000	0.00	0.00	0.00	70.00	2,930.00	2%	
12-510-206 Debt Services on Police Building	354,314	0.00	0.00	0.00	180,134.02	174,179.98	51%	
12-510-207 Interest Paid on Debt Service	172,250	0.00	0.00	0.00	83,148.14	89,101.86	48%	
12-510-313 Training & Education Exp	18,000	2,208.90	749.74	4,842.50	13,708.59	2,082.51	88%	
12-510-315 Dues/Subscriptions/Membership	3,735	0.00	312.07	1,528.28	5,149.48	(1,414.48)	138%	
12-510-317 Police Travel Expense	5,000	0.00	444.21	3,572.46	5,740.90	(740.90)	115%	
12-510-410 Telephone/Mobile Phone Exp	13,680	0.00	695.06	2,010.95	3,948.79	9,731.21	29%	
12-510-420 Office Supplies	8,000	69.33	537.71	1,647.82	5,612.88	2,317.79	71%	
12-510-430 Electric Service ( Duke)	48,000	0.00	5,210.38	14,370.54	27,701.15	20,298.85	58%	
12-510-435 Water/Sewer Utilities	5,000	0.00	152.70	478.82	955.11	4,044.89	19%	
12-510-440 Leased Equipment (copier)	14,700	0.00	1,046.31	2,953.82	6,073.08	8,626.92	41%	
12-510-455 Uniforms & Accessories	19,500	0.00	2,174.19	10,011.71	10,747.37	8,752.63	55%	
12-510-460 Cleaning Services & Supplies	16,600	0.00	1,318.87	3,938.10	6,736.62	9,863.38	41%	
12-510-474 Vehicle Maintenance/Equipment	60,000	6,041.41	7,452.16	14,619.37	32,463.44	21,495.15	64%	
12-510-475 Gas & Oil Expense	65,000	0.00	5,003.01	16,155.15	33,866.92	31,133.08	52%	
12-510-480 Technology Support/Equipment	62,300	4,113.77	2,210.96	6,714.98	18,735.13	39,451.10	37%	
12-510-485 Building Maintenance/Renovatio	6,365	0.00	640.00	3,717.18	3,892.18	2,472.82	61%	
12-510-495 Community Police Expenses	9,000	179.74	(2,100.00)	0.00	2,710.80	6,109.46	32%	
12-510-755 State GID Enforcement Funds	1,000	0.00	0.00	1,611.00	1,611.00	(611.00)	161%	
12-510-765 Waxhaw Police Explorer Club Ex	2,000	0.00	680.94	1,476.05	1,590.01	409.99	80%	
12-510-775 Police Federal Forfeiture Expe	2,000	0.00	0.00	0.00	0.00	2,000.00		
12-510-875 SRT Tactical Team	6,000	0.00	0.00	1,452.93	1,598.77	4,401.23	27%	
12-510-990 Miscellaneous Expense	3,000	122.14	3,397.18	3,781.31	4,826.34	(1,948.48)	165%	
POLICE DEPARTMENT Totals	2,529,568	12,735.29	163,323.14	493,129.57	1,252,379.72	1,264,452.99	50%	
12-530-010 Bldg/Insp Salaries	288,477	0.00	18,119.22	62,527.65	102,453.27	186,023.73	36%	

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-530-011 Building Inspections Overtime	8,654	0.00	38.19	2,887.45	4,759.99	3,894.01	55%	
12-530-030 FICA Taxes	22,731	0.00	1,391.60	4,795.84	7,800.64	14,930.36	34%	
12-530-040 401K Retirement	14,857	0.00	1,081.21	2,966.64	5,540.53	9,316.47	37%	
12-530-050 NC State Retirement Expense	21,007	0.00	1,386.31	3,341.12	7,013.39	13,993.61	33%	
12-530-060 Medical & Life Insurance Exp	46,080	0.00	3,083.33	8,629.56	15,296.59	30,783.41	33%	
12-530-070 Bonus ( Building Inspect)	1,200	0.00	840.00	840.00	840.00	360.00	70%	
12-530-080 General Liability Insurance Ex	7,000	0.00	0.00	(18.73)	5,343.49	1,656.51	76%	
12-530-081 Unemployment Insurance	850	0.00	1,459.13	1,652.20	1,754.28	(904.28)	206%	
12-530-085 Employee Assistance Program HR	150	0.00	0.00	260.00	260.00	(110.00)	173%	
12-530-086 Medical Testing	75	0.00	0.00	0.00	0.00	75.00		
12-530-310 Auto Allowance- Inspector	7,200	0.00	600.00	1,800.00	3,600.00	3,600.00	50%	
12-530-313 Training & Education Exp	4,200	0.00	670.00	1,430.31	1,532.31	2,667.69	37%	
12-530-315 Dues/Subscriptions/Membership	2,100	0.00	28.00	516.06	644.06	1,455.94	31%	
12-530-317 Building Insp Travel	1,930	0.00	445.76	1,464.80	2,364.57	(434.57)	123%	
12-530-410 Telephone/Mobile Phone Exp	10,717	0.00	438.65	1,673.80	2,757.24	7,959.76	26%	
12-530-420 Office Supplies	11,610	0.00	111.91	963.95	2,920.91	8,689.09	25%	
12-530-430 Electric Service ( Duke)	2,000	0.00	123.29	245.66	778.07	1,221.93	39%	
12-530-435 Water/Sewer Utilities	175	0.00	29.74	62.52	108.44	66.56	62%	
12-530-437 Propane (tank) Gas	300	0.00	60.19	71.96	107.27	192.73	36%	
12-530-440 Leased Equipment (copier)	7,117	0.00	595.95	1,789.25	3,671.27	3,445.73	52%	
12-530-455 Uniforms	1,400	0.00	0.00	0.00	0.00	1,400.00		
12-530-460 Cleaning Services/Supplies	1,800	0.00	125.00	375.00	639.35	1,160.65	36%	
12-530-474 Vehicle Maintenance	2,240	0.00	0.00	78.37	148.37	2,091.63	7%	
12-530-475 Gas And Oil	3,100	0.00	244.51	773.89	1,023.63	2,076.37	33%	
12-530-480 Technology Support/Equipment	2,680	0.00	178.19	988.07	3,491.95	(811.95)	130%	
12-530-485 Building Maintenance/Renovatio	970	0.00	0.00	0.00	(17.21)	987.21	-2%	
12-530-871 Homeowners Recovery Fund	5,400	0.00	0.00	0.00	639.00	4,761.00	12%	
12-530-990 Miscellaneous Expenses	1,000	0.00	0.00	98.85	197.70	802.30	20%	

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BUILDING INSPECTION Totals	477,020	0.00	31,050.18	100,214.22	175,669.11	301,350.89	37%
12-550-010 PCD Salaries	411,632	0.00	26,986.25	94,024.07	174,960.56	236,671.44	43%
12-550-011 PCD Overtime	12,349	0.00	171.87	1,542.44	2,815.77	9,533.23	23%
12-550-030 FICA Taxes	32,435	0.00	2,108.26	7,221.55	13,354.50	19,080.50	41%
12-550-040 401k Retirement	21,199	0.00	1,399.06	4,130.26	9,477.92	11,721.08	45%
12-550-050 NC State Retirement	29,975	0.00	1,946.46	4,817.92	12,260.17	17,714.83	41%
12-550-060 Medical & Life Insurance Exp	49,443	0.00	3,331.01	9,611.08	18,835.34	30,607.66	38%
12-550-070 Bonus	1,400	0.00	960.00	960.00	960.00	440.00	69%
12-550-080 General Liability Insurance Ex	9,000	0.00	0.00	(29.97)	7,111.08	1,888.92	79%
12-550-081 PCD Unemployment Insurance	2,200	0.00	5,569.02	5,618.90	5,647.87	(3,447.87)	257%
12-550-085 Employee Assistance Program HR	150	0.00	0.00	260.00	260.00	(110.00)	173%
12-550-086 Medical Testing	100	0.00	0.00	0.00	0.00	100.00	
12-550-210 Consulting Fees	218,000	0.00	15,164.60	35,181.10	51,951.10	166,048.90	24%
12-550-215 Planning/Bd Of Adustment Stipe	4,800	0.00	450.00	450.00	1,025.00	3,775.00	21%
12-550-313 Training & Education Exp	7,395	0.00	91.81	523.47	462.47	6,932.53	6%
12-550-315 Dues/Subscriptions/Membership	3,810	0.00	130.00	1,340.38	2,586.88	1,223.12	68%
12-550-317 PCD Travel	7,081	0.00	360.33	353.85	441.85	6,639.15	6%
12-550-410 Telephone/Mobile Phone Exp	9,758	0.00	245.17	771.26	1,907.32	7,850.68	20%
12-550-420 Office Supplies	5,750	0.00	165.25	514.37	911.04	4,838.96	16%
12-550-430 Electric Service ( Duke)	2,000	0.00	123.29	473.56	1,005.96	994.04	50%
12-550-435 Water/Sewer Utilities	175	0.00	29.74	62.54	108.45	66.55	62%
12-550-437 Propane (tank) Gas	300	0.00	60.17	71.94	107.25	192.75	36%
12-550-440 Leased Equipment (copier)	9,402	0.00	731.30	1,526.84	3,987.66	5,414.34	42%
12-550-450 Office Equip(scanner,Kip,etc)	22,259	0.00	1,474.93	4,246.85	8,459.82	13,799.18	38%
12-550-455 Uniforms	1,400	0.00	0.00	47.40	47.40	1,352.60	3%
12-550-460 Cleaning Services & Supplies E	1,800	0.00	125.00	450.92	941.64	858.36	52%
12-550-470 Advertising& Adv. Reimb. Exp	3,950	0.00	427.84	659.18	952.70	2,997.30	24%
12-550-474 Vehicle Maintenance	1,880	0.00	9.00	9.00	44.35	1,835.65	2%
12-550-475 Gas & Oil Expense	650	0.00	43.65	96.71	261.87	388.13	40%
12-550-480 Technology Support/Equipment	2,600	0.00	(21.80)	975.85	3,243.37	(643.37)	125%

## Budget vs Actual

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-550-485 Building Maintenance/Renovatio	970	0.00	0.00	22.79	23.90	946.10	3%	
12-550-677 WXW Historic Preservation Comm	3,575	0.00	154.18	154.18	189.18	3,385.82	5%	
12-550-850 Aerial Mapping Services	60,000	0.00	0.00	0.00	34,990.72	25,009.28	58%	
12-550-851 Ordinance R & D	13,000	0.00	0.00	0.00	0.00	13,000.00		
12-550-860 Storm Water Utility Study	30,000	0.00	7,544.00	15,722.00	15,722.00	14,278.00	52%	
12-550-870 Code Enforcement Expenditures	7,500	0.00	0.00	0.00	150.00	7,350.00	2%	
12-550-990 Miscellaneous Expense	1,000	0.00	1,862.90	1,937.47	1,967.47	(967.47)	197%	
COMMUNITY PLANNING & DEVELOP Totals	988,938	0.00	71,643.29	193,747.91	377,172.61	611,765.39	38%	
12-570-010 Park and Rec Salaries	50,000	0.00	4,027.30	14,027.30	14,027.30	35,972.70	28%	
12-570-011 Park and Rec OT	1,500	0.00	0.00	0.00	0.00	1,500.00		
12-570-030 Park and Rec FICA	3,940	0.00	294.50	992.50	992.50	2,947.50	25%	
12-570-040 Park and Rec 401k Retirement	2,575	0.00	200.00	600.00	600.00	1,975.00	23%	
12-570-050 NC State Retirement Expense	3,641	0.00	282.80	707.00	707.00	2,934.00	19%	
12-570-060 Medical & Life Insurance Expense	6,696	0.00	528.86	1,419.29	1,419.29	5,276.71	21%	
12-570-070 Park and Rec Bonus	200	0.00	200.00	200.00	200.00	0.00	100%	
12-570-080 General Liability Insurance Expense	575	0.00	0.00	0.00	555.57	19.43	97%	
12-570-313 Park and Rec Education	1,000	0.00	16.81	538.32	578.32	421.68	58%	
12-570-410 Telephone/Mobile/Phone Expense	600	0.00	160.06	415.92	415.92	184.08	69%	
12-570-420 Office Supplies	500	0.00	0.00	0.00	81.36	418.64	16%	
12-570-430 Electric Service	15,000	0.00	0.00	60.40	60.40	14,939.60	0%	
12-570-431 Nesbit Park Lighting Expense	21,600	0.00	24.44	24.44	4,088.37	17,511.63	19%	
12-570-435 Water/Sewer Utility Service Expense	5,000	0.00	0.00	0.00	0.00	5,000.00		
12-570-455 Uniforms	500	0.00	0.00	82.19	82.19	417.81	16%	
12-570-480 Technology Support/Equipment	2,200	0.00	591.02	2,087.47	2,283.71	(83.71)	104%	

## Budget vs Actual

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-570-670 Park Expenses	20,000	0.00	239.65	1,554.30	1,554.30	18,445.70	8%	
12-570-990 Miscellaneous Expense	1,000	0.00	337.50	491.75	621.70	378.30	62%	
PARKS AND REC DEPT. Totals	136,527	0.00	6,902.94	23,200.88	28,267.93	108,259.07	21%	
12-580-010 PS Salaries	381,468	0.00	29,473.67	102,889.45	190,855.85	190,612.15	50%	
12-580-011 Public Service Overtime	20,487	0.00	3,198.46	7,999.56	13,202.24	7,284.76	64%	
12-580-030 FICA Taxes	30,750	0.00	2,572.47	8,459.79	15,471.68	15,278.32	50%	
12-580-040 401K Retirement	20,098	0.00	1,503.33	4,662.38	10,052.20	10,045.80	50%	
12-580-050 NC State Retirement	28,418	0.00	2,134.50	5,529.93	13,145.11	15,272.89	46%	
12-580-060 Medical & Life Insurance Exp	61,951	0.00	4,827.16	13,550.96	27,900.74	34,050.26	45%	
12-580-070 Bonus	1,800	0.00	1,800.00	1,800.00	1,800.00	0.00	100%	
12-580-080 General Liability Insurance Ex	32,000	0.00	72.72	(39.67)	23,084.81	8,915.19	72%	
12-580-081 Unemployment Insurance	2,000	0.00	0.00	0.00	187.78	1,812.22	9%	
12-580-085 Employee Assistance Program HR	275	0.00	0.00	260.00	260.00	15.00	95%	
12-580-086 Medical Testing	600	0.00	0.00	0.00	0.00	600.00		
12-580-090 Contracting Work/Labor	1,500	0.00	0.00	0.00	0.00	1,500.00		
12-580-313 Training & Education Exp	6,700	0.00	138.88	709.88	1,311.19	5,388.81	20%	
12-580-315 Dues & Memberships Expense	600	0.00	0.00	0.00	104.00	496.00	17%	
12-580-317 PS Travel	3,000	0.00	0.00	0.00	38.92	2,961.08	1%	
12-580-410 Telephone/Mobile Phone Expense	13,940	0.00	698.71	2,538.08	5,870.88	8,069.12	42%	
12-580-420 Office Supplies	2,000	0.00	152.84	192.91	1,789.66	210.34	90%	
12-580-430 Electric Service- Duke	4,400	0.00	415.32	953.34	2,080.45	2,319.55	47%	
12-580-437 Propane(tank) Gas	1,200	0.00	145.22	327.34	327.34	872.66	27%	
12-580-455 Uniforms	4,410	0.00	364.99	556.09	1,089.56	3,320.44	25%	
12-580-474 Vehicle Maintenance	6,000	0.00	49.99	4,276.74	4,621.18	1,378.82	77%	
12-580-475 Gas & Oil	17,500	0.00	635.56	4,378.46	7,346.68	10,153.32	42%	
12-580-476 Equip Repairs & Maintenance Ex	8,500	0.00	369.59	1,177.33	2,872.21	5,627.79	34%	
12-580-480 Technology Support/Equipment	5,206	0.00	302.13	1,012.22	4,041.31	1,164.69	78%	

## Budget vs Actual

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12 GENERAL FUND								
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent	
12-580-485 Building Maintenance/Renovatio	6,000	0.00	0.00	398.50	6,133.34	(133.34)	102%	
12-580-610 Street Light Exp-Duke&Union	160,000	0.00	5,619.22	38,132.57	68,940.17	91,059.83	43%	
12-580-620 Maintenance Supplies	8,000	0.00	267.27	1,022.89	2,669.23	5,330.77	33%	
12-580-630 Street Maintenance Supplies	8,500	490.00	89.48	286.97	1,225.11	6,784.89	20%	
12-580-635 Street Failure	12,100	0.00	0.00	0.00	12,080.00	20.00	100%	
12-580-640 Equipment Purchases	15,000	0.00	44.99	44.99	339.84	14,660.16	2%	
12-580-650 Cemetery Maintenance	15,000	0.00	979.99	2,292.72	2,319.70	12,680.30	16%	
12-580-660 CSX Crossing Maintenance	2,000	0.00	0.00	0.00	0.00	2,000.00		
12-580-672 Tree Maintenance	24,000	0.00	2,551.58	3,111.57	7,307.44	16,692.56	30%	
12-580-675 Public Service Beautification Expense	5,000	0.00	177.30	1,679.98	2,454.89	2,545.11	49%	
12-580-677 Beautification Committe Projec	15,000	2.73	0.00	9,067.63	9,067.63	5,929.64	61%	
12-580-680 Emergency Debris Expense	5,000	0.00	0.00	0.00	0.00	5,000.00		
12-580-690 Transportation Projects	202,500	0.00	0.00	0.00	0.00	202,500.00		
12-580-691 Powell Bill Street/Sidewalk	250,000	0.00	0.00	7,250.00	31,664.97	218,335.03	13%	
12-580-695 Contract- Sanitation Expenses	980,000	0.00	78,488.64	236,305.20	389,866.08	590,133.92	40%	
12-580-696 Recycling Project Expenses	1,200	0.00	0.00	0.00	0.00	1,200.00		
12-580-990 Miscellaneous Expense	600	0.00	0.00	149.95	563.50	36.50	94%	
PUBLIC SERVICE DEPT. Totals	2,364,703	492.73	137,074.01	460,977.76	862,085.69	1,502,124.58	36%	
Expenses Totals	8,942,223	66,389.08	530,450.77	2,360,120.61	4,186,748.19	4,689,085.73	48%	
12 GENERAL FUND Revenues Over/(Under) Expenses:			837,437.09	2,777,909.08	1,732,763.76			

## Budget vs Actual

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14 CAPITAL PROJECTS FUND									
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent		
<b>Revenues</b>									
14-300-001 Capital Project Transfers In	669,200	0.00	0.00	669,200.00	669,260.38	60.38	100%		
<b>Revenues Totals</b>	669,200	0.00	0.00	669,200.00	669,260.38	60.38	100%		
<b>Expenses</b>									
14-420-500 Wayfinding Signage	86,700	0.00	0.00	0.00	14,000.00	72,700.00	16%		
14-420-611 Water Tank Refurbishment	51,000	0.00	0.00	12,652.16	25,304.32	25,695.68	50%		
14-420-615 Town Hall Site Costs	100,000	0.00	0.00	335.00	335.00	99,665.00	0%		
ADMINISTRATIVE DEPT Totals	237,700	0.00	0.00	12,987.16	39,639.32	198,060.68	17%		
14-510-610 Police Vehicles Purchase	111,000	0.00	71,928.00	71,928.00	73,728.00	37,272.00	66%		
POLICE DEPARTMENT Totals	111,000	0.00	71,928.00	71,928.00	73,728.00	37,272.00	66%		
14-530-610 Building Inspection Vehicle Purchase	35,000	0.00	0.00	0.00	0.00	35,000.00			
BUILDING INSPECTION Totals	35,000	0.00	0.00	0.00	0.00	35,000.00			
14-570-611 Dog Park	40,000	0.00	0.00	0.00	0.00	40,000.00			
14-570-612 Pocket Park	100,000	0.00	0.00	0.00	0.00	100,000.00			
14-570-621 Nesbit Park	50,000	0.00	0.00	0.00	0.00	50,000.00			
14-570-622 David BarnesPark/Horton Property	10,000	0.00	0.00	0.00	0.00	10,000.00			
14-570-623 Waxhaw-Marvin Road Property	5,000	0.00	0.00	0.00	0.00	5,000.00			
PARKS AND REC DEPT. Totals	205,000	0.00	0.00	0.00	0.00	205,000.00			
14-580-610 Equipment Purchase-Tractors	25,500	0.00	0.00	24,969.60	24,969.60	530.40	98%		
14-580-615 Street Install & Replacement	30,000	0.00	0.00	0.00	6,800.00	23,200.00	23%		
14-580-620 Sidewalk Install & Replacement	25,000	0.00	0.00	0.00	0.00	25,000.00			
PUBLIC SERVICE DEPT. Totals	80,500	0.00	0.00	24,969.60	31,769.60	48,730.40	39%		
<b>Expenses Totals</b>	669,200	0.00	71,928.00	109,884.76	145,136.92	524,063.08	22%		
14 CAPITAL PROJECTS FUND	Revenues Over/(Under) Expenses:		(71,928.00)	559,315.24	524,123.46				

## Budget vs Actual

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50 TECHNOLOGY FUND									
Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent		
<b>Revenues</b>									
50-312-013 Technology Fee Revenue	90,000	0.00	5,932.99	14,480.84	28,078.58	(61,921.42)	31%		
<b>Revenues Totals</b>	90,000	0.00	5,932.99	14,480.84	28,078.58	(61,921.42)	31%		
<b>Expenses</b>									
50-530-481 BI Technology Fee Expense	38,280	0.00	4,221.97	6,487.82	37,512.82	767.18	98%		
<b>BUILDING INSPECTION Totals</b>	38,280	0.00	4,221.97	6,487.82	37,512.82	767.18	98%		
50-550-481 PCD Technology Fee Expense	20,456	0.00	4,960.33	4,960.33	12,250.39	8,205.61	60%		
50-550-998 Technolgy Fund Balance Appropriation	31,264	0.00	0.00	0.00	0.00	31,264.00			
<b>COMMUNITY PLANNING &amp; DEVELOP Totals</b>	51,720	0.00	4,960.33	4,960.33	12,250.39	39,469.61	24%		
<b>Expenses Totals</b>	90,000	0.00	9,182.30	11,448.15	49,763.21	40,236.79	55%		
50 TECHNOLOGY FUND	Revenues Over/(Under) Expenses:		(3,249.31)	3,032.69	(21,684.63)				



## TOWN OF WAXHAW

P.O. Box 6  
3620 Providence Rd South Waxhaw, N.C 28173  
Telephone (704) 843-2195 Fax (704) 843-2196  
www.waxhaw.com

Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

### MAYOR

DAUNE GARDNER

### TOWN COMMISSIONERS

MICHAEL STEWART (MAYOR PRO TEM)

PAUL FITZGERALD

JOHN HUNT

STEVE MAHER

JAMES WARNER

### INTERIM TOWN MANAGER

GREG MAHAR

### TOWN CLERK

MELODY SHULER

Madam Mayor and Town Commissioners,

Since beginning in my role as Director of Parks & Recreation for the Town of Waxhaw, I have spent considerable time assessing current park properties, procedures, assets and shortcomings. This assessment has revealed needs that are not currently reflected in what is now the first Parks & Recreation budget in Waxhaw history. Needs have been identified in areas such as safety, presentation of Town image and facilitation of park services/amenities. I would like to ask for your approval to re-allocate dollars from the following capital project line item:

-Dog Park = \$40,000

Dollars from this line item would be used for Sk8 Park and David G. Barnes Park needs:

- Sk8 Park & David G. Barnes Park Surveillance Cameras (Approx: \$22,456)
- Sk8 Park Fence Repair (Approx: \$2,700)
- Sk8 Park Strategic Landscape (Approx: \$2,000)
- Sk8 Park Signage (Approx: \$2,000)
- Sk8 Park & David G. Barnes General Repairs (Approx: \$2,000)

Estimated Total: \$31,156

With the remaining funds, pet friendly amenities for existing parks would be purchased. Items such as pet waste stations, a fido fountain, dog parking area and pet friendly signage would be valuable additions to consider.

A dog park is reflected in the Town of Waxhaw's Parks & Recreation Master Plan and current budget, however, at this time we do not possess a viable piece of land upon which we can build a high quality dog park. At the current amount, it is not likely that we would be able to purchase an adequate parcel, ranging from two to four acres, upon which to place a dog park. A dog park is important to many of our citizens and undoubtedly would be highly utilized. In the future, placement could be

made either on the Horton Property, 34 acres or a piece of land specifically selected for that purpose. Quality is key and a dog park should remain a priority under conditions more suitable to project completion. I ask that we revisit the pursuit of a dog park as we start preparation for the new budget season.

In the coming months, I will appear before the Town Board to request approval for large projects related to land acquisition, safety and the facilitation of park services. The following projects are listed as a "heads-up."

- |   |                         |
|---|-------------------------|
| -Drainage/Erosion Repair at Nesbit Park | Cost Estimate: \$25,000 |
| -Remote Lighting at Nesbit Park         | Cost Estimate: \$11,000 |
| -Purchase of Pocket Park                | Cost Estimate: \$69,000 |

It is my understanding that the original funding amount, reflected for Nesbit Park, was earmarked for concessions. It is my assessment that there are greater needs to include erosion repairs, fencing, purchase of field prep equipment, clearing of an additional parking area, installation of a traffic calming device, remote lighting and general park repairs/aesthetics. I am happy to elaborate now or at the time of presentation. Thank you for your time and consideration.

Sincerely,



Natalie L.K. Jackson  
Director of Parks & Recreation



## TOWN OF WAXHAW

P.O. Box 6  
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Telephone (704) 843-2195 Fax (704) 843-2196  
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Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

**MAYOR**  
DAUNE GARDNER

**TOWN COMMISSIONERS**  
MICHAEL STEWART (MAYOR PRO TEM)  
PAUL FITZGERALD  
JOHN HUNT  
STEVE MAHER  
JAMES WARNER

**INTERIM TOWN MANAGER**  
GREG MAHAR

**TOWN CLERK**  
MELODY SHULER

January 5, 2015

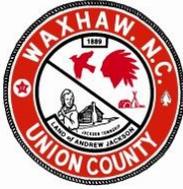
Madam Mayor and Town Commissioners,

As a new department, Parks & Recreation is in need of an official fee schedule to facilitate the use of Nesbit Park fields by citizens and groups that are not associated with the WAA as well as those seeking to reserve the open space at Town Creek Park. In reviewing the Town of Waxhaw's current fee schedule, I realized that The Meeting Place is not reflected. Attached is a proposed Parks & Recreation Interim Fee Schedule that officially recognizes the fee structure currently being used for The Meeting Place.

The interim nature of the attached schedule reflects the need to further assess and develop a thoughtful fee structure that will make a meaningful impact on the facilitation of park assets. In the future, each park will receive its own operating budget and business/facilitation plan. While those are developed, there remains a need to formalize a fee structure.

The attached schedule reflects pricing that meshes with the cost of similar offerings in surrounding communities and counties, to include Union County. To address the reservation of fields and open space by for-profit and non-profit entities, the Union County Public Schools fee schedule was consulted. Lighting fees do reflect calculations based upon fixture wattage and KW/h rates paid to Union Power Cooperative. A modest addition to operating costs has been added to account for future maintenance costs. I ask that you approve the interim fee schedule with the expectation that fees will evolve to meet the needs of Waxhaw as the Parks & Recreation Department takes shape. Thank you for your time and consideration.

Sincerely,  
  
Natalie L.K. Jackson  
Director of Parks & Recreation



**TOWN OF WAXHAW, NC FEE SCHEDULE 2014-2015**  
*Effective: January 13, 2015*

<b>INTERIM PARKS &amp; RECREATION FEES</b>	
<b><u>The Meeting Place</u></b>	
Community Room Reservation	
▪ 4 Hour Block	\$25.00
▪ Deposit	\$ 50.00 (\$25.00 Refund)
<b><u>Town Creek Park</u></b>	
Open Space	
▪ Resident & Rec Team	
▪ Full Green Space	\$24.00 per hour
▪ Half Green Space	\$12.00 per hour
▪ Non-Resident & Rec Team	
▪ Full Green Space	\$30.00 per hour
▪ Half Green Space	\$15.00 per hour
▪ Non-Profit Organization	
▪ Full Green Space	\$84.00 per hour
▪ Half Green Space	\$42.00 per hour
▪ For-Profit Organization	
▪ Full Green Space	\$112.00 per hour
▪ Half Green Space	\$56.00 per hour
*	
<b><u>Nesbit Park</u></b>	
Athletic Fields	
<i>Baseball</i>	
▪ President's Field (Diamond 1)	
▪ Resident & Rec Team	\$12.00 per hour
▪ Non-Resident & Rec Team	\$15.00 per hour
▪ Non-Profit Organization	\$42.00 per hour
▪ For-Profit Organization	\$56.00 per hour
▪ Field 2 (T-Ball)	
▪ Resident & Rec Team	\$10.00 per hour
▪ Non-Resident & Rec Team	\$13.00 per hour
▪ Non-Profit Organization	\$40.00 per hour
▪ For-Profit Organization	\$ 54.00 per hour

▪ Carolina's Healthcare Field (Diamond 3)	
▪ Resident & Rec Team	\$12.00 per hour
▪ Non-Resident & Rec Team	\$15.00 per hour
▪ Non-Profit Organization	\$42.00 per hour
▪ For-Profit Organization	\$56.00 per hour
▪ Commissioners Field	
▪ Resident & Rec Team	\$12.00 per hour
▪ Non-Resident & Rec Team	\$15.00 per hour
▪ Non-Profit Organization	\$ 42.00 per hour
▪ For-Profit Organization	\$56.00 per hour
<i>Soccer</i>	
▪ Fields 1 & 3	
▪ Resident & Rec Team	\$10.00 per hour
▪ Non-Resident & Rec Team	\$12.00 per hour
▪ Non-Profit Organization	\$20.00 per hour
▪ For-Profit Organization	\$30.00 per hour
▪ Fields 4 & 5	
▪ Resident & Rec Team	\$12.00 per hour
▪ Non-Resident & Rec Team	\$14.00 per hour
▪ Non-Profit Organization	\$22.00 per hour
▪ For-Profit Organization	\$24.00 per hour
▪ Fields 6 & 7	
▪ Resident & Rec Team	\$14.00 per hour
▪ Non-Resident & Rec Team	\$16.00 per hour
▪ Non-Profit Organization	\$24.00 per hour
▪ For-Profit Organization	\$26.00 per hour
<i>Lighting</i>	
▪ Lit Baseball Fields	\$14.00 per hour
▪ Lit Soccer Fields	\$10.00 per hour
▪ Key Deposit	\$25.00 (Refunded)





## **VI. Old Business**

- A. Discussion & Possible Approval of Closing the Washington Street Easement Pursuant NCGS 160A-299 (0.065 Acres)  
Presenter: [Chaplin Spencer](#)

### **Information**

The Washington Street easement closing came before the Town Board on December 9, 2014 and was recessed until January 13, 2015 due to notice not being posted on the property 10 days prior to the meeting. This matter involves the abandonment of the right of way along Washington Street. The Resolution of Intent was published in *The Enquirer Journal* for four successive weeks, a certified letter was mailed to each of said abutting property owners advising them of the day, time and place of the meeting and notice was not posted on the applicable street 10 days prior to the meeting.

### **Board Action**

- Possible approval of closing the Washington Street Easement pursuant NCGS 160A-299



**STREET CLOSING ORDER  
RESOLUTION CLOSING AN EASEMENT ON  
WASHINGTON STREET**

**WHEREAS**, on the 11<sup>th</sup> day of November 2014 the Town Board of Commissioners of the Town of Waxhaw, North Carolina, directed the Town Clerk to publish the Resolution of Intent of the Town Commissioners to consider closing an easement that once consisted of Washington Street in the 1980's as shown on **Exhibit A** attached hereto and being on a portion of Tax Parcels 05-112-035 and 05-112-036 totaling 0.065 acres in *The Enquirer Journal* newspaper each week for four successive weeks, such Resolution advising the public that a meeting would be conducted in the Waxhaw Police Department Community Room located at 3620 Providence Road South on December 9, 2014, at 6:30 pm; and

**WHEREAS**, the Town Board of Commissioners on the 11<sup>th</sup> day of November 2014, ordered the Town Clerk to notify all persons owning property abutting closing portion of the easement on Washington Street to abandoned of 0.065 acres as shown on county tax records, by certified mail, enclosing with such notification a copy of the Resolution of Intent; and

**WHEREAS**, the Town Clerk has advised the Town Board of Commissioners that she sent a letter to each of said abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising said abutting property owners that the question as to closing that would be acted upon, said letters having been sent by registered or certified mail; and

**WHEREAS**, the Town Clerk has advised the Town Board of Commissioners that adequate notices were published in the newspaper and posted on the applicable street as required by G. S. 160A-299; and

**WHEREAS**, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to closing the easement on Washington Street to abandoned of 0.065 acres.

**WHEREAS**, it now appears to the satisfaction of the Town Board of Commissioners that the abandoned portion of road is not contrary to the public interest, and that no individual owning property, either abutting the road or in the vicinity of said abandoned

road will as a result of said closing be thereby deprived of a reasonable means or ingress and egress to his property.

**NOW THEREFORE, BE IT RESOLVED,** that approximately 0.065 acres of the Washington Street easement as depicted on **Exhibit A** is hereby closed, and all right or other, title, and interest that may be vested in the public to said area for alley purposes is hereby ordered released and quitclaimed to the abutting property owners in accordance with the provisions of G. S. 160A-299.

The Mayor and Town Clerk are hereby authorized to executive a quitclaim deed or other necessary documents in order to evidence vesting of all right, title interest in those persons owning lots or parcels of land adjacent to the road or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alley in accordance with the provision of G. S. 160A-299 (c). The Town will honor any agreement evidenced by a plat filed with the Clerk of Court signed by all adjoining property owners to vest the road or alley in alternative manner in accordance with the provisions of G. S. 160A-299(c).

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Town of Waxhaw to be affixed this the 13<sup>th</sup> day of January, 2015. I have been hereby ordered and directed to file in the Office of The Register of Deeds of Union County a certified copy of this resolution and order.

Upon motion duly made by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ the above resolution was duly adopted by the Town Board of Commissioners at a meeting held on the 13<sup>th</sup> day of January, 2015 in the Waxhaw Police Community Room.

Upon call for a vote the following Commissioners voted in the affirmative:  
and the following voted in the negative:

**Duly adopted this the 13<sup>th</sup> day of January, 2015.**

\_\_\_\_\_  
**Daune Gardner, Mayor**

ATTEST:

\_\_\_\_\_  
**Melody Shuler, Town Clerk**



## VI. Old Business

### B. Discussion & Possible Approval of Petition CD-001877-2013

Request by Cornerstone Development of the Carolinas, Inc. on behalf of the property owner, LY-CAR, LLC, for a Conditional Rezoning/Map Amendment from R1 (Single-Family Residential) to CD-R3 (Conditional District-Single-Family) on approximately 120.24 acres (Tax Parcel ID numbers 05-063-030A and 05-063-034) located off Old Waxhaw Monroe Road. The petitioner is requesting CD-R3 in order to be able to develop 130 single family lots

Presenter: [Chris Rice](#)

### Information

A public hearing was held on the September 9, 2014 meeting for Petition CD-001877-2013 by Cornerstone Development of the Carolinas, Inc. on behalf of the property owner, LY-CAR, LLC, for a Conditional Rezoning/Map Amendment from R1 (Single-Family Residential) to CD-R3 (Conditional District-Single-Family) on approximately 120.24 acres (Tax Parcel ID numbers 05-063-030A and 05-063-034) located off Old Waxhaw Monroe Road. The petitioner is requesting CD-R3 in order to be able to develop 130 single family lots. This matter was deferred on two occasions at the request of the Applicant.

**\*\*\*Please note that the applicant has not requested another deferral.**

### Board Action

- Possible action on Petition CD-001877-2013 by LY-CARR, LLC for Conditional Rezoning/Map Amendment on parcels 05-063-030A and 05-063-034 located off Old Waxhaw-Monroe Road. The Board should move forward with approval or denial of the Petition.



## STAFF REQUEST TO PLACE ITEM ON BOARD AGENDA

Date of Meeting: September 9, 2014

Department Requesting: Planning and Community Development

Staff Member Requesting: Chris Rice

Case #: CD-001877-2013

### Brief Summary of the item:

Petition CD-001877-2013 is a request by the applicant Cornerstone Development of the Carolinas, Inc. on behalf of the property owner, LY-CAR, LLC, for a conditional rezoning / map amendment from R1 (Single-Family Residential) to CD-R3 (Conditional District–Single-Family) on approximately 120.24 acres (Tax Parcel ID numbers 05-063-030A and 05-063-034) located off Old Waxhaw Monroe Road. The petitioner is requesting CD-R3 in order to be able to develop 130 single family lots.

### Attachments Included:

- Conditional Zoning Application
- Current Zoning Map, Aerial Map, Proposed Zoning Map, Future Land Use Map
- Staff Report
- Technical Review Committee Meeting Summary
- Neighborhood Meeting Minutes
- Copy Of Rezoning Plans
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Date submitted to Town Clerk: 8/26/2014



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received: 5/20/14  
 Received By: C.R.  
 Fee: \$4,500.00

**CONDITIONAL ZONING APPLICATION**

Application Number: CA-001877-2013 Date of Application: 5/20/14

**Applicant Information**

Applicant Name: Cornerstone Development of the Carolinas, Inc.

Applicant Mailing Address: P.O. Box 1345 Ft. Mill, SC 29716

Applicant Telephone: 704-574-0316

Property Owner Name: LY-CAR, LLC c/o RONALD E. WALKER

Property Owner Mailing Address: 5711 Falls Road, Baltimore MD, 21209

3517 PROVIDENCE MANOR RD, CHARLOTTE, NC 28270

Property Owner Telephone: 704.375.2834

Relationship of Applicant to Property Owner: Purchaser under contract

**Subject Property Information**

Property Location: 7904 Waxhaw Monroe Road, Waxhaw, NC

Tax Map and Parcel Number(s): 05063030a & 05063034

Existing Zoning: R-1 In Flood Area? No

Requested Conditional Zoning District: CD- R3

Proposed Use: Single-Family Residential lots of 80, 90 and 100'

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

Ronald E. Walker TRUSTEE  
(Signature of Property Owner)

5-20-14  
(Date)

Greg Wild  
(Signature of Applicant)

5-20-14  
(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

Chris Hill  
(Signature of Zoning Administrator)

5/20/14  
(Date)

TO BE FILLED OUT BY ZONING ADMINISTRATOR

Completed application submitted on: 5/20/14

Date of Neighborhood Meeting: 7/10/14

Reviewed by Planning Board on: 8/18/14

Action of Planning Board: The Planning Board, at the August 18, 2014 meeting, voted 7 to 0 to send an unfavorable recommendation for CD-001877-2013 to the Town of Wayhew Board of Commissioners.

Town Board Public Hearing Held On: September 9, 2014

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_

**\*Newspaper Affidavit should be attached**

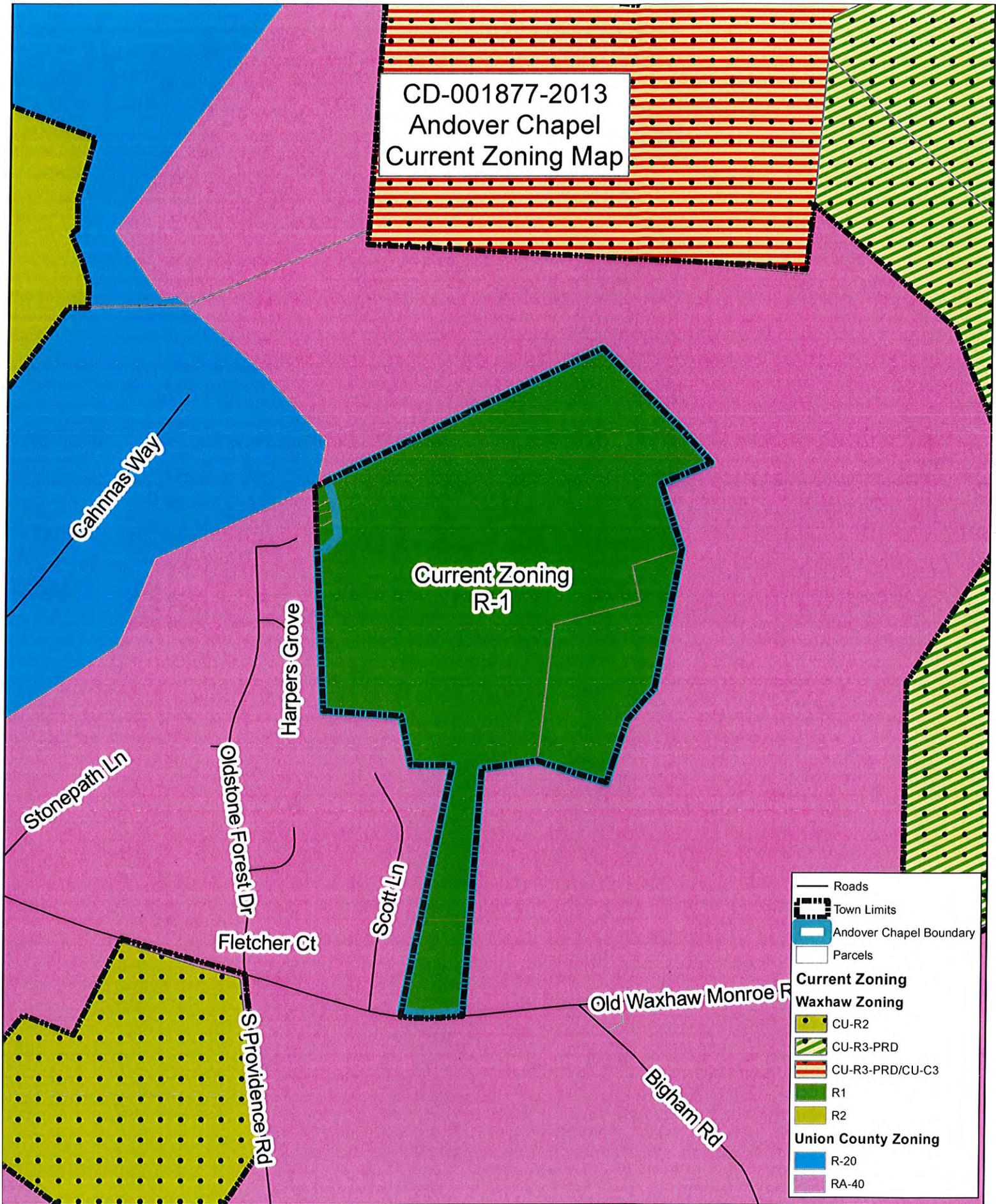
Public Hearing Notice Filed in (Newspaper): Enquirer - Journal

Date(s) Notices Published: August 29, 2014 and Sept. 5, 2014

Notification to adjacent property owners mailed on: 8/21/14

Property Posting Date: 8/25/14

CD-001877-2013  
 Andover Chapel  
 Current Zoning Map



— Roads

⬜ Town Limits

⬜ Andover Chapel Boundary

⬜ Parcels

**Current Zoning**

**Waxhaw Zoning**

- CU-R2
- CU-R3-PRD
- CU-R3-PRD/CU-C3
- R1
- R2

**Union County Zoning**

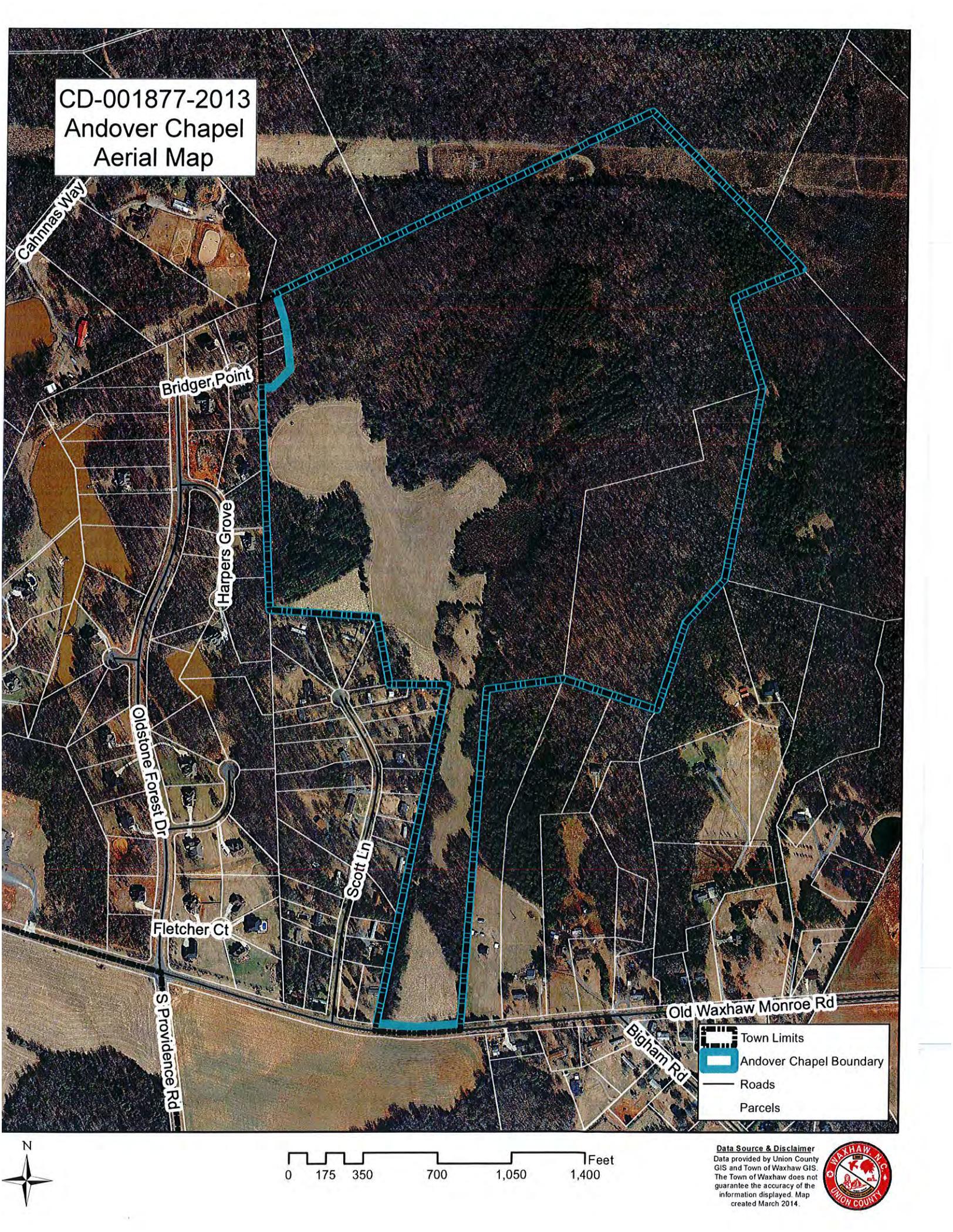
- R-20
- RA-40



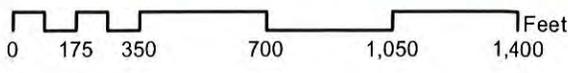
**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created March 2014.



CD-001877-2013  
Andover Chapel  
Aerial Map



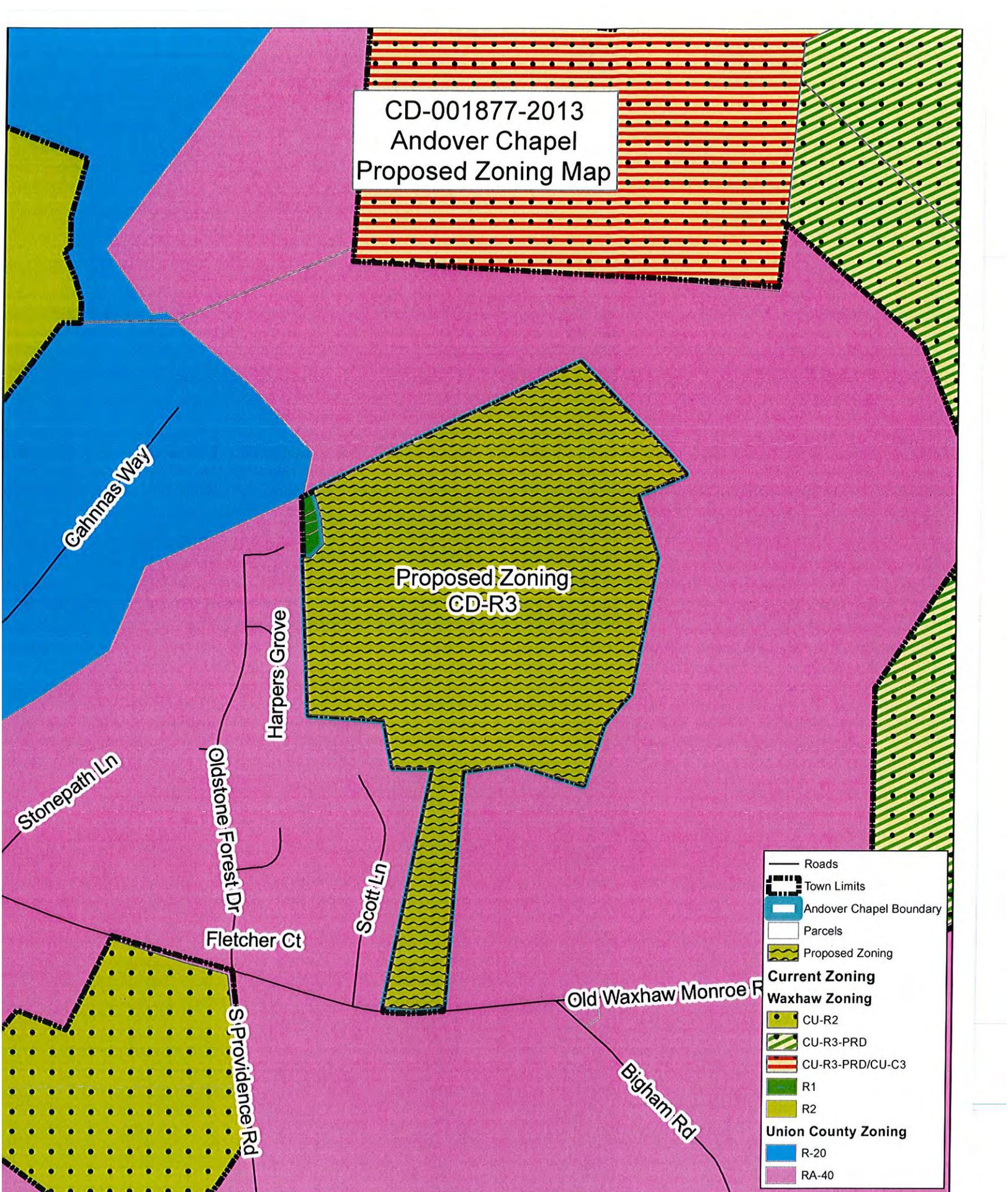
 Town Limits  
 Andover Chapel Boundary  
 Roads  
 Parcels



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CD-001877-2013  
 Andover Chapel  
 Proposed Zoning Map



Proposed Zoning  
 CD-R3

— Roads

▬ Town Limits

▬ Andover Chapel Boundary

▬ Parcels

▬ Proposed Zoning

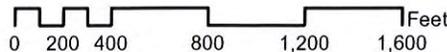
**Current Zoning**

**Waxhaw Zoning**

- ▬ CU-R2
- ▬ CU-R3-PRD
- ▬ CU-R3-PRD/CU-C3
- ▬ R1
- ▬ R2

**Union County Zoning**

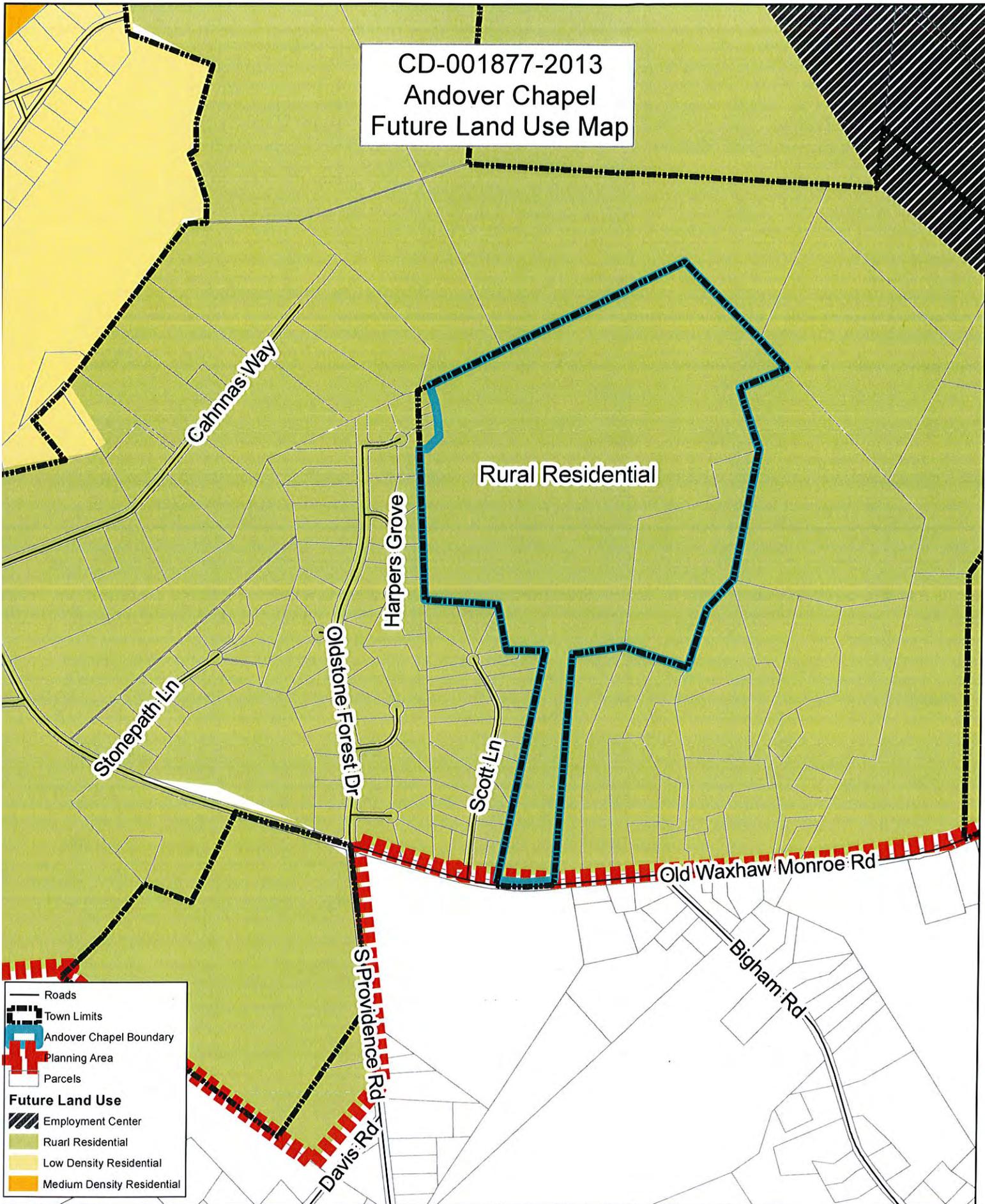
- ▬ R-20
- ▬ RA-40



**Data Source & Disclaimer**  
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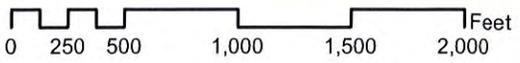


CD-001877-2013  
 Andover Chapel  
 Future Land Use Map



**Legend**

- Roads
- Town Limits
- Andover Chapel Boundary
- Planning Area
- Parcels
- Future Land Use**
  - Employment Center
  - Rural Residential
  - Low Density Residential
  - Medium Density Residential



**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created March 2014.



**Conditional Rezoning Petition CD-001877-2013  
Cornerstone Development of the Carolinas, Inc.  
Andover Chapel Conditional Rezoning**

**EXPLANATION OF THE REQUEST**

Petition CD-001877-2013 is a request by the applicant Cornerstone Development of the Carolinas, Inc. on behalf of the property owner, LY-CAR, LLC, for a conditional rezoning / map amendment from R1 (Single-Family Residential) to CD-R3 (Conditional District–Single-Family) on approximately 120.24 acres (Tax Parcel ID numbers 05-063-030A and 05-063-034) located off Old Waxhaw Monroe Road. The petitioner is requesting CD-R3 in order to be able to develop 130 single family lots.

**LOCATION AND CURRENT LAND USE**

- The property included in the request is located off of Old Waxhaw Monroe Road and currently consists of two parcels.
- The property contains woodlands and some areas that have been farmed and used as pasture. There is a small vacant house located on the property. A creek runs along the eastern side of the property and there is a power transmission line located on the northern edge of the property.
- Condition and land use of the surrounding properties. The adjoining properties are:
  - To the North –A large undeveloped wooded tract of land located in Union County, zoned RA-40.
  - To the West – Oldstone Forest subdivision and a manufactured home neighborhood accessed by Scott Lane are located to the west. The density for the manufactured home subdivision is 1.07 dwelling units per acre. Oldstone Forest is a large lot single-family neighborhood accessed from Oldstone Forest Drive and Stonepath Lane. The density for the Oldstone Forest subdivision is .88 dwelling units per acre. Both these neighborhoods are located in Union County and are zoned RA-40. The density for both subdivisions is comparable to Low Density Residential in the 2030 Waxhaw Comprehensive Development Plan although both neighborhoods are identified as Rural Residential on the Future Land Use Map.
  - To the South – Old Waxhaw Monroe Road is located on the southern border of the property. Farmland and several single family homes are located on the south side of Old Waxhaw Monroe Road. These properties are located in Union County and zoned RA-40.
  - To the East – A combination of woodlands and single family homes are located to the east of the property. These properties are located in Union County and zoned RA-40.

The entire project is surrounded by land within Union County’s jurisdiction zoned under the RA-40 and RA-20 district regulations. The majority of the land is zoned RA-40. The RA-40 district is located mainly in areas that are not served by public water or sewer facilities and that are not yet appropriate for development at higher densities. This property is not currently served by public water or sewer.

**PROJECT HISTORY / INFORMATION**

- The property was recommended for annexation on September 13, 2007, with an effective annexation date of December 13, 2007. R1 (Single Family Residential) zoning was applied to the property upon the completed annexation on December 13, 2007.

**LAND USE / SITE PLAN ISSUES**

1. The proposed use as single-family residential as shown on the rezoning plans is allowed under the CD-R3 (Conditional District-Single Family) district. The applicant is requesting the entire +/- 120.24 acres be zoned CD-R3 (Conditional District-Single Family) to allow for development of one hundred thirty (130) single-family homes. The proposed layout is shown on the conditional rezoning plan. The CD-R3 (Conditional District-Single Family) zoning will allow for single family detached lots of no less than twenty thousand (20,000) square feet. The smallest lot size proposed is twenty thousand (20,000) square feet.
2. The site plan depicts public streets throughout the subdivision. The proposed streets with 50' of right-of-way will have a 26' foot wide travel way with curb, gutter and sidewalk and streets with 40' of right-of-way will have a 22' wide travel way with curb, gutter and sidewalk.
3. John Underwood of the NC Department of Transportation (NCDOT) indicated that a traffic impact analysis will not be required. NCDOT will require construction of a left turn lane into the site with 100' min storage for access approval. Also, NCDOT stated that the sight distance will need to be field verified to ensure it meets minimum standards. A letter from NCDOT has been provided stating that the improvements shown on the rezoning plans are correct.
4. During the Technical Review Committee (TRC) meeting (see attached TRC meeting minutes), the Fire Department requested the applicant limit on-street parking to one side of the street on those streets with a 40' R/W in order to better accommodate emergency vehicle access. The applicant was also required to place a note on the plans that the proposed streets with a 40' R/W shall only allow on-street parking on one side of the street. A note has been included on the plans stating that the parking restriction to one side of the street will be enforced by the placement of signage and by the homeowners association.
5. Upon completion, the development will have one access point to Waxhaw Marvin Road and one dedicated street stub to the property located to the north. Generally each subdivision should have two ingress and egress points on a public road. Section 18.9.7.A allows for exception to this requirement if the frontage on a public road is less than five-hundred (500) feet. The proposed development only has frontage on Old Waxhaw Monroe Road approximately three hundred and ninety (390) feet in length; therefore a second ingress/egress point is not required onto Old Waxhaw Monroe Road.
6. This rezoning plan includes a projected completion of 2017 to 2018.
7. Section 9 of the Unified Development Ordinance requires a minimum of 20% of the interior of the site be preserved with existing trees. The applicant is preserving 20.14 acres of interior tree save or 20.25%. In addition, a 30' tree preservation area along the perimeter of the site has been shown and equals 8.17 acres or 6.8% of the entire site. Another 2.32 acres, or 1.9%, of common open space has been shown but is proposed to be used for storm water management purposes. The total area of land that is being preserved by the interior tree save, 30' perimeter tree save area and the storm water management/common areas is 30.63 acres, or 25.4%, of the total site. The plans state

that all common open space shall be recorded and deeded to the homeowner's association.

8. No portion of the subject property is located within a FEMA regulated floodplain.
9. Public water will be extended to the proposed subdivision. The applicant will have to install a booster pump on the water system to make sure each home has appropriate water pressure. The public water system will enter the property from the southern side of the property. A letter from Union County Public Works has been provided stating that there is capacity in the water system. The letter does not guarantee that capacity will be available when the project is completed. The applicant will have to have the plans approved by Union County Public Works and enter into an extension agreement to guarantee service.
10. County sewer is not currently available on the property. The applicant is proposing to extend the Union County Public Works sewer line to the property from its current terminus on Highway 75 just east of the Town of Waxhaw. The sewer line extension will be approximately 5000 to 6000 feet and be run along the creek bed. A letter from Union County Public Works has been provided stating that there is capacity in the sewer system. The letter does not guarantee that capacity will be available when the project is completed. The applicant will have to have the plans approved by Union County Public Works and enter into an extension agreement to guarantee service.
11. The plans were provided to the Union County Public Works Department but no representative was in attendance at the Technical Review Committee meeting. The applicant was instructed to provide the plans to the Union County Public Works Department and provide comments the Planning and Community Development Department. The applicant has not provided specific comments on the plans from the Union County Public Works Department.
12. The Technical Review Committee met to review the revised plans for Andover Chapel. The main items discussed were the inclusion of curb, gutter and sidewalk and the provision of county sewer service by the extension of the main trunk line from Highway 75 to the property. Representatives from the Waxhaw Volunteer Fire Department and Waxhaw Police Department wanted to make sure the previous issues surrounding emergency vehicle access had been addressed by the addition of curb, gutter and sidewalk. Previously they were concerned about not having curb, gutter and sidewalk to use to get around any possible blockage in the roadway. Inclusion of curb gutter and sidewalk was also important to the Public Works Department. The cost to maintain roads without curb, gutter and sidewalk can become very high over a long period of time due to insufficient drainage due to lack of road improvements.
13. No representative from Union County Public Schools was present at the Technical Review Committee meeting but the plans were provided to them for review. Comments were received from Don Ogram, Facilities Technician with Union County Public Schools. The school assignments for Andover Chapel will be Western Union Elementary School, Parkwood Middle School and Parkwood High School. With regard to the recent school redistricting, all three schools are anticipated to remain below cap levels for the near-term future. However, Western Union ES is expected to approach its watch level by 2017 and this situation will need to be reviewed in the future.

### **TREE PRESERVATION**

1. The applicant submitted the required tree survey in compliance with Section 9.21.7 of the Town of Waxhaw Unified Development Ordinance.
2. The applicant is proposing a 30' tree preservation/vegetative buffer in compliance with Section 9.21.8.2.
3. The plan exceeds the 20% internal tree save area required in Section 9.21.8.A. The internal tree protection areas shall contain no less than 1 tree per 2,500 square feet of tree protection area. Where existing trees are insufficient to meet those standards, the applicant will plant new trees with a minimum 2" caliper at planting.

### **ARCHITECTURAL GUIDELINES**

All homes must conform to the Section 20 Architectural Standards of the Town of Waxhaw Unified Development Ordinance. The applicant has provided the required note on the plans stating that all homes will meet this standard. Photos of examples of the style of home to be constructed have been included in the conditional rezoning plan.

### **2030 COMPREHENSIVE PLAN & FUTURE LAND USE MAP**

The Future Land Use Map contained in the 2030 Comprehensive Plan identifies the subject site as 'Rural Residential.' Chapter 4 of the Comprehensive Plan goes on to state the following information regarding 'Rural Residential':

This classification describes existing rural areas that include farmland, equestrian uses, and other rural lands. These areas reflect existing very low density residential, farmland, and equestrian uses with densities below 0.5 dwelling units per acre (at least a 2-acre minimum lot size) that occur in areas without public water and sewer service.

Based on the description of "Rural Residential" the most compatible zoning district under the Town of Waxhaw is R1. The development as proposed will not conform to the Rural Residential recommendation. Although the 2030 Waxhaw Comprehensive Plan recommends Rural Residential development, the density for both of the neighboring subdivisions is comparable to that of Low Density Residential (.5 du/ac to 3 du/ac) as described in the 2030 Waxhaw Comprehensive Development Plan.

### **NEIGHBORHOOD MEETING**

The Town of Waxhaw Unified Development Ordinance required that the applicant have a neighborhood meeting for a conditional rezoning request prior to the Planning Board meeting in order to ensure that the citizens and property owners of the Town have an opportunity to learn about the proposed project. The applicant held a neighborhood meeting at the Waxhaw Woman's Club on Thursday July 10, 2014 at 5:30PM. The applicant has submitted all required documents per Section 16.2.2.E for the neighborhood meeting. There were various concerns shared by the residents in attendance. The minutes from that meeting were prepared by the applicant and have been provided to the Planning and Community Development Department staff.

### **PLANNING STAFF ANALYSIS**

The proposed zoning is not consistent with the 2030 Comprehensive Plan and Future Land Use Map which calls for Rural Residential development. This classification describes existing rural areas that include farmland, equestrian uses, and other rural lands. These areas reflect existing very low density residential, farmland, and equestrian uses with densities below 0.5 dwelling

units per acre (at least a 2-acre minimum lot size) that occur in areas without public water and sewer service. The development as proposed has a density of 0.92 units per acre which exceeds the 0.5 dwelling units an acre recommended in the 2030 Comprehensive Plan and Future Land Use Map.

Therefore, planning staff recommends denial of Conditional Rezoning request CD-001877-2013 based on the lack of conformance with the 2030 Comprehensive Plan and Future Land Use Map.

As a possible alternative, planning staff would support the applicant's previous request to CD-R2, with the inclusion of the street improvements required by the Unified Development Ordinance and the extension of county water and sewer to the site. The street improvements are important to make sure there is adequate emergency and pedestrian access throughout the neighborhood. The inclusion of public water and sewer is important to the homeowner's need for reliable utility services. Lastly, the CD-R2 designation, along with the previously proposed density of 69 dwelling units would be similar to the density of the surrounding area.

<b>PLANNING BOARD RECOMMENDATION</b>
--------------------------------------

At the August 18, 2014 meeting, the Planning Board voted 7 to 0 to send an unfavorable recommendation for Conditional Rezoning Request CD-001877-2013 to the Town of Waxhaw Board of Commissioners. The Planning Board agreed with the 2030 Comprehensive Plan and Future Land Use Map development recommendation that the area should be developed with low density residential uses. The Planning Board also had a concern with the amount of traffic that the proposed 130 lot project would add to Old Waxhaw Monroe Road.

*Submitted By: Chris Rice*

**Town of Waxhaw  
Technical Review Committee Summary**

Name of Project: *Andover Chapel Conditional Rezoning*  
Location of Project: *Off of Old Waxhaw Monroe Road*  
Date of TRC Meeting: *5/29/14*

**Waxhaw Building Inspections Department (in attendance)**

William Whaley, Building Official asked if houses would be all brick. He also asked if the Stage Coach Trail could be removed since it was essentially a widening of Andover Junction Circle and not a different street.

**Waxhaw Planning and Community Development Department (in attendance)**

Lori Oakley, Zoning Administrator asked about pavement widths, traffic calming measures, amenity sites. She also asked that the term CA (common area) be changed to COS (common open space) to consistent with other plans in the Town.

**Waxhaw Public Services Department (in attendance)**

Todd Matthews wanted confirmation that curb, gutter and sidewalk were to be installed.

**Waxhaw Police Department (in attendance)**

The Waxhaw Police Department wanted to verify that curb, gutter and sidewalk were to be installed for emergency vehicle and pedestrian access.

**Waxhaw Volunteer Fire Department (in attendance)**

The Waxhaw Volunteer Fire Department wanted to verify that curb, gutter and sidewalk were to be installed for emergency vehicle and pedestrian access.

**Union County Fire Marshal (not in attendance)**

The plans were provided to the Union County Fire Marshal but no comments were received.

**Union County Public Schools (not in attendance)**

Plans were provided to Union County Public Schools and Mr. Don Ogram commented via email. Mr. Ogram provided school assignments for the project and the impact on recently completed school redistricting.

**Union County Arborist (not in attendance)**

Previous concerns from Union County Arborist were addressed in revised plans.

**Union County Public Works Department (not in attendance)**

The plans were provided to UCPW but no comments were received.

**NC Dept. of Transportation (not in attendance)**

John Underwood with NCDOT attended the meeting. He stated that a traffic impact analysis was not required. NCDOT will require construction of a left turn lane into the site with 100' minimum storage for access. Site distance will also need to be verified in the field to ensure minimum standards are met.

**Neighborhood Meeting**  
**Waxhaw Woman's Club**  
July 10, 2014 – 5:30 PM to 6:30 PM

Subject: Review of latest rezoning petition for +/- 120 acres (Andover Chapel) at Old Waxhaw-Monroe Road from R-1 to R-3

Meeting started on time.

David Tibbals, representative of LiveWell Homes led the meeting.

Additional representatives from LiveWell Homes: Brad Cardwell, Mark Turner, and Susan Rosenblatt.

Planning staff representative from Waxhaw: Chris Rice – available for questions associated with the staff / policy / program for rezoning.

Review of project: Company has contracted for the property, not yet closed. Described the access to the property off Old Waxhaw-Monroe Road, entry comes up to a loop road with cul-de-sacs on the areas to the east. There is a stub road access planned to the north into the Yarborough property.

Previous planned for 80 homes (correct number on previous plan was 69). Ditch section road was planned with public water and individual septic systems. We pursued this plan and took it up to the Planning Board vote, where they voted disapproval based on staff recommendation. Main reason we were voted down was the infrastructure requirements for the town were not met, requiring curb, gutter, and sidewalk. After discussion with the town, rather than pursue further with the plan and risk town board disapproval, we decided to go back to the drawing board and create a plan that would be able to accommodate the infrastructure costs. This resulted in greater number of lots in order to absorb the added infrastructure requirements and still maintain the market price home we believe will be supported. In addition to the added cost of infrastructure and smaller lots, we are also pursuing off-site sewer to serve the property. Previous concerns that the multiple septic systems could impact adjoining owners wells is no longer an issue. Sewer is located along highway 75, 6000+ feet to the north. We have not acquired the right-of-way associated with the sewer; it's a sequential process that we're simply in the planning start. The next phase of the process is construction process, and that is when we would be proceeding with acquiring the right-of-way for the sewer.

General Lot sizes are generally half-acre in size. For the 120 acres we're proposing not 240 lots, but 130 lots. In addition to lots we're accommodating for significant open space, tree save area and storm water detention. Any water that happens to fall on the site in a pre-development state, (trees and grass) is calculated in the run-off. The design for the new added impervious area of homes and roads, all this water moves faster with development. This water is collected into basins and slowed down before it leaves the site so that the pre-developed condition run-off that runs through the woods naturally, will match the post-development condition (homes and roads).

We do have 20% tree save on the property. Waxhaw has one of the strongest tree ordinances in the greater Charlotte Metropolitan area. The tree buffer around the entire limits of the property (30') will be preserved and not impacted.

Q: When you say tree buffer around the property, what is that?

A: From any portion of the property perimeter (pointing to the map) the double line around the property will have existing trees, if existing today, to remain, except for the right-of-way to the north that extends through the buffer.

Q: Why is this Waxhaw Township? We're in the adjoining property, Olde Stone Forest property, and we're in unincorporated Union County. Is this going to be part of Waxhaw?

A: This property is already in the Town of Waxhaw. It was annexed into the town in 2007 with the intent of doing a development very similar to the one we're proposing. This property is currently zoned R-1; by right zoning allows for 100K SF lots without any further approvals. Our proposed zoning is for R-3, which allows for even smaller lots, but we're proposing half-acre lots for the plan.

Q: So this property is already in the town?

A: Correct. There's no other property adjacent to this land that is contiguous to Waxhaw, this was a satellite annexation. It sits outside of the actual town limits – within the Jurisdiction.

Q: Chris – can you explain that this doesn't mean that from this point forward, if you're adjoining you're going to involuntarily annex these people's property?

A: Yes, this property is in Waxhaw, it's treated like the property where we're at right now. It's served by Waxhaw Police, Trash collection etc. There are two or three other satellite parcels out that were also annexed. It's part of the town and they have to come to us for any approvals and that's why they're here.

Q: Is the property changed from R-1 to R-3?

A: It is not, that's why we're here for the process. I mentioned before we attempted to a plan that was less impactful on the land for a R-2 zoning, so now we're coming back with R-3 because of the requirements for the infrastructure to pay for greater necessary investment.

**Comment: We're not concerned about the city, but that's a lot of houses on that property.**

Q: What size houses are you planning to build?

A: Houses will basically be From 2,000 to 3,000 SF and up.

Q: What are they going for (cost)?

A: This will depend on our full construction costs which we're not complete on, however our goal is to be in the high \$200K to low \$300K in price point.

Q: Have you thought about what kind of crime might come in there with those houses?

A: We've not thought that this would add to crime.

Comment: The traffic they have coming in and out of there in the morning – this project will generate at least 1.5 to 2 cars per home, that's a bunch more traffic on this road. You're going to be pulling out into traffic at 55 miles per hour, and taking a chance to pull out – you'll never get out of there.

Comment: Yes – it can be very difficult to get out the entry into Olde Stone.

A: We do have plans for making this entrance safe for a widening of the road with a left turn lane into the property...

Comment: **This doesn't help our property. We've already fought off the city of the main road going through our property of Providence Road, you know, in my opinion that makes the thoroughfare more likely to go through our property, to try and alleviate traffic through our community – that's a big concern for us – to add that much traffic. You add that many cars, then the city is going to want to put this through our neighborhood. That's going to be a big impact.**

Comment: Waxhaw Elementary traffic already has a police man out in the morning in front they need because of the traffic. They already reroute the traffic in this area.

Q: **What's your plan for lighting...** Along with light trash – country lighting – we have low level lighting that doesn't trash - what are you putting you putting on for lighting? How many?

A: **We're using the same low level lighting; it's on the plan that is in your neighborhood.**

A: Based required by the ordinance – Chris – **what's the maximum – 200 or 250' per light?**

Chris: **Either 150 or 200 – it's in the ordinance.**

Q: I have 2 questions: 1) Why is there an access road stubbing to the property to the north? 2) What is the plan for protecting this drainage area (pointing to area in the main access road into the property) where water feeds into the creek that feeds the pond behind our house. We want to make sure that you're going to construct retention ponds to adequately protect this.

A: **1) It's the development policy of the Town of Waxhaw to make connectivity between developments. Chris anything else?**

Chris: Yes – in trying to alleviate traffic dumping from a bunch of dead end roads, what we try and do is think to the future and how things are going to be. Our ordinance is trying to connect neighborhoods where traffic can flow to other areas rather than just one in and one out.

A: Yes – so development connecting to the parcel to the north through the Yarborough property, eventually up to Hwy 75, is the same program as shown on the stub street at the end of Olde Stone Forest.

Answered later in the meeting:

A: 2) There will be both sediment and storm measures built in to mitigate the run-off for the property that will treat the water prior to exiting the site. In addition, due to the 30' buffer of existing trees around the property, additional filtration will help protect the drainage feature you mentioned.

Comment: We all knew that there was going to be **development was going to happen, so that's a given**, back there when we bought out here, obviously going from 52 to 139 or whatever homes are more than what we believed would be going in there. So are you telling us that because of the town of Waxhaw basically forced you, requiring the infrastructure, making you put in more homes to accommodate the development? Is that correct?

A: The base zoning is 100K SF lots. We did not contract for the property for 50 units. We planned for at least 80. We did not take it that plan beyond the Planning Board vote, where we were not successful. If we went forward to the town board and were denied, the property would have no other chance for at least one year.

Q: You purchased the property with no intention of ever building on it?

A: No, the original developer that purchased the property in 2007 for a very similar plan, although it was a very different time, but never went forward due to the economy.

Q: So to answer my question, if you were able to be approved for 80 homes, that would have **been what you'd wanted.**

A: Correct.

Q: So the town of Waxhaw told you they would not approve you for 80 forcing you to go 130 homes?

Comment: Well the added cost of the infrastructure (curb, gutter, sidewalk, off-site sewer) is what drove you to into higher cost to spread that cost in higher cost over more lots.

A: Yes.

Q: But the town of Waxhaw was the ones who said you had to do the infrastructure. Who are the people who forced you to do that?

Chris: **Let me have an opportunity to give you an opinion of the Town's side. I don't want anybody thinking that we came to these gentlemen and said: We don't want you to build 80 homes; we want you to build 130.** Our comprehensive plan and development plan actually recommends, calls for, and requires this property to be built under what we call rural development, which is exactly what R-1 would have gotten. We recommended in our staff report for unfavorable. The Planning Board chose to listen to us and recommend disapproval. One of our points was, they did not build curb, cutter & sidewalk. Our street ordinance requires us to do this for all new streets. We recommended that they have this infrastructure.

Q: This seems silly, can you not change the ordinance?

Chris: **We'd have to get the board to change that, and I don't think that will happen.** They're the ones who put the rules in place. They (petitioner) proposed ditch sections. The main reason we recommended against them our public works director are rural, but their failure rate and maintenance rate are more expensive than those with curb and gutter. There's constant work as they become undermined. We also want curb, gutter & sidewalk because that's an amenity.

There was a gentleman at the last meeting who lives in Olde Stone Forest that they would like sidewalks. I don't know if that's true for all the residents, but we require curb gutter & sidewalk in all our developments. But, we also recommend, our comprehensive plan calls for rural residential with R-1. There were many reasons we gave them an un-favorable rating. The planning board agreed with our recommendation. We then gave them the option to go forward with the unfavorable vote, and you can get denied, Mr. Tibbals is correct; they could not do anything for a year. The other opportunity we gave them was to redo the application, come back and revise the plan and come back with a different plan.

Q: Will you give them approval on this plan?

Chris: We've not completed our review of the plans. We have 3 separate reviews, we've done two.

Q: So I guess I'm confused, you recommended for R-1 with all these infrastructure requirements, and now they've come back with the infrastructure you say you have to have, resulting in many more lots.

Chris: When someone submits a plan we have to review what someone submits. Anyone who completes an application, we have to review. What we do is we take the applications and tear them apart. There are three rounds of reviews, they submit, we mark-up, three different times. After they submit their 3<sup>rd</sup> round, we'll revise our staff recommendation based on the comp plan, redesign of the road, based on the TRC, size of the lots.

Q: They could have come back with curb & gutter & sidewalk and kept the 80 lots – and may have been approved?

Chris: It may have been approved.

Comment: But because it cost more money to do these things, you have to come back and add this cost to the plan...

A: Correct – to cover the investment of the infrastructure.

Q: So there's this redistricting, and we're concerned about the schools. In reality, what we're complaining about you can't do anything about... Right?

Chris: They took a look at the redistricting, based on the small population, this project, compared to a Millbridge, is planned for a school that has capacity and there's no problem with the schools for this site. This area will go to Parkwood. We talked to them (John) originally and it has a minimal impact on the school. He looked at pre-redistrict and post-redistricting, and he didn't have an issue. As far as approvals out on the roadway, that's up to DOT. They've talked to DOT and Old-Waxhaw Monroe road is not a town maintained road.

Q: Based on the Olde Stone road plan for the Waxhaw Parkway, is this still planned for the thoroughfare to connect up to Providence Road?

Chris: That road is not a Town of Waxhaw road. But it is envisioned to connect to the north at some point, whether it's more development to the north or what, I don't know the time table for when that would occur.

Q: When is the connection going to happen with the plan for the Waxhaw Parkway?

Jeff Gordon: Well, that's not likely where it's going to go. When we did the plans for Olde Stone Forest, that was the place, but now the road has been changed. The name has changed, and it's not planned to go there.

Q: I thought this was the location, even though we've fought it, are you sure?

Jeff: Well, it won't be in our lifetime.

Chris: The road plan for this area, like other areas, specifically a project to the east, there's likely a north/south connector to the Pittenger property.

Q: How is the storm drainage going to affect the Yarborough Property?

A: The topography all slopes toward the creek, not toward the Yarborough property, and during construction, we will accommodate similar protective measures, but very little impact is expected due to the natural grade rolling to the east, rather than north to the Yarborough tract.

Q: You have that storm drainage right there heading back to his property (pointing to area on southwest corner of development) where's that going to run off? Is it going to be protected?

A: Similar ways we've discussed earlier, it will be controlled before it leaves the site, with detention ponds.

Q: Is there a plan for the sewer – through Yarborough? How would it benefit?

A: The sewer is currently at NC Hwy 75 - We would improve the property with sanitary sewer and add value to the property and pay (compensate the owners) for the easement to construct the sewer through the property.

Q: What's the plan for sewer line in this area?

Chris: That's something I really cannot answer – that's a union county public works question – I cannot address specifics on their plan.

Q: Has this plan been approved?

A: No, this is the first step in this process. We have sent the plan to Union Co. Public works; we have received comments on the flow and some detail on our plans that will be sent back.

Q: You don't know if there's capacity for this project or not?

A: It is our understanding that the sewer plant we flow to has a capacity of 5MG/day and they're currently at 2.5MG/day. The state made them improve / upgrade the plant.

Q: Is the line planned for the Yarborough property going to be suited for just this site?

A: No, this will be a main line with a plan to serve the entire basin. Typically they're big enough for every area in the basin. That goes back to the statement of improving your property with a sewer line; it's already sized for future development.

## Neighborhood Meeting

July 10, 2014 – 5:30 PM to 6:30 PM

Q: If you get approval, when do plan on getting started?

A: We anticipate planning decision approval in September; we would likely go through engineering plan approval, and final construction starting sometime early 2015, based on plan approval. In addition, the plan shows a phase line, there's some question internally how many homes may be part of first phase? The significant cost of infrastructure will depend on how many homes we can get on line.

Q: Where's the water for the site?

A: The water is on Old-Waxhaw Monroe Road. We'll bring it along the property into the site.  
Comment: We've wanted hydrants in the area, seems ridiculous that we cannot get hydrants.

Q: Of the other LiveWell neighborhoods in the area, what would you say that represents the style of community you plan to build? Prescott or one of the other one's your building? Prescott is an entry level, that's my opinion of it.

A: This is not an entry level community. Homes are going to be \$250K and up, depending on basements and other improvements, up to \$400K.

A: Our other communities that would be on par, Springbrook in Matthews, Norwood Ridge, Riverwood in Rock Hill, Woodview – located off Ballantyne Commons Parkway, Herndon Heritage, Mill Creek Falls, Miller Pond II. Overall most of these locations have similar product with variations for specification levels. You can also see these communities on our website: [www.livewellhomes.net](http://www.livewellhomes.net).

Q: I know you build nice houses, but you also have entry level houses, just trying to establish what your community will look like...

A: These are not entry level homes; we don't build houses less than \$200K. They are not the level of the homes you have in Olde Stone Forest that I consider custom level homes. They'll be nice homes. They will not be all vinyl houses.

Comment: That's a fair question, we talked about crime and other items, just wanted to understand what the issues we might encounter.

(Answer at end of meeting: A: Your question on entry level plans with Prescott; I remember we had a few Café series plans (40' wide) which are our smallest width plans. We don't plan any of those smaller width homes we had there – we'll be doing our Classic and Estate series homes, 50' and wider homes for this project.

Comment: Want to extend apology for those who made it out to the last meeting supposed to be on 6/24/14 on the technical items with notice. It's about 6:15 – we have about another 15 minutes, we're open to meeting with our team individually. We have plans of the full set of submittal plans– if you have any other questions, feel free to discuss with the team members.

Q: Your original plan for larger lots, 50 or 80, whatever, what style homes were there going upgraded to be these same plans or other plans?

A: Same plans. The reason we wanted to go with the previous plan, we wanted a more rural feel. We weren't going to bring the sewer 6200 linear feet. Just so everyone understands, this plan is very similar to the original plan that was prepared by the previous developer. That was a different board, staff, and time, but overall very similar with what was expected to move forward.

Q: Wondering when you get approval, will you have another meeting?

A: This is our only required meeting; we're not averse on getting back together. Unless we've left something unresolved this is our last meeting. Chris, what's the process next that you can share as far as the public hearing?

Chris: We'll address the comments – staff report will be prepared and sent to planning board with a favorable or unfavorable recommendation. Then we'll advertise and everyone within 300' of the property will be invited to the public hearing at the town board meeting, and whether you live in the town or not, you can speak at the public hearing. Then the town board will probably vote at the following board meeting. If you have any further questions you can contact us.

Q: Access to the north – will there be access to Yarborough property?

A: Yes, we'll provide access, but there will be a barricade installed that cannot be removed. In the future, it will be connected to future development.

Q: I'm concerned still about the road. Who do we contact at the DOT for questions?

A: John Underwood at NCDOT – 704.289.1397, he is in Monroe, NC.

Q: Have you considered that in your budget of 130 homes so that when you have to build that entry, we won't have another 20 or 30 homes?

A: Yes we have – we've planned for left turn lane with 100' of storage.

Q: There are some rock/ boulders along this area (neck of the property) right where the road is going, on the left (Andover Junction) is that going to be a normal road? Here's my concern, it's right behind my back yard. When you're working on that are you going to collapse my well? There are huge boulders in there.

A: We'll try and stay away from there as much as possible. If there's rock we can move, we'll try and move, otherwise we may revise vertical design to go over the rocks.

Comment: Thank you for coming out, I've shared my contact information – please don't hesitate to contact us with any further questions.

Meeting adjourned at 6:30 PM.

**Development Standards For Andover Chapel**

**1. General Provisions:**

These Development Standards will be part of the Preliminary Subdivision Plan associated with the Conditional District Zoning application filed by Cornerstone Development of the Carolinas, Inc. to accommodate a single-family residential development on this site. Development of the Site will be governed by the Conditional District Site Plan, these Development Standards and the applicable provisions of the Waxhaw Unified Development Ordinance (The "UDO"). Unless the Conditional District Site Plan or these Development Standards establish more stringent standards, the regulations established under the UDO for the CD R-3 (Conditional District Single-Family Residential) zoning classification shall govern all development taking place on the Site.

The lot configurations, placements, and sizes shown on this Rezoning Plan are schematic in nature and may be altered or modified during the design development and construction document phases within the maximum development limits established by buffers and setbacks. Such changes will be subject to review and approval by the Zoning Administrator to ensure any changes are consistent with the overall intent of the Preliminary Subdivision Site Plan, and any such changes are subject to and may also be approved in accordance with Section 16.2.9 of the UDO.

**2. Permitted Uses; Buildings:** Single-Family Residential. Additionally, Accessory Structures, Home Occupations, and Subdivision Sales Offices shall be permitted in accordance with the applicable Supplemental Regulations contained in the Town of Waxhaw UDO.

**3. Maximum Development:** A maximum 130 single-family lots may be developed on the Site.

**4. Setbacks, Side Yards and Rear Yards:** All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the UDO for the R-3 zoning district.

**5. Parking:**  
 A. Parking shall be provided in accordance with Section 12.3 of the UDO. Parking will only be allowed on one side of streets with 40' ROW. Parking restriction will be enforced by HOA by restrictive covenant and by placement of signs.  
 B. Each cul-de-sac will have a minimum of 87' diameter width at the ROW and 67' diameter width of pavement per 18.9.2 of the UDO. All roads to conform to section 18.9.2 of the UDO as per the Town of Waxhaw.

**6. Flood Plain: Flood Certification:** This is to certify that the subject property is not located in a special flood hazard area as shown on maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, referenced FIRM MAP #371044822J, Panel 4482J, Effective Date: October 16, 2008

**7. Stormwater Management:**

A. Storm water quality control shall follow the requirements set forth in the Town of Waxhaw Stormwater Design Manual.  
 B. The location, size, and type of stormwater management systems depicted on the Conditional District Site Plan are subject to review and approval at the time of full plan submittal. Adjustments may be necessary in order to accommodate stormwater treatment requirements and natural site discharge points.  
 C. This project is required to meet Phase 2 Stormwater Requirements.

**8. Lighting:** Exterior lighting shall comply with Section 12.12 of the UDO. The quality of street lights installed by the Petitioner shall be compatible with adjacent neighborhoods (match or closely resemble existing street lights).

**9. Vehicular Access:**

A. Vehicular access to the Site shall be as generally depicted on the Proposed Rezoning Plan. The placement and configuration of these access points are subject to modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the Town of Waxhaw and NCDOT. All turning radii shall be constructed so as to be accessible by emergency vehicles. Street stub between lots 77 & 78 will be completed in phase 2 construction.  
 B. In accordance with the Town of Waxhaw regulations, a temporary turn-around shall be provided at the end of each phase of construction as needed.  
 C. A left turn lane will be provided into the site and will have a minimum 100 feet of storage. Sight distance must meet minimum standards. Turn lane design plans are shown on sheet 5 of 10.

**10. Architectural Controls:**

A. Schematic architectural renderings of the elevations of the buildings and improvements proposed to be constructed on the site submitted with the Proposed Rezoning Plan are intended to depict the general conceptual architectural style, character and elements of the proposed buildings and improvements. Accordingly, the proposed buildings and improvements shall be designed and constructed so that they are substantially similar in appearance to the schematic architectural renderings. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.  
 B. Homes will contain exterior material elements that will consist of brick, stone, cementitious siding (similar to the Hardi plank brand), or vinyl. All vinyl siding to be premium grade - maximum 4.5" clapboard smooth finish with a minimum of .044 inch thickness. Homes will have predominately brick fronts.  
 C. The maximum building height of all proposed structures shall be 3 stories, or 45 feet.  
 D. All garages should be side-loaded or front-loaded and front-loaded garages shall not exceed more than 4' from the front facade.  
 E. The homes will be marketed from a sales center located in the community. The location of the sales center shall be determined at a later date. Parking will be provided in accordance with the Town of Waxhaw UDO.  
 F. All homes will be on a slab, crawl space, or basement foundation. The exposed foundation will be concrete, brick, stone, stucco, or other masonry veneer.  
 G. Minimum main structure roof pitch shall be 8:12 ratio as approved by the Zoning Administrator Section 20.4.1.A. of the UDO.  
 H. The nearest lot upon which a particular elevation can be repeated on the same side of the street is the fifth in a sequence starting from the original lot, and on the opposing side of the street, it is the third in a sequence starting from the original lot. If there is any question regarding approval of a building elevation location or repetition, the builder is required to obtain approval from the Administrator prior to construction. Section 20.4.12 of the UDO.  
 I. The minimum square footage of any new house will be no less than 1,800 square feet.  
 J. All house's constructed will meet Section 20 of the Architectural Standards of the UDO.

**11. Pedestrian and Bicycle Circulation:** Sidewalks of at least 5 feet in width shall be provided along proposed streets as required by Section 18.9 F of the UDO.

**12. Internal Landscaping:**

A. Tree plantings will be located behind sidewalks.  
 B. On any site where 20% or more of the site has existing trees present, a minimum of 20% of the internal property area shall be preserved with existing trees within the site interior.  
 C. Interior tree protection areas shall contain no less than one (1) tree per 2500 square feet of tree protection area. Where existing trees are insufficient to meet this standard, new trees shall be planted to meet this minimum standard. New trees shall be a minimum of two (2) inch caliper at planting.

**13. Tree Preservation and Mitigation:**

A. Tree preservation and mitigation will be delineated through a collaborative process between the Zoning Administrator, developer, and a North Carolina registered urban forester, registered landscape architect, or ISA certified arborist. Collaboration between these parties will promote appropriate tree preservation measures for the Site and will strike an appropriate balance of tree protection, preservation, and planting in an urban environment while accomplishing the overall intent of the UDO.  
 B. Where new tree plantings are proposed within the Site the Petitioner shall utilize sustainable planting practices (soil enhancements, structural soil, etc.) to ensure that newly planted trees are provided an optimal growing environment.  
 C. Existing trees eight (8) inches or larger DBH and understory trees four (4) inches or larger DBH shall be preserved within 30 feet of the exterior perimeter of any subdivision. Adjacent to existing street frontage, where new lots are proposed that will not front on the existing street, existing trees eight (8) inches or larger DBH and understory trees four (4) inches or larger DBH shall be preserved within twenty (20) feet of the right of way.  
 D. Any tree preservation area located within a lot shall have a tree preservation easement.

**14. Tree Protection Fencing:** During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed trees from damage both during and after construction. The tree protection fencing shall be clearly shown on the site plan or subdivision plan, and shall be maintained until the final site inspection prior to the Certificate of Occupancy is scheduled.

**15. Common Open Space:** All common open space shall be recorded and deeded to the Home Owners Association.

**16. Signage:** All proposed entry signage shall comply with Section 13 of the Town of Waxhaw UDO.

**17. Street Trees:** Street trees shall be placed 40'-65' on center. They shall be placed within 25' of back of curb and outside of R.O.W. no closer than 4' from sidewalk.

**18. Interior Tract Line:** A Recombination survey will be provided after the Rezoning process is approved and before construction drawings are submitted to the Town for review.

**NOTES:**

- TAX I.D. #05-063-034 & 05-063-030A
- CURRENT ZONING: R1 SINGLE FAMILY, TOWN OF WAXHAW
- PROPOSED ZONING: CD-R3 SINGLE FAMILY, TOWN OF WAXHAW (130 NEW LOTS)
- ALL LOTS TO HAVE COUNTY WATER & SEWER
- BOUNDARY LIMITS TAKEN FROM AN UNRECORDED PLAT, PREPARED BY JEFFERY S. GORDON, DATED: FEB. 19, 2007.
- MINIMUM LOT SIZE ALLOWED: 20,000 SF OR 0.46 AC.
- MINIMUM LOT WIDTH AT FRONTYARD SETBACK: 60 FEET
- MINIMUM LOT DEPTH: 80 FEET
- PROPERTY LOCATION: TOWN OF WAXHAW, JACKSON TOWNSHIP, UNION COUNTY, NORTH CAROLINA.
- PROPOSED 50' & 40' R/W'S TO MEET WAXHAW STANDARDS
- ALL AREA'S BY COORDINATES
- EXISTING LAND USE: AGRICULTURAL
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
- ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY, (N/F).
- PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD.
- PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE FIRM MAP #3710448200J, PANEL 4482J, EFFECTIVE DATE: OCTOBER 16, 2008.

**SITE DATA INFORMATION**

TOTAL AREA - 5,237,667 SF - 120.24 ACRES  
 NEW LOTS - 130  
 AREA IN LOTS - 2,794,833 SF - 64.16 ACRES  
 COMMON AREA - 2,013,343 SF - 46.22 ACRES  
 EXISTING NCDOT R/W - 11,344 SF - 0.26 ACRES  
 NEW STREET R/W'S - 418,147 SF - 9.60 ACRES  
 NEW ST. LENGTH (50' R/W) - 6,747'  
 NEW ST. LENGTH (40' R/W) - 1,737'

**TREE SAVE INFORMATION**

TOTAL SITE AREA - 120.24 ACRES  
 LESS PERIMETER TREE SAVE AREA: 8.17 ACRES  
 LESS PROPOSED R/W: 9.60 ACRES  
 LESS DUKE POWER R/W: 3.05 ACRES  
 NET SITE AREA: 99.42 ACRES  
 INTERIOR TREE SAVE REQUIRED: 19.88 ACRES (20%)  
 INTERIOR TREE SAVE PROVIDED: 20.14 ACRES (20.25%)  
 (SHADED AREA)

**MINIMUM LOT SETBACK REQUIREMENTS**

FRONT YARD (FYSB) - 30'  
 REAR YARD (RYSB) - 30'  
 SIDE YARD (SYSB) - 10'  
 SIDE YARD CORNER (SYCSB) - 20'

**OWNER INFORMATION:**

LY-CAR, LLC  
 5711 FALLS ROAD  
 BALTIMORE, MD. 21209  
 (704) 375-2834

**DEVELOPER INFORMATION:**

CORNERSTONE DEVELOPMENT OF THE CAROLINAS, INC.  
 P.O. BOX 1345  
 FORT MILL, SC 29716  
 (704) 574-0316

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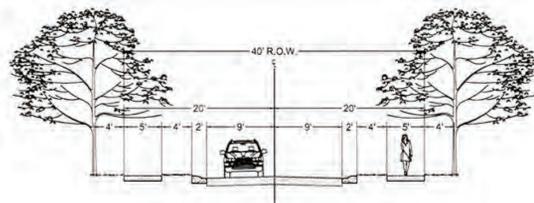
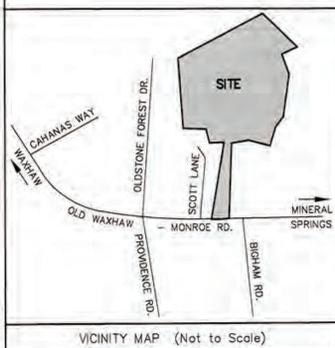
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 REV: 07/14/2014  
 REV: 8/5/2014

ANDOVER CHAPEL  
 PROPOSED REZONING PLAN  
 COVER SHEET

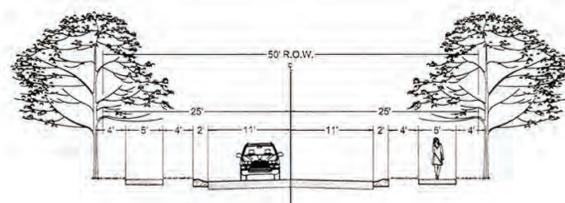
NORTH CAROLINA  
 JEFFERY S. GORDON  
 10-3751  
 8/5/2014

SH. 1/10



1  
 1.0 NTS  
**Typical Street Cross Section: 40' R.O.W.**

PAVEMENT SCHEDULE	
A	1-1/2 in. BIT. CONC. SURFACE COURSE, TYPE SF 9.5A
B	2.00 in. BIT. CONC. BINDER COURSE, TYPE I 19.0B
C	8 in. COMPACTED AGGREGATE BASE COURSE
D	2 ft. 0 in. VALLEY & GUTTER
E	12 in. Compacted Earth Sub-Grade

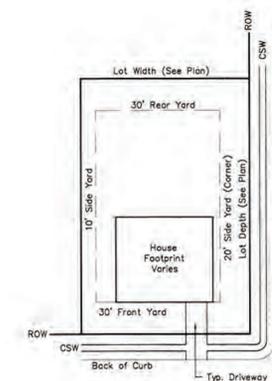


2  
 1.0 NTS  
**Typical Street Cross Section: 50' R.O.W.**

PAVEMENT SCHEDULE	
A	1-1/2 in. BIT. CONC. SURFACE COURSE, TYPE SF 9.5A
B	2.00 in. BIT. CONC. BINDER COURSE, TYPE I 19.0B
C	8 in. COMPACTED AGGREGATE BASE COURSE
D	2 ft. 0 in. VALLEY & GUTTER
E	12 in. Compacted Earth Sub-Grade



**Typical Lot Layout**  
 NTS



**Typical Corner Lot Layout**  
 NTS

I, Jeffery S. Gordon, certify that this plot was drawn under my supervision from an actual survey made under my supervision (dead book information shown in individual tracts herein); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_ Page \_\_\_\_\_; that the ratio of precision as calculated is 1: \_\_\_\_\_; that this plot was NOT prepared in accordance with G.S. 47-30 as amended.

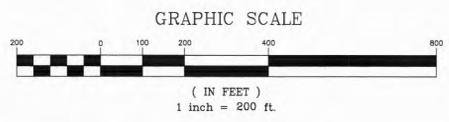
I also certify that this survey is of an existing parcel or parcels of land; Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2013.

Seal of Jeffery S. Gordon, Professional Land Surveyor, Registration Number L-3751.

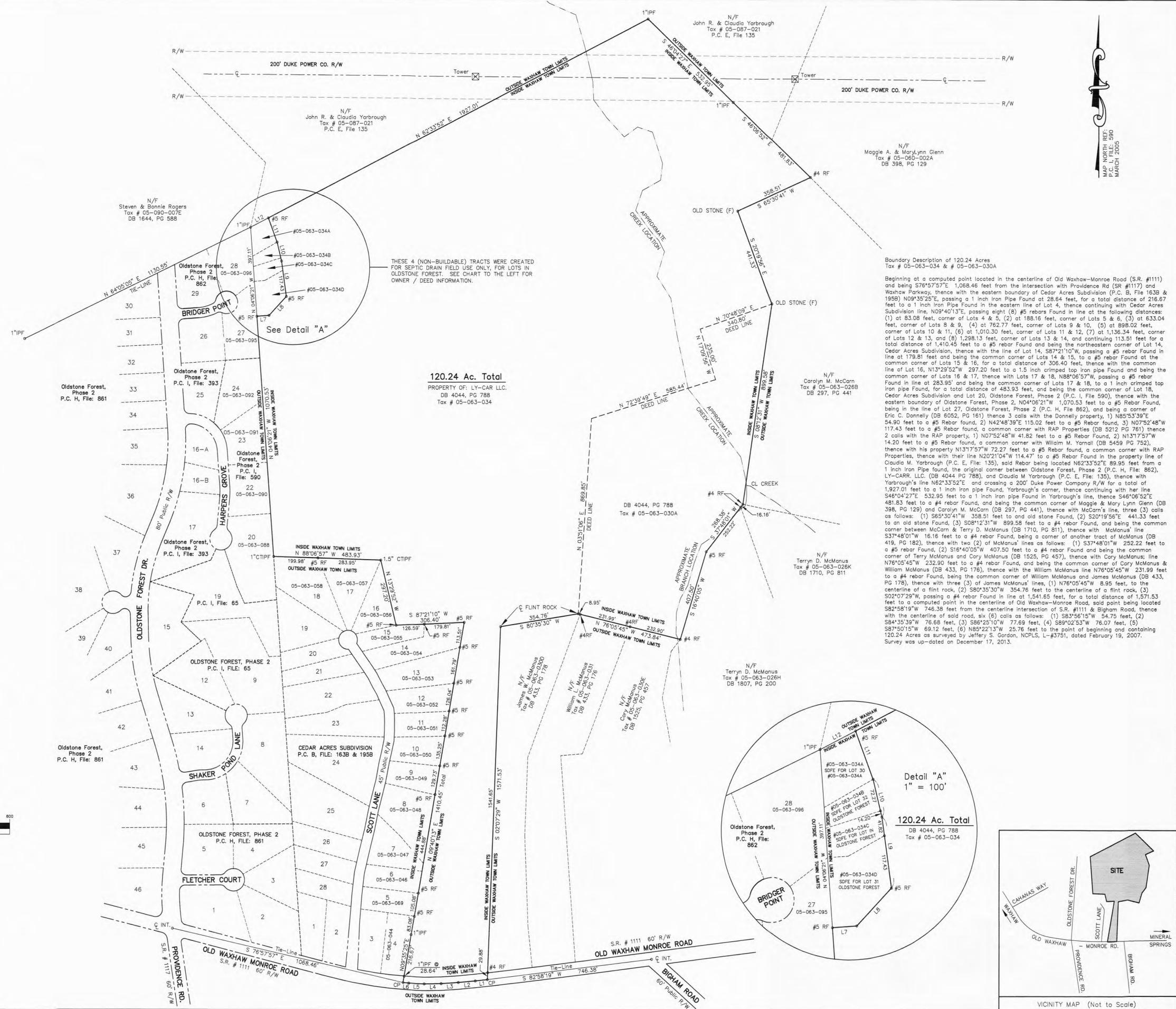
Table with 4 columns: ADJOINING PROPERTY INFORMATION, TAX PARCEL #, OWNER N/F, DB & PG. Lists adjacent property owners and their details.

Table with 3 columns: LINE TABLE, LINE, LENGTH, BEARING. Lists specific line measurements and bearings.

LEGEND: RF - Rebar Found, CTIPP - Crimped Top Iron Pipe Found, IPF - Iron Pipe Found, R/W - Right of Way, CP - Computed Point, S.R. # - State Road Number, N/F - Now or Formerly, DB - Deed Book, PG - Page, PC - Plot Cabinet, (F) - Found, INT. - Intersection, C - Centerline, #05-063-034 - Tax. I.D.



- NOTES: 1. TAX I.D. 05-063-034 & 05-063-030A. 2. AREA CALCULATED BY COORDINATES. 3. NO NGCS MONUMENT FOUND WITHIN 2000'. 4. ALL DISTANCES ARE HORIZONTAL, GROUND DISTANCES, MEASURED WITH ELECTRONIC METERS. 5. #4 REBARS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED. 6. CURRENT ZONING: R-1 (Town of Waxhaw). 7. PROPOSED ZONING: CD-R3 (Town of Waxhaw), 120.24 ACRES. 8. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY. 9. PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD. 10. PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE FIRM MAP #3710448200J, EFFECTIVE DATE: OCTOBER 16, 2008.

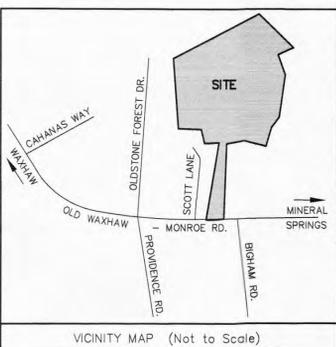


THESE 4 (NON-BUILDABLE) TRACTS WERE CREATED FOR SEPTIC DRAIN FIELD USE ONLY, FOR LOTS IN OLDSTONE FOREST. SEE CHART TO THE LEFT FOR OWNER / DEED INFORMATION.

120.24 Ac. Total PROPERTY OF: LY-CAR LLC. DB 4044, PG 788 Tax # 05-063-034

Boundary Description of 120.24 Acres Tax # 05-063-034 & # 05-063-030A

Beginning at a computed point located in the centerline of Old Waxhaw-Monroe Road (S.R. #1111) and being 376'57'57"E, 1,068.46 feet from the intersection with Providence Rd (S.R. #1117) and Waxhaw Parkway, thence with the eastern boundary of Cedar Acres Subdivision (P.C. B, File 163B & 195B) N09°35'25"E, passing a 1 inch Iron Pipe Found at 28.64 feet, for a total distance of 216.87 feet to a 1 inch Iron Pipe Found in the eastern line of Lot 4, thence continuing with Cedar Acres Subdivision line, N09°40'13"E, passing eight (8) #5 rebars Found in line at the following distances: (1) at 83.08 feet, corner of Lots 4 & 5, (2) at 188.16 feet, corner of Lots 5 & 6, (3) at 633.04 feet, corner of Lots 6 & 7, (4) at 762.77 feet, corner of Lots 7 & 8, (5) at 898.02 feet, corner of Lots 8 & 9, (6) at 1,010.30 feet, corner of Lots 9 & 10, (7) at 1,136.34 feet, corner of Lots 10 & 11, (8) at 1,298.13 feet, corner of Lots 11 & 12, (9) at 1,410.45 feet, for a total distance of 1,410.45 feet to a #5 rebar Found and being the northeastern corner of Lot 14, Cedar Acres Subdivision, thence with the line of Lot 14, S87°21'10"W, passing a #5 rebar Found in line at 179.81 feet and being the common corner of Lots 14 & 15, to a #5 rebar Found at the common corner of Lots 15 & 16, for a total distance of 306.40 feet, thence with the common line of Lot 16, N13°29'52"W, 297.20 feet to a 1.5 inch crimped top iron pipe Found and being the common corner of Lots 16 & 17, thence with Lots 17 & 18, N88°06'57"W, passing a #5 rebar Found in line at 283.95' and being the common corner of Lots 17 & 18, to a 1 inch crimped top iron pipe Found, for a total distance of 483.93 feet, and being the common corner of Lot 18, Cedar Acres Subdivision and Lot 20, Oldstone Forest, Phase 2 (P.C. I, File 590), thence with the eastern boundary of Oldstone Forest, Phase 2, N04°06'21"W, 1,070.53 feet to a #5 Rebar Found, being in the line of Lot 27, Oldstone Forest, Phase 2 (P.C. H, File 862), and being a corner of Eric C. Donnelly (DB 6052, PG 161) thence 3 calls with the Donnelly property, 1) N85°53'39"E 54.90 feet to a #5 Rebar Found, 2) N42°48'39"E 115.02 feet to a #5 Rebar Found, 3) N07°52'48"W 117.43 feet to a #5 Rebar Found, a common corner with RAP Properties (DB 5212 PG 761) thence 2 calls with the RAP property, 1) N07°52'48"W 41.82 feet to a #5 Rebar Found, 2) N13°17'57"W 14.20 feet to a #5 Rebar Found, a common corner with William M. Yarnall (DB 6459 PG 752), thence with his property N13°17'57"W 72.27 feet to a #5 Rebar Found, a common corner with RAP Properties, thence with their line N20°21'04"W 114.47' to a #5 Rebar Found in the property line of Claudia M. Yarbrough (P.C. E, File: 135), said Rebar being located N62°33'52"E 89.95 feet from a 1 inch Iron Pipe Found, the original corner between Oldstone Forest, Phase 2 (P.C. H, File: 862), LY-CARR, LLC. (DB 4044 PG 788), and Claudia M. Yarbrough (P.C. E, File: 135), thence with Yarbrough's line N62°33'52"E and crossing a 200' Duke Power Company R/W for a total of 1,927.01 feet to a 1 inch Iron Pipe Found, Yarbrough's corner, thence continuing with her line S48°04'27"E 532.95 feet to a 1 inch Iron Pipe Found in Yarbrough's line, thence S48°08'52"E 481.83 feet to a #4 rebar Found, and being the common corner of Maggie & Mary Lynn Glenn (DB 398, PG 129) and Carolyn M. McCorn (DB 297, PG 441), thence with the common corner of Carolyn M. McCorn (DB 297, PG 441), thence with the common corner of Carolyn M. McCorn (DB 297, PG 441), three (3) calls as follows: (1) S65°30'41"W 358.51 feet to and old stone Found, (2) S20°19'56"E 441.33 feet to an old stone Found, (3) S08°12'31"W 899.58 feet to a #4 rebar Found, and being the common corner between McCorn & Terry D. McManus (DB 1710, PG 811), thence with McManus' line S37°48'01"W 16.16 feet to a #4 rebar Found, being a corner of another tract of McManus (DB 419, PG 182), thence with two (2) of McManus' lines as follows: (1) S37°48'01"W 252.22 feet to a #5 rebar Found, (2) S16°40'05"W 407.50 feet to a #4 rebar Found and being the common corner of Terry McManus and Cory McManus (DB 1525, PG 457), thence with Cory McManus' line N76°05'45"W 232.90 feet to a #4 rebar Found, and being the common corner of Cory McManus & William McManus (DB 433, PG 176), thence with the William McManus line N76°05'45"W 231.99 feet to a #4 rebar Found, being the common corner of William McManus and James McManus (DB 433, PG 178), thence with three (3) of James McManus' lines, (1) N76°05'45"W 8.95 feet, to the centerline of said road, (2) S80°35'30"W 354.76 feet to the centerline of a flint rock, (3) S02°07'29"W, passing a #4 rebar Found in line at 1,541.65 feet, for a total distance of 1,571.53 feet to a computed point in the centerline of Old Waxhaw-Monroe Road, said point being located S82°58'19"W 746.38 feet from the centerline intersection of S.R. #1111 & Bigham Road, thence with the centerline of said road, six (6) calls as follows: (1) S83°56'15"W 54.75 feet, (2) S84°35'39"W 76.68 feet, (3) S86°25'11"W 77.69 feet, (4) S89°02'53"W 76.07 feet, (5) S87°50'15"W 69.12 feet, (6) N85°22'13"W 25.76 feet to the point of beginning and containing 120.24 Acres as surveyed by Jeffery S. Gordon, NCPLS, L-#3751, dated February 19, 2007. Survey was up-dated on December 17, 2013.



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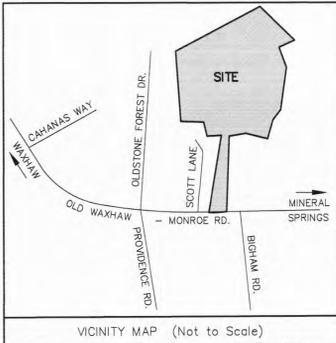
FRONTIER LAND SURVEYING 1394-B WALKUP AVENUE MONROE, NC 28110 (704) 283-9726

DATE: 12-17-2013 HORIZ. SCALE = 1" = 200' VERT. SCALE = N/A DRAWN BY: JSG APPROVED BY:

REV: 02/07/2014 REV: 06/16/2014 REV: 07/14/2014 REV: 08/05-2014

ANDOVER CHAPEL BOUNDARY SURVEY

Professional seal of Jeffery S. Gordon, Professional Land Surveyor, Registration Number L-3751, dated 8/5/2014.



- NOTES:**
- TAX I.D. #05-063-034 & 05-063-030A
  - CURRENT ZONING: R1, TOWN OF WAXHAW
  - PROPOSED ZONING: CD-R3, TOWN OF WAXHAW, 120.24 ACRES TOTAL
  - BOUNDARY LIMITS TAKEN FROM AN UNRECORDED PLAT, PREPARED BY JEFFERY S. GORDON, DATED: FEB. 19, 2007.
  - PROPERTY LOCATION: TOWN OF WAXHAW, JACKSON TOWNSHIP, UNION COUNTY, NORTH CAROLINA.
  - ALL AREA'S BY COORDINATES
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
  - ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY, (N/F).
  - PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD.
  - PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE FIRM MAP #3710448200J, PANEL 4482J, EFFECTIVE DATE: OCTOBER 16, 2008.

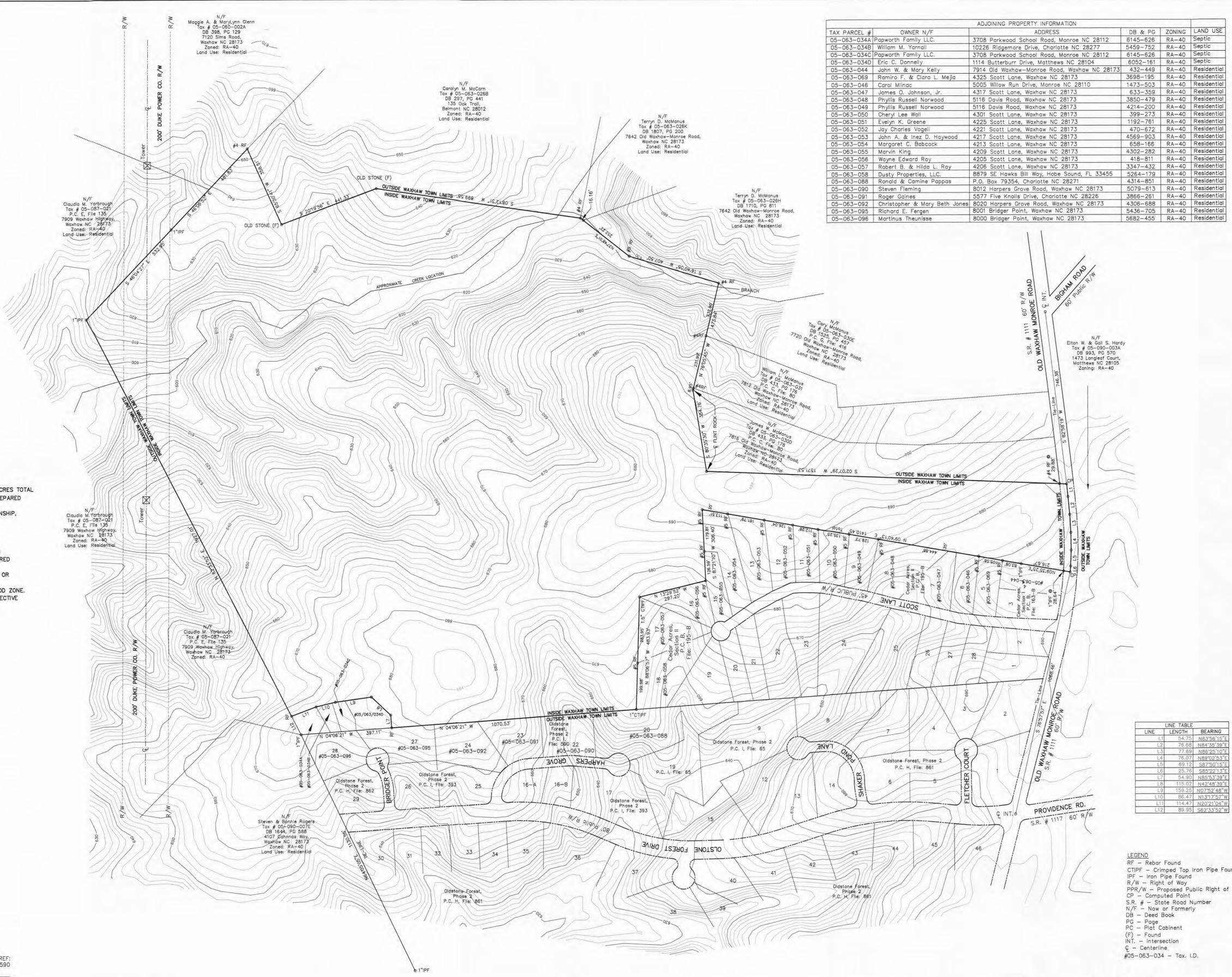
**OWNER INFORMATION:**

LY-CAR, LLC  
5711 FALLS RD.  
BALTIMORE, MD. 21209  
(704) 375-2834

**DEVELOPER INFORMATION:**

CORNERSTONE DEVELOPMENT OF THE CAROLINAS, INC.  
P.O. BOX 1345  
FORT MILL, SC 29715  
(704) 574-0316

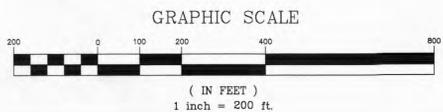
MAP NORTH REF:  
P.C. FILE: 590  
MARCH 2005



TAX PARCEL #	OWNER N/F	ADDRESS	DB & PG	ZONING	LAND USE
05-063-034A	Papworth Family LLC	3708 Parkwood School Road, Monroe NC 28112	6145-626	RA-40	Septic
05-063-034B	William M. Yarnal	10226 Ridgemoor Drive, Charlotte NC 28277	5459-752	RA-40	Septic
05-063-034C	Papworth Family LLC	3708 Parkwood School Road, Monroe NC 28112	6145-626	RA-40	Septic
05-063-034D	Eric C. Donnelly	1114 Butterbur Drive, Matthews NC 28104	6052-161	RA-40	Septic
05-063-044	John W. & Mary Kelly	7914 Old Waxhaw-Monroe Road, Waxhaw NC 28173	432-449	RA-40	Residential
05-063-069	Romiro F. & Clara L. Meja	4325 Scott Lane, Waxhaw NC 28173	3698-195	RA-40	Residential
05-063-046	Carol Milica	5005 Willow Run Drive, Monroe NC 28110	1473-503	RA-40	Residential
05-063-047	James O. Johnson, Jr.	4317 Scott Lane, Waxhaw NC 28173	633-359	RA-40	Residential
05-063-048	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	3850-479	RA-40	Residential
05-063-049	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	4214-200	RA-40	Residential
05-063-050	Cheryl Lee Wall	4301 Scott Lane, Waxhaw NC 28173	399-273	RA-40	Residential
05-063-051	Evelyn K. Greene	4225 Scott Lane, Waxhaw NC 28173	1192-761	RA-40	Residential
05-063-052	Joy Charles Vogel	4221 Scott Lane, Waxhaw NC 28173	470-572	RA-40	Residential
05-063-053	John A. & Inez D. Haywood	4217 Scott Lane, Waxhaw NC 28173	4569-903	RA-40	Residential
05-063-054	Margaret C. Babcock	4213 Scott Lane, Waxhaw NC 28173	658-166	RA-40	Residential
05-063-055	Marvin King	4209 Scott Lane, Waxhaw NC 28173	4302-282	RA-40	Residential
05-063-056	Wayne Edward Ray	4205 Scott Lane, Waxhaw NC 28173	418-811	RA-40	Residential
05-063-057	Robert B. & Hilda L. Ray	4206 Scott Lane, Waxhaw NC 28173	3347-432	RA-40	Residential
05-063-058	Dusty Properties, LLC	8879 SE Hawks Bill Way, Hobe Sound, FL 33455	5264-179	RA-40	Residential
05-063-088	Ronald & Camille Pappas	P.O. Box 79354, Charlotte NC 28271	4314-801	RA-40	Residential
05-063-090	Steven Fleming	8012 Harpers Grove Road, Waxhaw NC 28173	5079-613	RA-40	Residential
05-063-091	Roger Gaines	5577 Five Knolls Drive, Charlotte NC 28226	3866-261	RA-40	Residential
05-063-092	Christopher & Mary Beth Jones	8020 Harpers Grove Road, Waxhaw NC 28173	4306-688	RA-40	Residential
05-063-095	Richard E. Fergen	8001 Bridger Point, Waxhaw NC 28173	5436-705	RA-40	Residential
05-063-096	Martinus Theunisse	8000 Bridger Point, Waxhaw NC 28173	5682-455	RA-40	Residential

LINE	LENGTH	BEARING
L1	54.75	N83°56'15"E
L2	75.65	N84°35'30"E
L3	77.69	N86°25'10"E
L4	76.07	N89°02'53"E
L5	69.12	S87°50'15"E
L6	23.79	S89°22'13"E
L7	54.90	N85°53'30"E
L8	115.02	N42°48'39"E
L9	159.25	N07°52'48"W
L10	86.47	N13°17'57"W
L11	114.47	N20°21'04"W
L12	89.95	S62°33'52"W

- LEGEND**
- RF - Rebar Found
  - CTIPF - Crimped Top Iron Pipe Found
  - IPF - Iron Pipe Found
  - R/W - Right of Way
  - PPR/W - Proposed Public Right of Way
  - CP - Computed Point
  - S.R.# - State Road Number
  - N/F - Now or Formerly
  - DB - Dead Book
  - PG - Page
  - PC - Plot Cabinet
  - (F) - Found
  - INT. - Intersection
  - ⊕ - Centerline
  - #05-063-034 - Tax. I.D.



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**FRONTIER LAND SURVEYING**  
1394-B WALKUP AVENUE  
MONROE, NC 28110  
(704) 283-9726

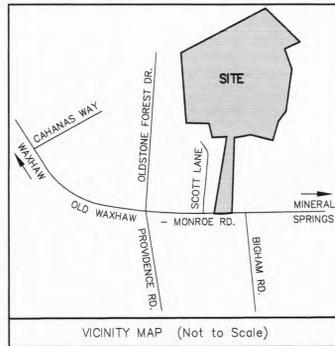
DATE: 12-16-2013  
HORIZ. SCALE = 1" = 200'  
VERT. SCALE = N/A  
DRAWN BY: JSG  
APPROVED BY:

REV: 01/10/2014  
REV: 02/07/2014  
REV: 06/16/2014  
REV: 07/14/2014

**ANDOVER CHAPEL**  
EXISTING CONDITIONS PLAN



SH. 3/10



LINE	LENGTH	BEARING
L1	54.75	N63°58'15"E
L2	76.69	N84°55'30"E
L3	77.69	N86°25'10"E
L4	76.07	N89°12'53"E
L5	89.12	S87°50'15"E
L6	25.76	S89°21'14"E
L7	54.90	N85°53'39"E
L8	115.02	N42°48'39"E
L9	159.25	N07°52'48"W
L10	86.47	N131°22'37"W
L11	114.47	N20°21'04"W
L12	89.95	S82°33'52"W

PRELIMINARY PLAT ONLY, NOT FOR RECORDATION, CONVEYANCES OR SALES.

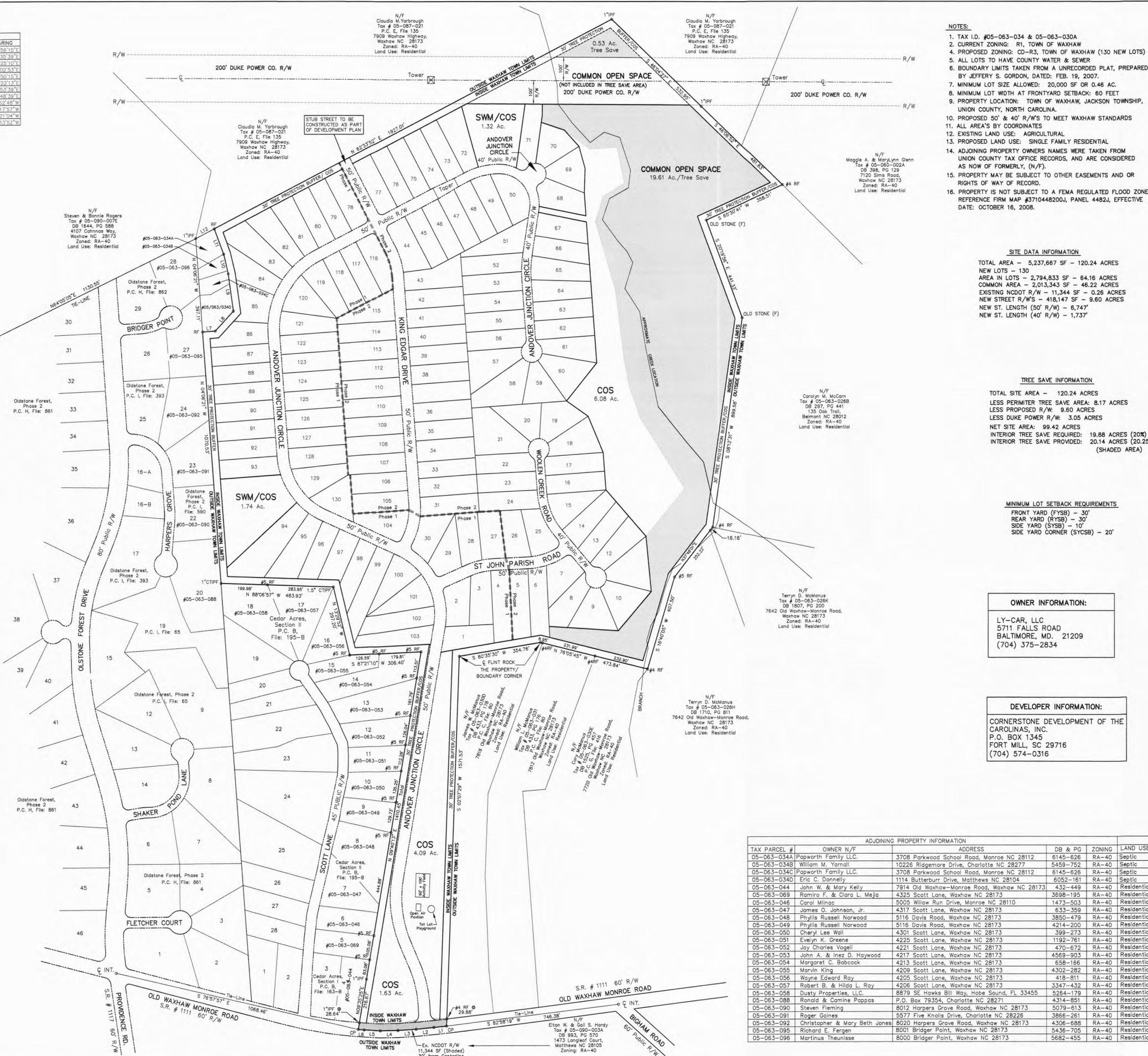


- LEGEND**
- RF - Rebar Found
  - CTIPF - Crimped Top Iron Pipe Found
  - IPF - Iron Pipe Found
  - R/W - Right of Way
  - PPR/W - Proposed Public Right of Way
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  - DB - Deed Book
  - PG - Page
  - PC - Plot Cabinet
  - (F) - Found
  - INT. - Intersection
  - C - Centerline
  - #05-063-034 - Tax. I.D.

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



- NOTES:**
- TAX I.D. #05-063-034 & 05-063-030A
  - CURRENT ZONING: R1, TOWN OF WAXHAW
  - PROPOSED ZONING: CD-R3, TOWN OF WAXHAW (130 NEW LOTS)
  - ALL LOTS TO HAVE COUNTY WATER & SEWER
  - BOUNDARY LIMITS TAKEN FROM AN UNRECORDED PLAT, PREPARED BY JEFFERY S. GORDON, DATED: FEB. 19, 2007.
  - MINIMUM LOT SIZE ALLOWED: 20,000 SF OR 0.46 AC.
  - MINIMUM LOT WIDTH AT FRONTYARD SETBACK: 60 FEET
  - PROPERTY LOCATION: TOWN OF WAXHAW, JACKSON TOWNSHIP, UNION COUNTY, NORTH CAROLINA.
  - PROPOSED 50' & 40' R/W'S TO MEET WAXHAW STANDARDS
  - ALL AREA'S BY COORDINATES
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
  - ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY, (N/F).
  - PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD.
  - PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE FIRM MAP #3710448200J, PANEL 4482J, EFFECTIVE DATE: OCTOBER 16, 2008.

**SITE DATA INFORMATION**

TOTAL AREA - 5,237,667 SF - 120.24 ACRES  
 NEW LOTS - 130  
 AREA IN LOTS - 2,794,833 SF - 64.16 ACRES  
 COMMON AREA - 2,013,343 SF - 46.22 ACRES  
 EXISTING NCDOT R/W - 11,344 SF - 0.26 ACRES  
 NEW STREET R/W'S - 418,147 SF - 9.60 ACRES  
 NEW ST. LENGTH (50' R/W) - 6,747'  
 NEW ST. LENGTH (40' R/W) - 1,737'

**TREE SAVE INFORMATION**

TOTAL SITE AREA - 120.24 ACRES  
 LESS PERIMETER TREE SAVE AREA: 8.17 ACRES  
 LESS PROPOSED R/W: 9.60 ACRES  
 LESS DUKE POWER R/W: 3.05 ACRES  
 NET SITE AREA: 99.42 ACRES  
 INTERIOR TREE SAVE REQUIRED: 19.88 ACRES (20%)  
 INTERIOR TREE SAVE PROVIDED: 20.14 ACRES (20.25%)  
 (SHADED AREA)

**MINIMUM LOT SETBACK REQUIREMENTS**

FRONT YARD (FYSB) - 30'  
 REAR YARD (RYSB) - 30'  
 SIDE YARD (SYSB) - 10'  
 SIDE YARD CORNER (SYCSB) - 20'

**OWNER INFORMATION:**

LY-CAR, LLC  
 5711 FALLS ROAD  
 BALTIMORE, MD. 21209  
 (704) 375-2834

**DEVELOPER INFORMATION:**

CORNERSTONE DEVELOPMENT OF THE CAROLINAS, INC.  
 P.O. BOX 1345  
 FORT MILL, SC 29716  
 (704) 574-0316

TAX PARCEL #	OWNER N/F	ADDRESS	DB & PG	ZONING	LAND USE
05-063-034A	Papworth Family LLC	3708 Parkwood School Road, Monroe NC 28112	6145-626	RA-40	Septic
05-063-034B	William M. Yarnall	10226 Ridgemore Drive, Charlotte NC 28277	5459-752	RA-40	Septic
05-063-034C	Papworth Family LLC	3708 Parkwood School Road, Monroe NC 28112	6145-626	RA-40	Septic
05-063-034D	Eric C. Donnelly	1114 Butterbur Drive, Matthews NC 28104	6052-181	RA-40	Septic
05-063-044	John W. & Mary Kelly	7814 Old Waxhaw-Monroe Road, Waxhaw NC 28173	432-449	RA-40	Residential
05-063-069	Ramiro F. & Clara L. Mejia	4325 Scott Lane, Waxhaw NC 28173	3698-195	RA-40	Residential
05-063-046	Carol Milnac	5005 Willow Run Drive, Monroe NC 28110	1473-503	RA-40	Residential
05-063-047	James O. Johnson, Jr.	4317 Scott Lane, Waxhaw NC 28173	633-359	RA-40	Residential
05-063-048	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	3850-479	RA-40	Residential
05-063-049	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	4214-200	RA-40	Residential
05-063-050	Cheryl Lee Wall	4301 Scott Lane, Waxhaw NC 28173	399-273	RA-40	Residential
05-063-051	Evelyn K. Greene	4225 Scott Lane, Waxhaw NC 28173	1192-761	RA-40	Residential
05-063-052	Joy Charles Vogel	4221 Scott Lane, Waxhaw NC 28173	470-672	RA-40	Residential
05-063-053	John A. & Inez D. Haywood	4217 Scott Lane, Waxhaw NC 28173	4569-903	RA-40	Residential
05-063-054	Margaret C. Babcock	4213 Scott Lane, Waxhaw NC 28173	658-166	RA-40	Residential
05-063-055	Marvin King	4209 Scott Lane, Waxhaw NC 28173	4302-282	RA-40	Residential
05-063-056	Wayne Edward Ray	4205 Scott Lane, Waxhaw NC 28173	418-811	RA-40	Residential
05-063-057	Robert B. & Hilda L. Ray	4205 Scott Lane, Waxhaw NC 28173	3347-432	RA-40	Residential
05-063-058	Dusty Properties, LLC	8879 SE Hawks Bill Way, Hobe Sound, FL 33455	5254-179	RA-40	Residential
05-063-088	Ronald & Cammie Pappas	P.O. Box 79354, Charlotte NC 28271	4314-851	RA-40	Residential
05-063-090	Steven Fleming	8012 Harpers Grove Road, Waxhaw NC 28173	5079-613	RA-40	Residential
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05-063-095	Richard E. Fery	8001 Bridger Point, Waxhaw NC 28173	5436-705	RA-40	Residential
05-063-096	Martinius Theunisse	8000 Bridger Point, Waxhaw NC 28173	5682-455	RA-40	Residential

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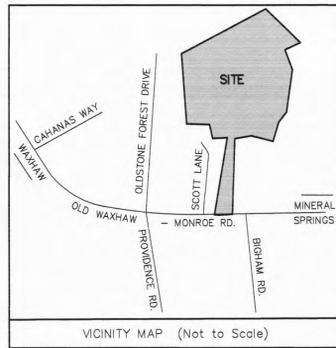
FRONTIER LAND SURVEYING  
 1394-B WALKUP AVENUE  
 MONROE, NC 28110  
 (704) 283-9726

DATE: 5-01-2014  
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 VERT. SCALE = N/A  
 DRAWN BY: JSG  
 APPROVED BY:

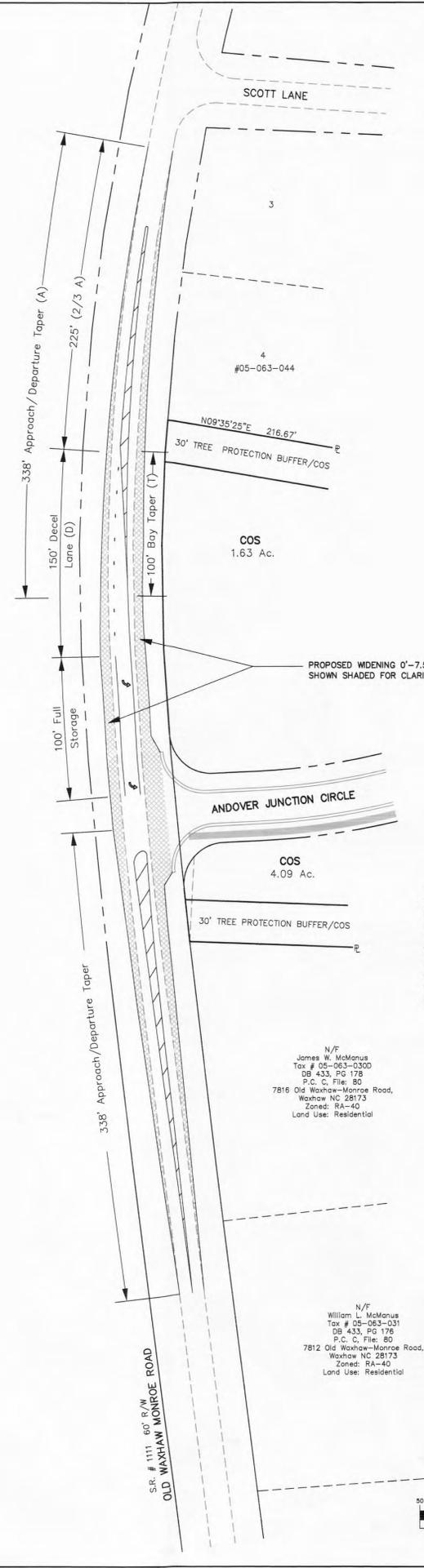
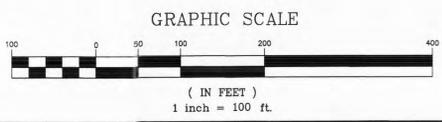
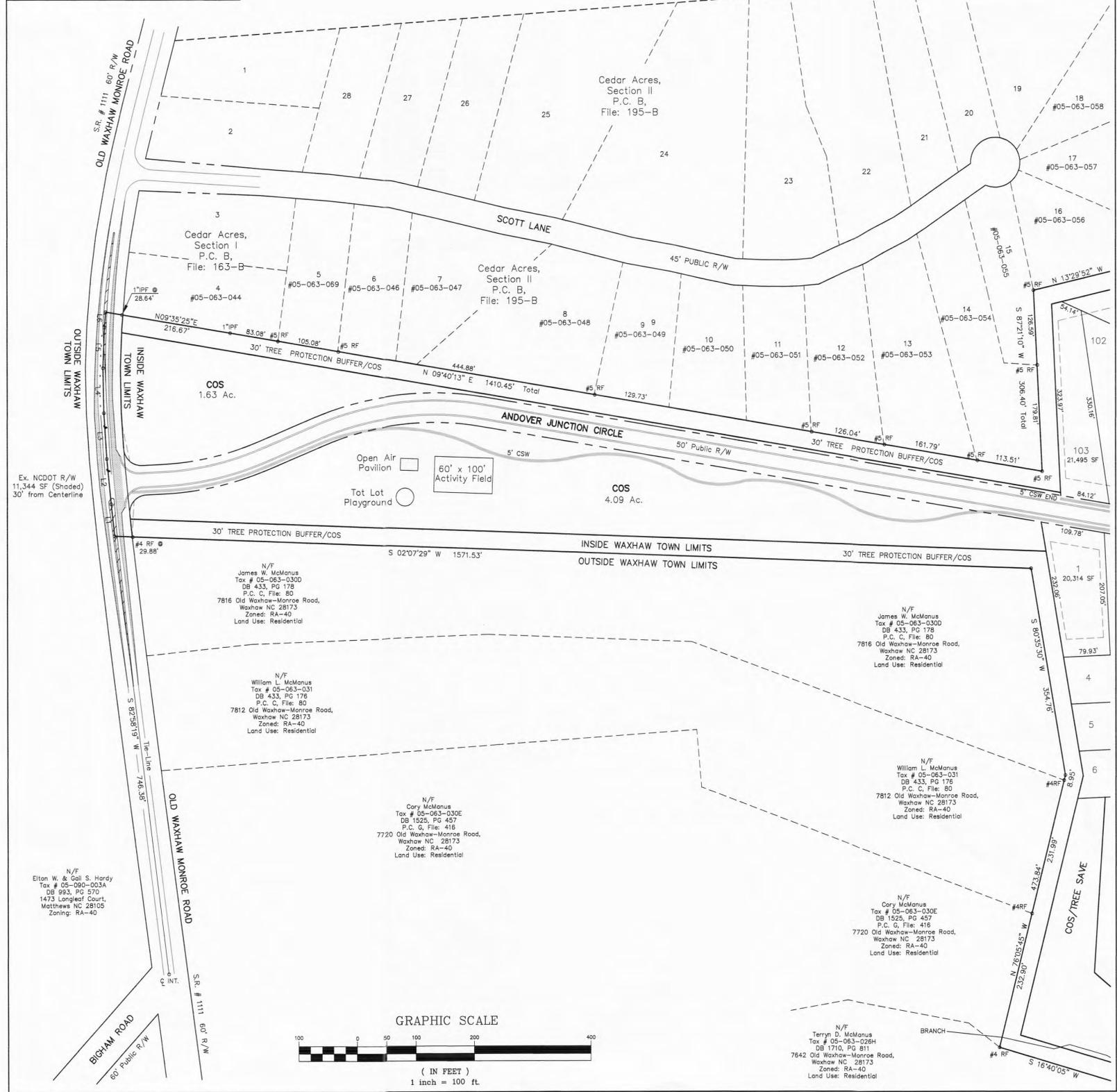
REV: 06/16/2014  
 REV: 07/14/2014  
 REV: 8/05/2014

ANDOVER CHAPEL  
 PROPOSED REZONING PLAN  
 SINGLE FAMILY (R-3)

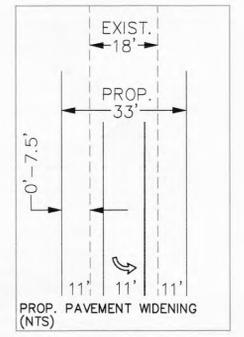
SH. 4/10



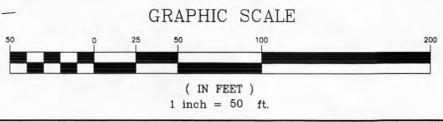
MAP NORTH REF:  
P.C. I, FILE: 590  
MARCH 2005



TURN LANE DETAIL  
1" = 50'



**PROPOSED PAVEMENT WIDENING**  
 EXISTING PAVEMENT WIDTH: 18'  
 PROPOSED PAVEMENT WIDTH: 33' (3-11' LANES)  
 MAX. SYMMETRICAL WIDENING WIDTH (W): 7.5' ((33'-18')/2)  
 TURN LANE DESIGN SPEED LIMIT (S): 45 MPH  
 APPROACH/DEPARTURE TAPER (A): WS = 338' (7.5' x 45 = 337.5')  
 MINIMUM DECELERATION LANE (D): 150'  
 MINIMUM BAY TAPER (T): 100'  
 MARKINGS PER NCDOT STANDARDS AND SPECIFICATIONS



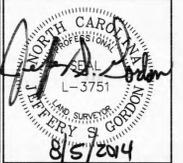
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**FRONTIER LAND SURVEYING**  
 1394-B WALKUP AVENUE  
 MONROE, NC 28110  
 (704) 283-9726

DATE: 7-14-2014  
 HORIZ. SCALE = 1" = 100'  
 VERT. SCALE = N/A  
 DRAWN BY: JSG  
 APPROVED BY:

REV: 8/5/2014  
 REV:  
 REV:

**ANDOVER CHAPEL**  
 PROPOSED REZONING PLAN  
 (R-3) LOT LAYOUT & TURN LANE





- NOTES:**
- TAX I.D. #05-063-034 & 05-063-030A
  - CURRENT ZONING: R1, TOWN OF WAXHAW
  - PROPOSED ZONING: CD-R3, TOWN OF WAXHAW (130 NEW LOTS)
  - ALL LOTS TO HAVE COUNTY WATER & SEWER
  - BOUNDARY LIMITS TAKEN FROM AN UNRECORDED PLAT, PREPARED BY JEFFERY S. GORDON, DATED: FEB. 19, 2007.
  - MINIMUM LOT SIZE ALLOWED: 20,000 SF OR 0.46 AC.
  - MINIMUM LOT WIDTH AT FRONTYARD SETBACK: 60 FEET
  - PROPERTY LOCATION: TOWN OF WAXHAW, JACKSON TOWNSHIP, UNION COUNTY, NORTH CAROLINA.
  - PROPOSED 50' & 40' R/W'S TO MEET WAXHAW STANDARDS AS NOW OF FORMERLY, (N/F).
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
  - ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY, (N/F).
  - PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD.
  - PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE FIRM MAP #3710448200J, PANEL 44B24, EFFECTIVE DATE: OCTOBER 16, 2008.

**SITE DATA INFORMATION**

TOTAL AREA - 5,237,667 SF - 120.24 ACRES  
 NEW LOTS - 130  
 AREA IN LOTS - 2,592,708 SF - 59.52 ACRES  
 COMMON AREA - 2,173,628 SF - 49.90 ACRES  
 EXISTING NC DOT R/W - 11,344 SF - 0.26 ACRES  
 NEW STREET R/W'S - 459,987 SF - 10.56 ACRES  
 NEW ST. LENGTH (50' R/W) - 7,545'  
 NEW ST. LENGTH (40' R/W) - 1,869'

**TREE SAVE INFORMATION**

TOTAL SITE AREA - 120.24 ACRES  
 LESS PERIMETER TREE SAVE AREA: 8.17 ACRES  
 LESS PROPOSED R/W: 9.60 ACRES  
 LESS DUKE POWER R/W: 3.05 ACRES  
 NET SITE AREA: 99.42 ACRES  
 INTERIOR TREE SAVE REQUIRED: 19.88 ACRES (20%)  
 INTERIOR TREE SAVE PROVIDED: 20.14 ACRES (20.25%) (SHADED AREA)

**MINIMUM LOT SETBACK REQUIREMENTS**

FRONT YARD (FYSB) - 30'  
 REAR YARD (RYSB) - 30'  
 SIDE YARD (SYSB) - 10'  
 SIDE YARD CORNER (SYCSB) - 20'

**COMMON OPEN SPACE**

1. 20,314 SF  
 2. 20,092 SF  
 3. 20,995 SF  
 4. 24,292 SF  
 5. 23,534 SF  
 6. 23,346 SF  
 7. 20,168 SF  
 8. 20,631 SF  
 9. 23,071 SF  
 10. 23,071 SF  
 11. 26,255 SF  
 12. 22,062 SF  
 13. 20,785 SF  
 14. 21,622 SF  
 15. 21,304 SF  
 16. 20,400 SF  
 17. 20,344 SF  
 18. 23,612 SF  
 19. 22,877 SF  
 20. 20,946 SF  
 21. 35,582 SF  
 22. 20,037 SF  
 23. 20,400 SF  
 24. 20,541 SF  
 25. 20,213 SF  
 26. 20,308 SF  
 27. 20,180 SF  
 28. 20,073 SF  
 29. 20,293 SF  
 30. 20,923 SF  
 31. 20,089 SF  
 32. 20,000 SF  
 33. 20,000 SF  
 34. 20,000 SF  
 35. 20,000 SF  
 36. 20,000 SF  
 37. 20,000 SF  
 38. 20,000 SF  
 39. 20,000 SF  
 40. 20,000 SF  
 41. 20,000 SF  
 42. 20,000 SF  
 43. 24,487 SF  
 44. 22,817 SF  
 45. 20,000 SF  
 46. 20,000 SF  
 47. 20,150 SF  
 48. 20,387 SF  
 49. 20,187 SF  
 50. 21,827 SF  
 51. 22,288 SF  
 52. 20,915 SF  
 53. 20,418 SF  
 54. 20,400 SF  
 55. 20,400 SF  
 56. 20,167 SF  
 57. 26,993 SF  
 58. 31,010 SF  
 59. 20,254 SF  
 60. 24,907 SF  
 61. 20,833 SF  
 62. 20,399 SF  
 63. 20,400 SF  
 64. 21,101 SF  
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 197. 20,000 SF  
 198. 20,000 SF  
 199. 20,000 SF  
 200. 20,000 SF

**FRONTIER LAND SURVEYING**  
 1394-B WALKUP AVENUE  
 MONROE, NC 28110  
 (704) 283-9726

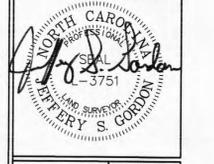
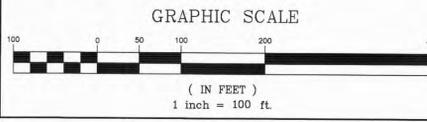
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 APPROVED BY:

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 REV: 07/14/2014  
 REV:

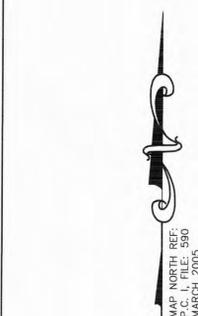
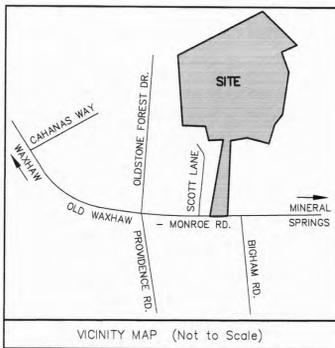
**ANDOVER CHAPEL**  
 PROPOSED REZONING PLAN  
 (R-3) LOT LAYOUT

SH. 6/10

LIVE-WELL/DWG/R2-REV1-LW.DWG

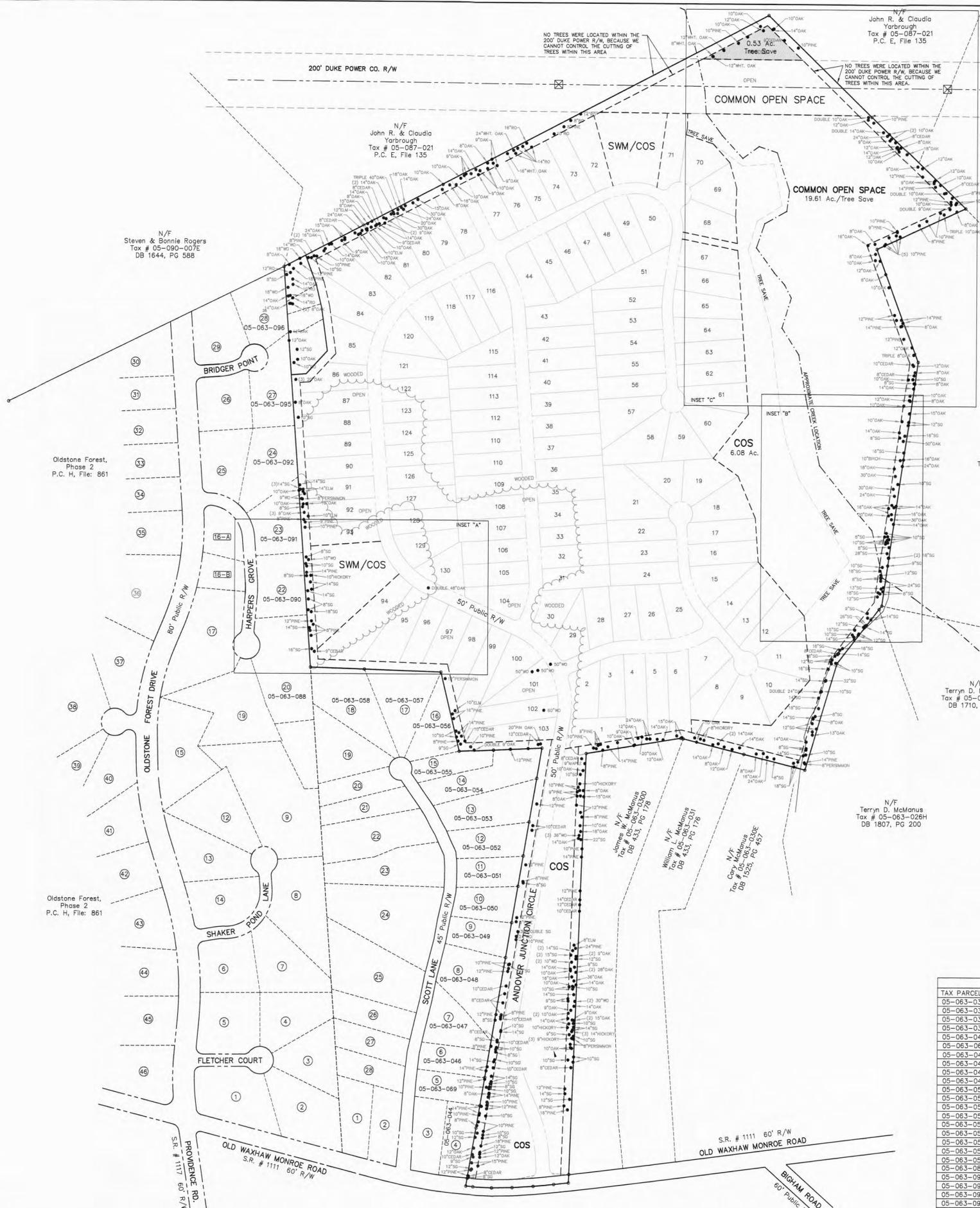
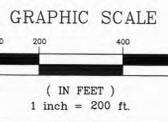






**LEGEND**  
 RF - Rebar Found  
 CTIPF - Crimped Top Iron Pipe Found  
 IPF - Iron Pipe Found  
 R/W - Right of Way  
 CP - Computed Point  
 S.R. # - State Road Number  
 N/F - Now or Formerly  
 DB - Deed Book  
 PG - Page  
 PC - Plat Cabinet  
 (F) - Found  
 INT. - Intersection  
 C - Centerline  
 #05-063-034 - Tax. I.D.

**TREE LEGEND**  
 SG - Sweet Gum  
 WO - Water Oak  
 RO - Red Oak  
 WHT. - White



- NOTES:**
- TAX I.D. #05-063-034 & 05-063-030A
  - CURRENT ZONING: R1, TOWN OF WAXHAW
  - PROPOSED ZONING: CD-R3, TOWN OF WAXHAW (130 NEW LOTS)
  - ALL LOTS TO HAVE COUNTRY WATER & SEWER
  - BOUNDARY LIMITS TAKEN FROM A UNRECORDED PLAT, PREPARED BY JEFFERY S. GOODWIN, DATED: FEB. 19, 2007.
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  - PROPOSED 50' & 40' R/W'S TO MEET WAXHAW STANDARDS
  - ALL AREA'S BY COORDINATES
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
  - ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY, (N/F).
  - PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHTS OF WAY OF RECORD.
  - PROPERTY IS NOT SUBJECT TO A FEMA REGULATED FLOOD ZONE. REFERENCE: FIRM MAP #3710448200J, PANEL 4482J, EFFECTIVE DATE: OCTOBER 16, 2008.
  - PERIMETER TREE SURVEY BY FRONTIER LAND SURVEYING.

**SITE DATA INFORMATION**  
 TOTAL AREA - 5,237,667 SF - 120.24 ACRES  
 NEW LOTS - 130  
 AREA IN LOTS - 2,794,833 SF - 64.16 ACRES  
 COMMON AREA - 2,013,343 SF - 46.22 ACRES  
 EXISTING NCDOT R/W - 11,344 SF - 0.26 ACRES  
 NEW STREET R/W'S - 418,147 SF - 9.60 ACRES  
 NEW ST. LENGTH (50' R/W) - 6,747'  
 NEW ST. LENGTH (40' R/W) - 1,737'

**MINIMUM LOT SETBACK REQUIREMENTS**  
 FRONT YARD (FYSB) - 30'  
 REAR YARD (RYSB) - 30'  
 SIDE YARD (SYSB) - 10'  
 SIDE YARD CORNER (SYCSB) - 20'

**TREE SAVE INFORMATION**  
 TOTAL SITE AREA - 120.24 ACRES  
 LESS PERIMETER TREE SAVE AREA: 8.17 ACRES  
 LESS PROPOSED R/W: 9.60 ACRES  
 LESS DUKE POWER R/W: 3.05 ACRES  
 NET SITE AREA: 99.42 ACRES  
 INTERIOR TREE SAVE REQUIRED: 19.88 ACRES (20%)  
 INTERIOR TREE SAVE PROVIDED: 20.14 ACRES (20.25%)  
 (SHADED AREA)

**OWNER INFORMATION:**  
 LY-CAR, LLC  
 5711 FALLS DRIVE  
 BALTIMORE, MD. 21209  
 (704) 375-2834

**DEVELOPER INFORMATION:**  
 CORNERSTONE DEVELOPMENT, OF THE CAROLINAS, INC.  
 P.O. BOX 1345  
 FORT MILL, SC 29716  
 (704) 574-0316

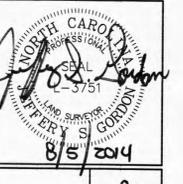
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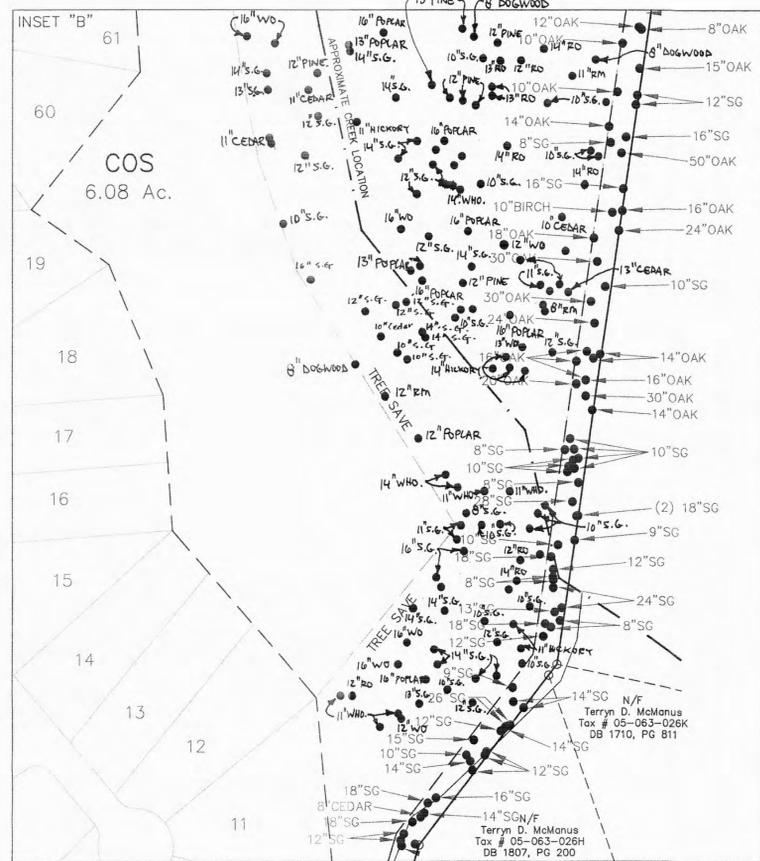
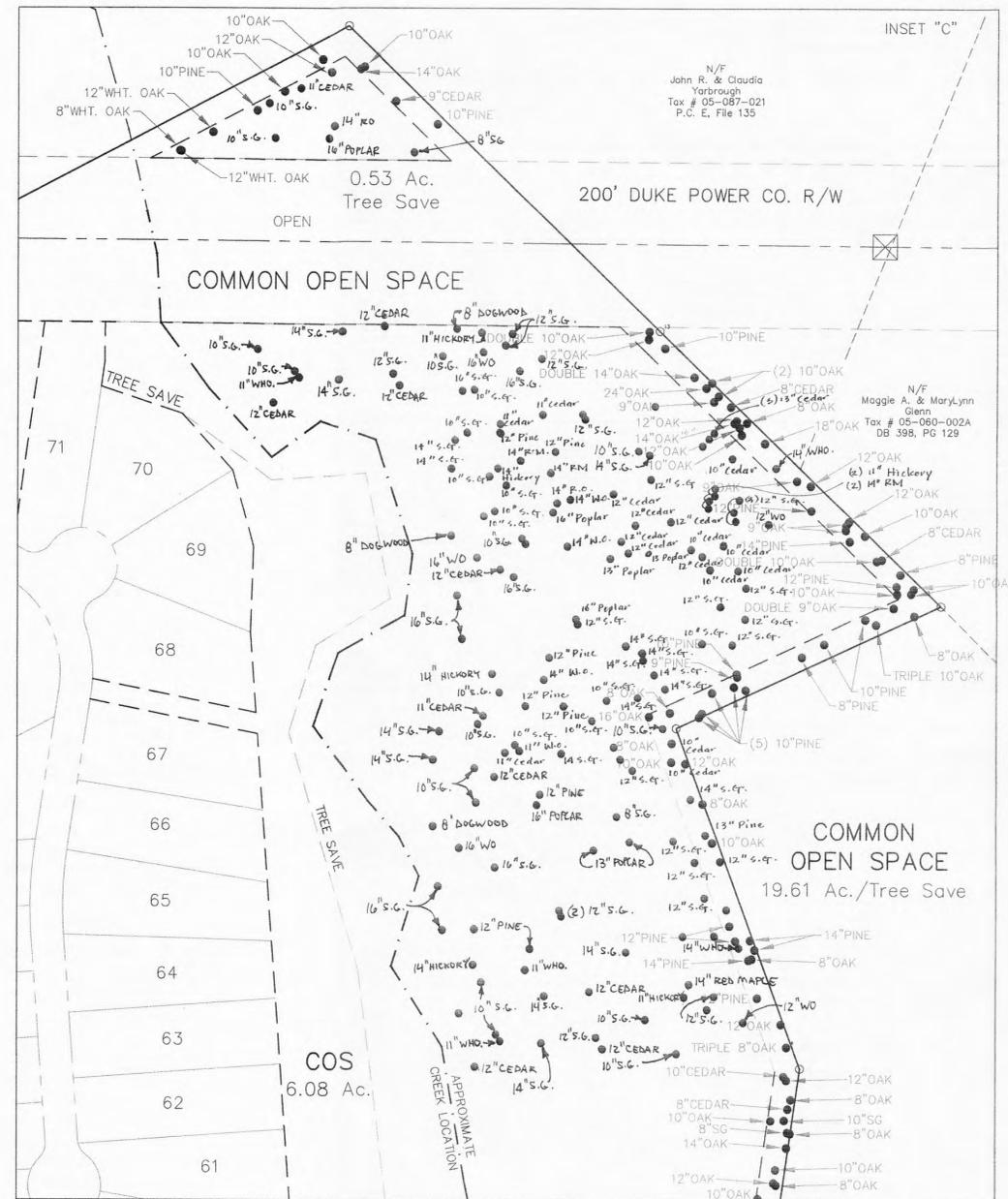
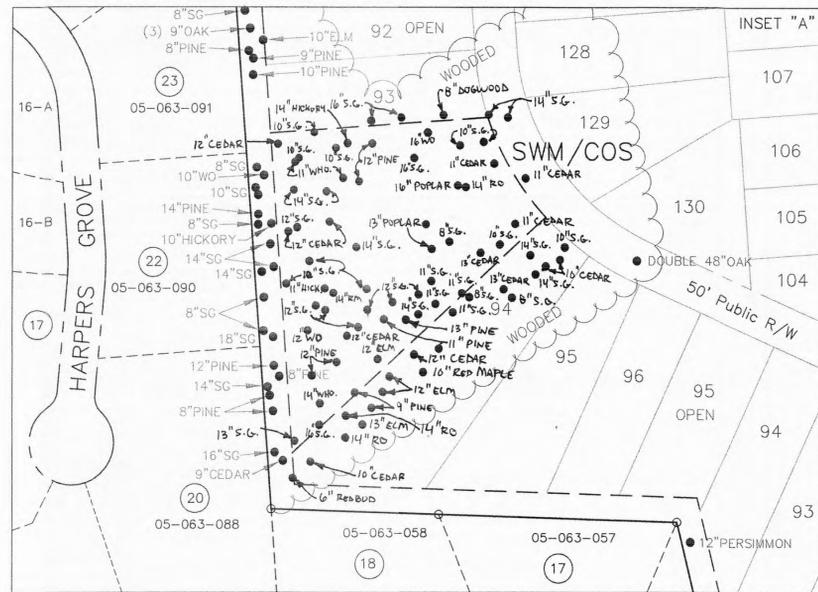
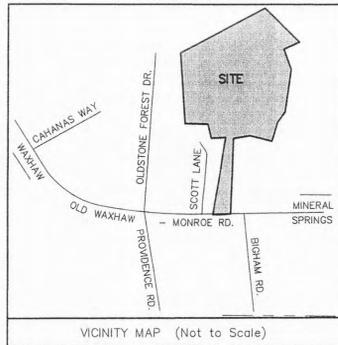
TAX PARCEL #	OWNER N/F	ADDRESS	DB & PG	ZONING
05-063-034A	RAP Properties, Inc.	3708 Parkwood School Road, Monroe NC 28112	5212-761	RA-40
05-063-034B	William M. Yarnall	10226 Ridgemoor Drive, Charlotte NC 28277	5459-752	RA-40
05-063-034C	RAP Properties, Inc.	3708 Parkwood School Road, Monroe NC 28112	5212-761	RA-40
05-063-034D	Eric C. Donnelly	1114 Butterburrr Drive, Matthews NC 28104	6052-161	RA-40
05-063-044	John W. & Mary Kelly	7914 Old Waxhaw-Monroe Road, Waxhaw NC 28173	432-449	RA-40
05-063-046	Ramiro F. & Clara L. Mejia	4325 Scott Lane, Waxhaw NC 28173	3698-195	RA-40
05-063-047	Joy Charles Vogell	5005 Willow Run Drive, Monroe NC 28110	1473-503	RA-40
05-063-048	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	3850-479	RA-40
05-063-049	Phyllis Russell Norwood	5116 Davis Road, Waxhaw NC 28173	4214-200	RA-40
05-063-050	Cheryl Lee Wall	4301 Scott Lane, Waxhaw NC 28173	399-273	RA-40
05-063-051	Evelyn K. Greene	4225 Scott Lane, Waxhaw NC 28173	1192-761	RA-40
05-063-052	Joy Charles Vogell	4221 Scott Lane, Waxhaw NC 28173	470-672	RA-40
05-063-053	John A. & Inez D. Haywood	4217 Scott Lane, Waxhaw NC 28173	4589-903	RA-40
05-063-054	Margaret C. Babcock	4213 Scott Lane, Waxhaw NC 28173	658-166	RA-40
05-063-055	Marvin King	4209 Scott Lane, Waxhaw NC 28173	4302-282	RA-40
05-063-056	Wayne Edward Ray	4205 Scott Lane, Waxhaw NC 28173	418-811	RA-40
05-063-057	Robert B. & Hilda L. Ray	4206 Scott Lane, Waxhaw NC 28173	3347-432	RA-40
05-063-058	Dusty Properties, LLC.	8879 SE Hawks Bill Way, Hobe Sound, FL 33455	5264-179	RA-40
05-063-059	Ronald & Carmine Pappas	P.O. Box 79354, Charlotte NC 28271	4314-851	RA-40
05-063-060	Steven Fleming	8012 Harpers Grove Road, Waxhaw NC 28173	5079-613	RA-40
05-063-091	Roger Gaines	5577 Five Knolls Drive, Charlotte NC 28226	3868-261	RA-40
05-063-092	Christopher & Mary Beth Jones	8020 Harpers Grove Road, Waxhaw NC 28173	4306-688	RA-40
05-063-095	Richard E. Fergen	8001 Bridger Point, Waxhaw NC 28173	5436-705	RA-40
05-063-096	Martinus Theunisse	8000 Bridger Point, Waxhaw NC 28173	5682-455	RA-40

FRONTIER LAND SURVEYING  
 1394-B WALKUP AVENUE  
 MONROE, NC 28110  
 (704) 283-9726

DATE: 12-17-2013  
 HORIZ. SCALE = 1" = 200'  
 VERT. SCALE = N/A  
 DRAWN BY: JSG  
 APPROVED BY:

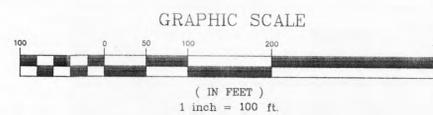
ANDOVER CHAPEL  
 TREE SURVEY





MAP NORTH REF:  
P.C. I, FILE: 590  
MARCH 2005

- TREE LEGEND
- SG - Sweet Gum
  - WO - Water Oak
  - RO - Red Oak
  - WHO - White Oak
  - RM - Red Maple



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FRONTIER LAND SURVEYING  
1394-B WALKUP AVENUE  
MONROE, NC 28110  
(704) 283-9726

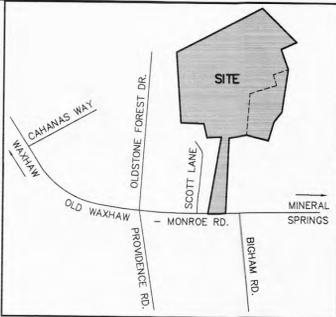
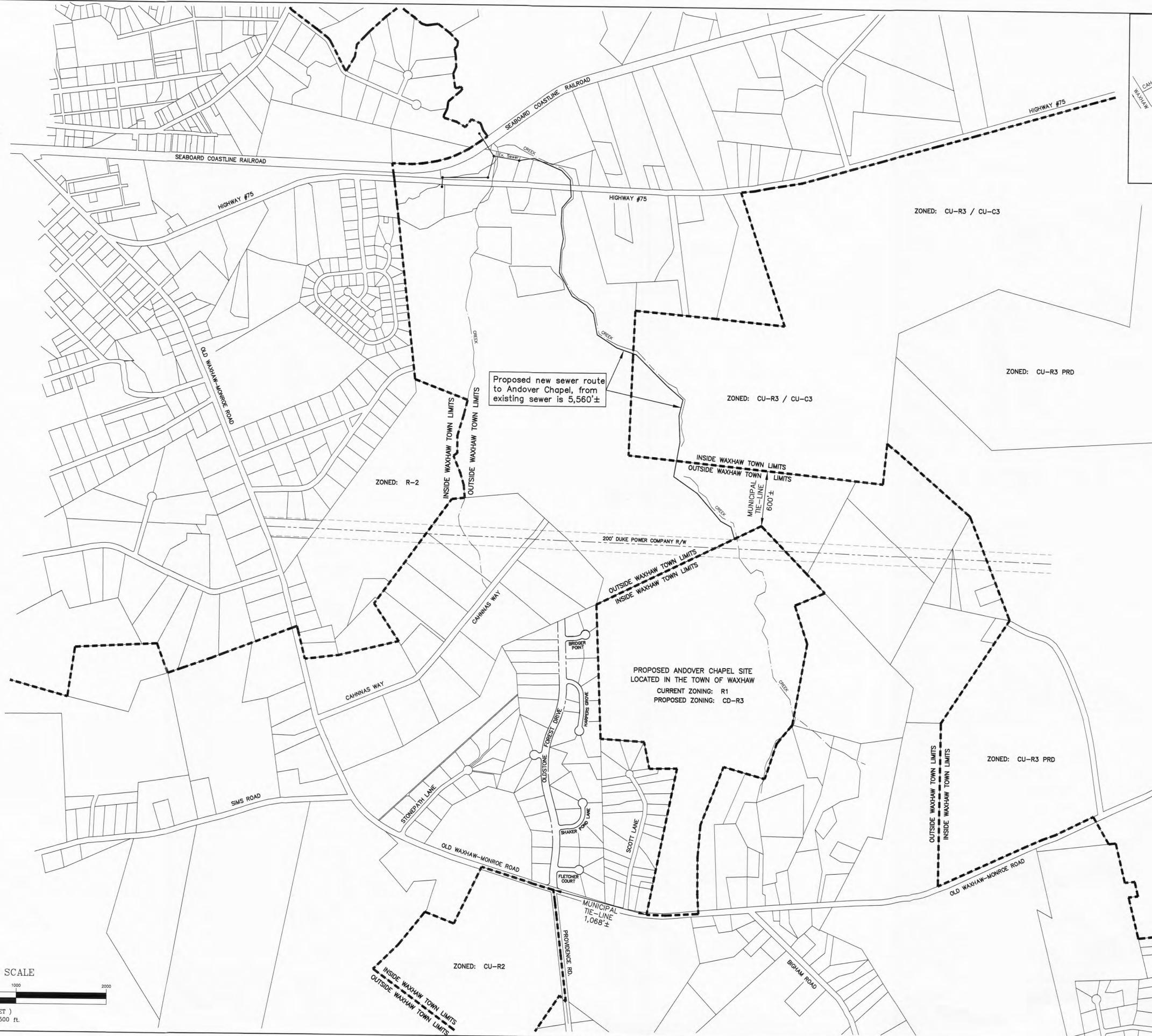
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DRAWN BY: JSJ  
APPROVED BY:

REV: 06/16/2014  
REV:  
REV:

ANDOVER CHAPEL  
TREE SURVEY (INSET)

FRONTIER LAND SURVEYING  
L-3751  
6/16/2014

TOWN OF  
WAXHAW



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MAP NORTH REF.  
P.C. L. FILE: 550  
MARCH 2005

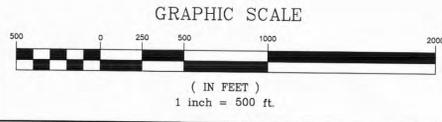
FRONTIER LAND SURVEYING  
1394-B WALKUP AVENUE  
MONROE, NC 28110  
(704) 283-9726

DATE: 02-07-2014  
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VERT. SCALE = N/A  
DRAWN BY: JSG  
APPROVED BY:

REV: 03-03-2014  
REV: 06/16/2014  
REV: 07/14/2014  
REV:

ANDOVER CHAPEL  
SEWER PROXIMITY PLAN

SEAL OF NORTH CAROLINA  
PLANNING AND ZONING BOARD  
-3751  
7/14/2014





## **VI. Old Business**

- C. Update on Kensington Drive  
Presenter: [Chaplin Spencer](#)

### **Information**

Update on Kensington Drive regarding the status of the deed from Union County and necessary steps and timetables for acceptance of the street by the Town.

### **Board Action**

- No action at this time



## **VII. New Business**

### **A. Discussion & Possible Approval of Petition CU-002641-2014**

Request by Angela Berger, on behalf of Kid's Pit Stop, Inc, for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw Marvin Road for a daycare

**Presenter:** [Chris Rice](#)

### **Information**

This matter is a request by Angela Berger, on behalf of Kid's Pit Stop, Inc., for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw Marvin Road for a daycare.

### **Board Action**

- Possible action on Petition CU-002641-2014 by Angela Berger, for conditional use permit on parcel 06-168-015B located at 4710 Waxhaw Marvin Road



## STAFF REQUEST TO PLACE ITEM ON BOARD AGENDA

Date of Meeting: January 13, 2015

Department Requesting: Planning and Community Development

Staff Member Requesting: Chris Rice

Case #: CU-002641-2014

### Brief Summary of the item:

CU-002641-2014 is a request by Angela Berger, on behalf of Kid's Pit Stop, Inc., for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw-Marvin Road for a daycare.

### Attachments Included:

- Application
- Aerial Map
- Future Land Use Map
- Zoning Map
- Applicant Letter
- Staff Report
- October 2014 Planning Board Minutes containing recommendation of item.
- Plans
- \_\_\_\_\_
- \_\_\_\_\_

Date submitted to Town Clerk: 12/31/2014



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received	<u>8/1/2014</u>
Received By	<u>Dh</u>
Fee	\$440.00

**CONDITIONAL USE PERMIT APPLICATION**

Application Number: CU- 002641-2014 Date of Application: August 1, 2014

**Applicant Information**

Applicant Name: Angela M. Berger

Applicant Mailing Address: 3001 Waxhaw Crossing Drive, Waxhaw, NC 28173

Applicant Telephone: 954-916-9057 home, 704-771-5020 cell

Property Owner Name: Kids' Pit Stop, Inc.

Property Owner Mailing Address: 3001 Waxhaw Crossing Drive, Waxhaw, NC 28173

Property Owner Telephone: 954-916-9057 home, 704-771-5020 cell

Relationship of Applicant to Property Owner: Owner/Operator

**Subject Property Information**

Property Location: 4710 Waxhaw-Marvin Road, Waxhaw, NC 28173

Tax Map and Parcel Number(s): 06168015B

Existing Zoning: R-3 Single Family In Flood Area? No

Is Conditional Use (CU) Rezoning Requested:  Yes  No

Proposed Conditional Use: Childcare facility that will have a morning preschool program, after school program, drop-in childcare and birthday parties.

Comments: The maximum occupancy will be 30 children, ages 2 through 12.

Hours of operation: Monday through Thursday 8 am to 8 pm, Friday 8 am to 9 pm, Saturday 10 am to 9 pm, and Sunday 1 pm to 8 pm.

A site plan must be submitted for evaluation by the Zoning Administrator and Planning Board and subsequently approved by the Board of Commissioners prior to any development and/or construction and must be accompanied by the following:

1. Name, address, and phone number of the applicant and property owner(s) (if different from applicant).
2. A scaled boundary survey showing the total acreage, present zoning classification(s), date & north arrow.
3. The owner's names and addresses, the tax parcel numbers, and the existing land use(s) of all adjoining properties.
4. A scaled site plan showing the following information:
  - A: All existing easements, reservations, rights-of-way and all yard requirements on the property or properties which are subject to the application.
  - B: Proposed size, layout and setbacks of all proposed structures. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For non-residential uses, this shall include the approximate gross floor area of all structures and an outline of the area where the structures will be located.
  - C: Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
  - D: Landscape plans showing proposed screening and landscaping, including walls, fences or planted areas as well as treatment of any existing natural features within the site.
  - E: Delineation of areas within the regulatory floodplain as shown on the Official Flood Plain Hazard Boundary Maps.
  - F: Proposed number, type and location of all free-standing identification signs.
5. Proposed phasing, if any, and approximate completion time of the project.
6. A fee paid in accordance with the fee schedule.

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

Digitally signed by Angela Berger  
DN: cn=Angela Berger, o, ou,  
email=angela.berger101@gmail.com, c=US  
Date: 2014.10.01 08:29:42 -04'00'

Angela Berger

(Signature of Property Owner)

8/1/14

(Date)

Digitally signed by Angela Berger  
DN: cn=Angela Berger, o, ou,  
email=angela.berger101@gmail.com, c=US  
Date: 2014.07.30 10:17:20 -04'00'

Angela Berger

(Signature of Applicant)

8/1/14

(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

Joni Oakley

(Signature of Zoning Administrator)

8-1-14

(Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 8/1/14

Reviewed by Planning Board on: 10/20/14

Action of Planning Board: Voted unanimously (6 to 0) to  
send a favorable recommendation to  
the Board of Commissioners.

Town Board Public Hearing Held On: January 13, 2015

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_

*Newspaper Affidavit should be attached*

Public Hearing Notice Filed in (Newspaper): Enquirer - Journal

Date(s) Notices Published: January 2, 2015 and January 9, 2015

Notification to adjacent property owners mailed on: December 30, 2014

Property Posting Date: December 30, 2014

# CU-002641-2014 Berger Daycare Aerial Map

Waxhaw Meriv Rd

Pine Oak Rd

Sunbonnet Ln

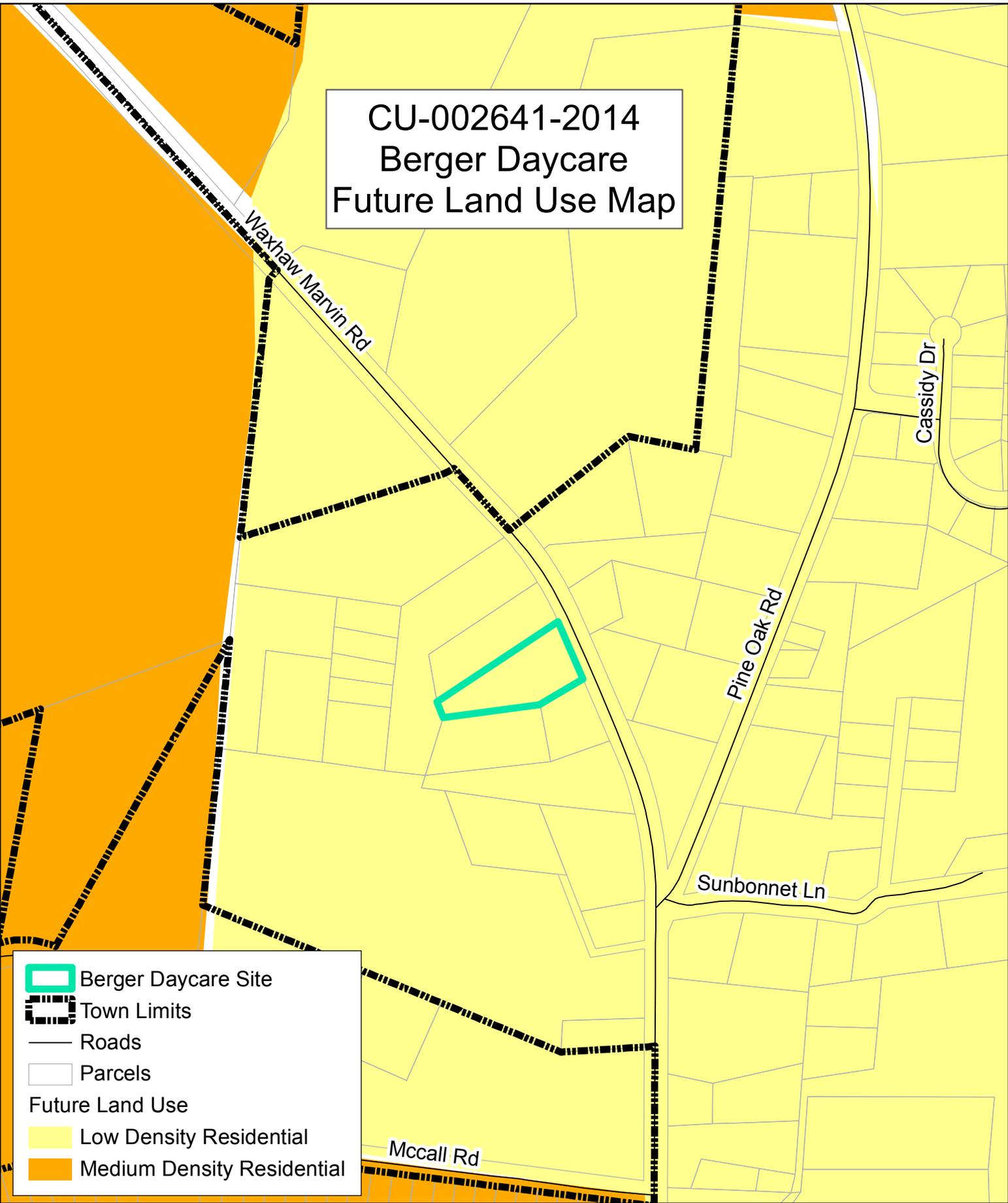
-  Berger Daycare Site
-  Town Limits
-  Roads
-  Parcels



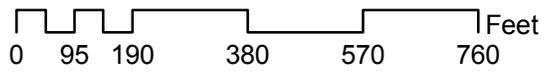
**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created October 2014.



CU-002641-2014  
Berger Daycare  
Future Land Use Map



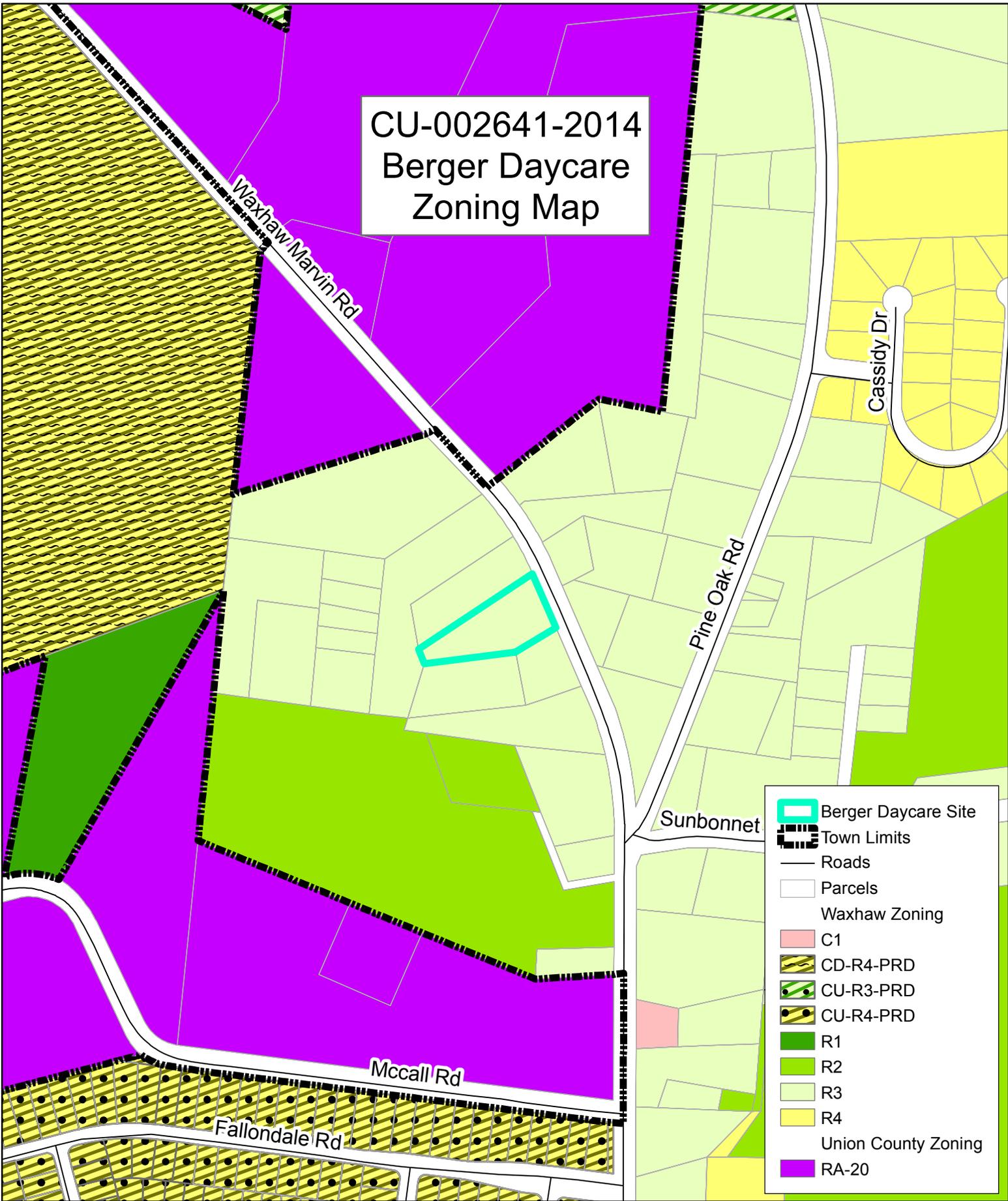
- Berger Daycare Site
- Town Limits
- Roads
- Parcels
- Future Land Use
  - Low Density Residential
  - Medium Density Residential



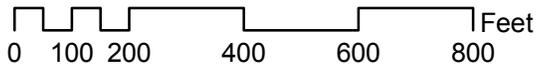
**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created October 2014.



# CU-002641-2014 Berger Daycare Zoning Map



-  Berger Daycare Site
-  Town Limits
-  Roads
-  Parcels
- Waxhaw Zoning**
-  C1
-  CD-R4-PRD
-  CU-R3-PRD
-  CU-R4-PRD
-  R1
-  R2
-  R3
-  R4
- Union County Zoning**
-  RA-20



**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created October 2014.



# Kids' Pit Stop

**To: Town of Waxhaw Planning Board and  
Town of Waxhaw Board of Commissioners**

**From: Angela Berger, Owner of Kids' Pit Stop, Inc.**

**Date: October 8, 2014**

**Subj: Conditional Use Permit**

Dear Town Officials,

I, on behalf of Kids' Pit Stop, would like to bring a new childcare facility to the Town of Waxhaw. This childcare facility will be the only one of its kind in Waxhaw and is a much needed addition to the community.

Kids' Pit Stop is a flexible childcare solutions provider. We have several quality programs taught by degreed professionals and credentialed staff. Our programs are unique in that there is never a registration fee, there is not a required minimum days of attendance, and parents only pay for the program time their child uses. We offer the following programs: a morning preschool, after school, drop-in care, school year camp (for teacher workdays and extended school breaks), summer camp, and the facility is available for birthday parties on the weekends.

In addition to our flexible attendance and payment formats, parents in the community are equally excited about the drop-in care program. The drop-in care program will allow parents to take care of needed appointments, errands, etc. during the week, and on Friday and Saturday evenings, we are open until 9:00 pm so parents can have some extra time for themselves.

The Waxhaw-Marvin Road location was chosen for the childcare facility because it is located in a residential area. Childcare fits naturally into a residential setting if certain conditions are met and any potential concerns are mitigated. Kids' Pit Stop has been proactive in researching common concerns and would like to address them upfront.

1. *How do the neighbors in the immediate vicinity feel about having a childcare facility in proximity to them?* This was Kids' Pit Stop's first concern. Kids' Pit Stop consulted with as many neighbors as possible in the immediate vicinity to get their thoughts on the project. The neighbors were favorable to the idea and cited no concerns.
2. *Will the facility be in harmony with the surrounding area?* Yes, the facility will retain its quaint residential appearance. There will be a tasteful sign of reasonable proportions, as per Waxhaw's Unified Development Ordinance (UDO), indicating that the location is a childcare facility. Other than the sign and modest parking accommodations, the facility blends in as any other residence.
3. *Is the facility located inside of a subdivision that would pose any concerns to the subdivision?* No, the facility is off of a main Waxhaw road and is not located within a subdivision or leading into a subdivision.

# Kids' Pit Stop

4. *Will the facility impact traffic off of a main road leading into/out of Waxhaw?* Kids' Pit Stop feels that the majority of its customers will already be traveling by from the MillBridge community. And, with our flexible program format, there is not a push to have all of the children arrive or depart during peak traffic hours.
5. *Would there be an adverse effect on property values?* Kids' Pit Stop's property has a higher assessed value than other properties in the immediate vicinity so housing values should not be adversely affected.
6. *Will there be any major construction to the current house and property?* The house will have a small 513 square foot addition built on to the garage. The construction of an 11-space parking lot and sidewalk per Waxhaw's Unified Development Ordinance (UDO) is the only major grounds work to be completed outside of landscaping, also as per Waxhaw's UDO.

## Overview of Kids' Pit Stop

### Ages Served

2 years through 12 years

### Maximum number of children served

30

This number was determined based on facility square footage, parking considerations and septic system requirements as governed by town, county and state authorities.

### Programs

Drop-in Care  
Morning Preschool  
After School  
School Year Camp (for teacher workdays and extended school breaks)  
Summer Camp  
Birthday Parties

### Hours of Operation

Mondays – Thursdays	8:00 am to 8:00 pm
Fridays	8:00 am to 9:00 pm
Saturdays	10:00 am to 9:00 pm (birthday parties 10:00 am to 5:00 pm; drop-in care 5:00 pm to 9:00 pm)
Sundays	1:00 pm to 8:00 pm (birthday parties only)

I, on behalf of Kids' Pit Stop, am extremely excited to offer this flexible childcare solutions format to the community of Waxhaw. We look forward to being part of the Waxhaw business community and the community at large. Thank you in advance for your time and consideration.

Kind regards,



Angela Berger

**Conditional Use Permit CU-002641-2014  
Berger Daycare Facility**

**EXPLANATION OF THE REQUEST**

Petition CU-002641-2014 is a request by Angela Berger, on behalf of Kid's Pit Stop, Inc., for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw-Marvin Road for a daycare.

**LOCATION / LAND USE**

Currently, the subject property contains a vacant single-family house. The property is zoned R3 – Single Family Residential.

- Condition and land use of the surrounding properties are:
- To the north – Single family houses located on both sides of Waxhaw Marvin Road zoned R3 Single Family Residential.
  - To the east – Single family houses zoned R3 Single Family Residential.
  - To the south – Several wooded parcels and an abandoned structure zoned R3 Single Family Residential.
  - To the west – Several wooded parcels and a single family house zoned R3 Single Family Residential.

The applicant recently purchased the existing single family home and is proposing to convert it into a daycare with a maximum of thirty (30) children. There will not be anyone living in the home. The current structure will have an addition added to the southwest corner. The proposed daycare facility will have a morning preschool program, after school program, drop-in child care and birthday parties. The existing home is approximately 3819 square feet and the proposed addition will bring the square footage to approximately 4332 square feet.

**LAND USE / SITE PLAN ISSUES**

1. A daycare is an allowed use in the R3 zoning district if the applicant secures a conditional use permit from the Waxhaw Board of Commissioners and meets the additional regulations set forth in Section 11.3.31. The proposed site plan for the daycare meets the requirements listed in Section 11.3.31 which state:

*Day Care Centers, Principal Use*

- A. *Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)*
  - B. *All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height.*
2. Water & Sewer – The site is currently served by a septic system for sewer and public water. The applicant is aware the proposed use may require a larger septic system. A permit application has been submitted for review to determine the final size and

location of the septic field. Currently the septic field is located in the front yard with a septic pump located at the rear of the house. The septic pump is partially located on the adjacent property. The applicant has acquired an easement from the adjacent property owner for the area where the existing septic pump encroaches on to the adjacent property. The applicant understands that a revised easement must be obtained if further encroachment onto the adjacent property is required for any expansion of the septic pump or septic field. If the final location of the septic field requires revising the Conditional Use Permit plan, the applicant understands that further approval by the Town of Waxhaw may be required.

3. The daycare will have a new paved driveway and parking lot (11 required spaces) constructed that will provide access to Waxhaw-Marvin Road, a North Carolina Department of Transportation maintained road. The 11 spaces include 1 ADA accessible space as required in Section 12.4.9. The existing gravel driveway will be removed. Also, the property owner will be installing a public sidewalk along the right-of-way of Old Waxhaw-Monroe Road across the entire frontage of the property.
4. All required permits for the addition shall be acquired by the applicant.
5. All signs will comply with Section 13 of the UDO.
6. Trash collection will be made by roll-out units and picked up by a private contractor hired by the applicant.
7. All lighting will meet Section 12.12 of the Unified Development Ordinance.
8. The hours of operation are proposed as follows:
  - A. Monday through Thursday 8:00 AM to 8:00 PM
  - B. Friday 8:00 AM to 9:00 PM
  - C. Saturday 10:00 AM to 9:00 PM (Birthday parties 10:00 AM to 5:00 PM, Drop-in daycare 5:00 PM to 9:00 PM.)
  - D. Sunday 1:00 PM to 8:00 PM. (Birthday parties only.)

#### **TREE PRESERVATION / LANDSCAPING**

##### Tree Preservation

The property owner will preserve trees on the property in accordance with Section 9.21.8. There are also existing trees that are going to be preserved within the side yards on the site.

##### Landscaping

1. The property owner is required to provide a 10 foot wide landscape area along Waxhaw-Marvin Road per Table 9.8.1.c.
2. The property owner is required to install a 10 foot wide buffer along the northern, western and southern property boundaries per Table 9.8.1.b. The property owner must install a minimum of two (2) trees and twenty (20) shrubs for every 100' of property line distance. If existing material is to be utilized it must meet the same requirement.

3. The property owner is required to install one (1) tree and four (4) shrubs per 1,000 square feet of vehicular use area for parking lot landscaping.
4. The applicant intends to utilize the rear of the property that is currently vegetated as recreational space in the future. This will be completed in phase 2 of the project. Prior to any occupancy of the property for the daycare use, the required buffers along the side and rear property lines, along with all other areas, shall be installed and meet the minimum caliper/size/height requirements set forth in Section 9.8.

#### **ARCHITECTURAL GUIDELINES**

The property owner is required to meet the Architectural Standards in Section 20 of the UDO for the proposed addition. The site plan states that the additions and renovations will utilize similar materials to blend into the neighborhood (i.e., brick, stone and painted wood). The applicant will not be making any changes to the existing home, except for adding an addition to the southwestern corner of the home. The addition will be designed and constructed to match the design and materials present on the existing home.

#### **2030 COMPREHENSIVE PLAN**

The 2030 Comprehensive Plan was adopted by the Waxhaw Board of Commissioners in April 2009. The subject property and surrounding properties are part of an area designated as "Low-Density Residential." Low-Density Residential is defined by the Comprehensive Plan as:

*These areas provide opportunities for more suburban style, lower density traditional neighborhood living. They include detached single-family residential uses which range in density from 0.5 dwelling units per acre to 3 dwelling units per acre. Other types of uses that may occur are schools and parks.*

#### **PLANNING STAFF ANALYSIS**

As stated earlier, a daycare is an allowed use in the R-3 Zoning District if the applicant secures a conditional use permit from the Waxhaw Board of Commissioners and meets the additional regulations set forth in Section 11.3.31. The site plan meets all of the requirements set forth in the Unified Development Ordinance including the supplemental regulations contained in Section 11.3.31.

The 2030 Comprehensive Plan states that other types of uses may occur in the Low-Density Residential District such as schools. Staff believes the proposed daycare use is less intensive than a school use and is in keeping with the Comprehensive Plan.

The existing building and the proposed addition will be in keeping with the surrounding residential area and the proposed landscaping and tree save areas meet the requirements listed in the UDO.

Planning staff recommends approval of the Conditional Use Permit CU-002641-2014, along with the submitted conditional use site plan with the following recommendations included:

- Hours of operation are limited to 8:00 AM to 8:00 PM Monday through Thursday, Friday 8:00 AM to 9:00 PM, Saturday 10:00 AM to 9:00 PM and Sunday 1:00 PM to 8:00 PM.

- The maximum capacity for the daycare is thirty (30) children, subject to approval from the State of North Carolina and the town's Building Inspector.
- The maximum square footage for the daycare is 4064 square feet, including the proposed addition.
- The applicant must secure any further easements required to encompass the area required for any portion of the septic system that encroaches, or may encroach onto the adjacent property. All easements will need to be acquired prior to review for zoning and building permit purposes.

#### **PLANNING BOARD RECOMMENDATION**

At the October 20, 2014 meeting, the Planning Board voted unanimously (6 to 0) to provide a favorable recommendation, with staff's recommended conditions, to the Board of Commissioners for TA-002641-2014.

The applicant and staff agreed that the recommendation of the Planning Board would be forwarded to the Board of Commissioners upon receipt of the approvals from NCDOT for the proposed driveway access and the Union County Health Department for the location of the septic system. Both approvals have been received by the applicant and provided to the staff.

In approving an application for a conditional use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.

The Board of Commissioners shall issue a conditional use permit if it has evaluated an application and determined that:

- A. That the use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located.
- B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.
- C. That the Conditional Use meets all required conditions and specifications; and
- D. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Waxhaw and its environs.

**\*\*\*Please refer to the 4 Findings of Fact listed above when making a decision\*\*\***

Submitted by: Chris Rice

**Minutes of the Waxhaw Planning Board  
Town of Waxhaw, NC  
October 20, 2014**

The Waxhaw Planning Board met in regular session Monday, October 20, 2014 at 6:30 p.m. at the Waxhaw Police Department Community Room.

**Regular Meeting**

**1. Call to Order**

Chairman Godfrey called the meeting to order at 6:30 p.m.

**2. Roll Call and Determination of Quorum**

A roll call and determination of quorum was made.

Present: Chairman Godfrey, Thomas Dwyer, Bob Morgan, John Cannamela, Michael Kreimer, Dan Gingrich, Staff Rice, Staff Oakley, and Recording Secretary Oliver.

Absent: Vice-Chair Underwood and Fred Burrell.

**3. Work Session**

NONE

**4. Unfinished Business**

NONE

**5. New Business**

- A. Petition CU-002641-2014 - A request by Angela Berger, on behalf of Kid's Pit Stop, Inc., for a conditional use permit on approximately 1.03 acres (Tax Parcel ID number 06-168-015B) located at 4710 Waxhaw-Marvin Road for a daycare.

Staff Rice gave a presentation on CU-002641-2014 (see attached).

Angela Burger gave a presentation (see attached).

Thomas Dwyer asked about the proposed daycare offering birthday parties on Sunday's. Angela Berger stated that parties would have 2 hour time slots and a maximum of 15 children. She stated that the daycare would offer arcade games and other commercial quality activities. Angela Berger stated that there would not be any food preparation on site but parties may bring food in. Thomas Dwyer asked about allowing parties to be hosted by the daycare and how that may affect the CUP. Staff Rice explained that it would be included in the conditions if passed.

John Cannamela asked staff if the proposed daycare would have an effect on real estate property values. Staff Rice stated that property values would be a function of market and that staff does not have a way of calculating that. John Cannamela asked about traffic. Staff Rice stated that to his understanding that NCDOT would not require a turn lane. Angela Berger stated that NCDOT would like for them to clear a site triangle on Waxhaw-Marvin Road. John Cannamela asked about hours of operation and stated that he was concerned with noise. Staff Rice stated that staff had a discussion with the applicant about hours of operation and settled on the times presented.

Bob Morgan asked if the proposed daycare would follow North Carolina regulations for daycares. Angela Berger stated that 4 hour daycares do not require a license but the state would be aware of the daycare. Bob Morgan asked if the applicant would have to come back to staff to ask for different hours of operation if she ever wished to change them. Staff Rice stated that she would have to go back to the Board of Commissioners for a CUP revision in order to change the hours of operation.

Chairman Godfrey asked about after school pick up. Angela Berger stated that they will have a small bus that does not require a commercial permit to operate. Chairman Godfrey asked about the number of staff. Angela Berger stated that the daycare would have 5 employees including herself and that they would all be certified in childcare.

Michael Kreimer asked if the daycare was a franchise. Angela Berger stated it was not. Michael Kreimer asked about staffing. Angela Berger stated that it would require flexible staffing for the different ages and operating hours.

Chairman Godfrey asked if the proposed daycare would have a full daycare aspect to it. Angela Berger stated she would only have morning and after school and that the daycare would be limited to 4 hour time slots. Chairman Godfrey asked if staff talked to any of the neighbors. Staff Rice stated that they posted the property but did not receive any calls but that prior to going to the Board of Commissioners there would be adjoining property owner mailings and legal ads would run in the paper.

Michael Kreimer asked if she had operated a business like the proposed daycare before. Angela Berger stated that she had not but that she had a background in Human Resources and that she is skilled in hiring and would be working with consultant to hire qualified staff.

Chairman Godfrey asked if Angela Berger is certified. Angela Berger stated that she would be certified as a child care administrator and completes the proper safety training prior to the daycare opening.

John Cannamela stated that he is concerned with traffic and the safety of the children. He asked if there would be any sort of containment to keep the kids out of the parking lot and away from the road. Angela Berger stated that she would be using 54 inch tall pool grade fencing and will have security cameras and alarms.

**Bob Morgan motioned to send a favorable recommendation to the Board of Commissioners with staff's recommended conditions on CU-002641-2014. Thomas Dwyer seconded. The Motion passed unanimously, (6-0).**

**6. Other Business - Update on previous case(s) heard by the Planning Board**

Staff Oakley stated that the Board of Commissioners had reviewed the RFPs for the Comprehensive Plan and she would go into more detail.

Staff Oakley stated that Andover Chapel requested a 90 day deferral and would most likely be going back to the BOC in December.

Staff Oakley stated that the BOC selected Benchmark as the consultant to complete the Comprehensive Plan update and that the actual contract would most likely go to the BOC next month.

Staff Oakley stated that Steering Committee for the Comprehensive Plan update started with about 30 members but is now down to about 24. She stated that there will probably be some restructuring and that David Godfrey has been selected as Chairman of the committee. Staff Oakley stated that if anyone would like to be on the committee to reach out the commissioners. She explained what may happen with the restructuring and possible cuts to the size of the committee.

David Godfrey stated that the town needs to get traffic under control on Highway 16 and that we were not on NCDOT's radar for road improvements but have now possibly advanced to the 3 to 5 year track for infrastructure improvements. Staff Oakley stated that there are plans for some of the suburban communities in the state to have infrastructure improvements to help provide easier access to the larger cities. She stated that NCDOT would most likely start with widening Highway 16 from Rea Road in Weddington, south to Bonds Grove Church Road in Waxhaw.

There was a discussion about the Comprehensive Plan update Steering Committee.

**7. Minutes for correction and approval: September 15, 2014 regular meeting**

Dan Gingrich motioned to approve the minutes from the September 15, 2014 regular meeting. Michael Kreimer seconded. The motion passed unanimously, (7-0).

**8. Minutes for correction and approval: October 9, 2014 work session**

Dan Gingrich motioned to approve the minutes from the October 9, 2014 work session. Thomas Dwyer seconded. The motion passed unanimously, (7-0).

**9. Minutes for correction and approval: October 9, 2014 special called meeting**

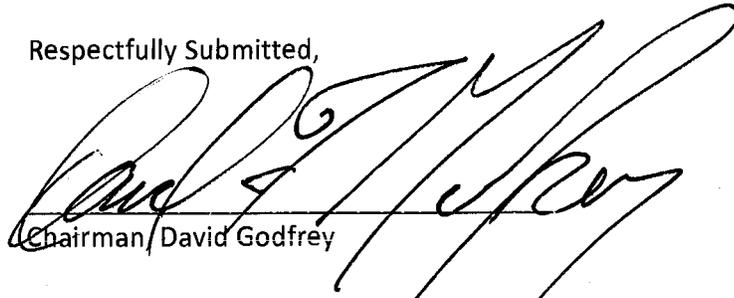
Dan Gingrich motioned to approve the minutes from the October 9, 2014 special called meeting. Bob Morgan seconded. The motion passed unanimously, (7-0).

**10. Adjournment**

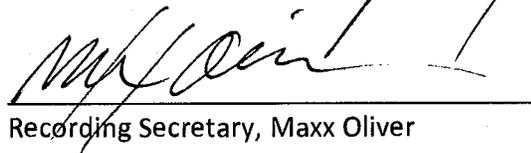
**Thomas Dwyer motioned to adjourn the meeting at 7:12 pm. Michael Kreimer seconded. The motion passed unanimously, (7-0).**

The meeting adjourned at 7:12 p.m.

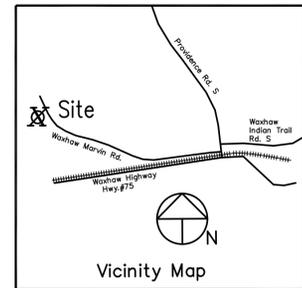
Respectfully Submitted,



Chairman/ David Godfrey



Recording Secretary, Maxx Oliver



VICINITY MAP - NOT TO SCALE



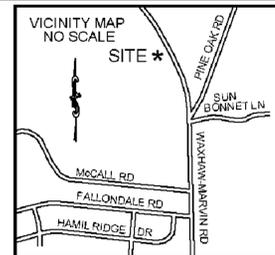
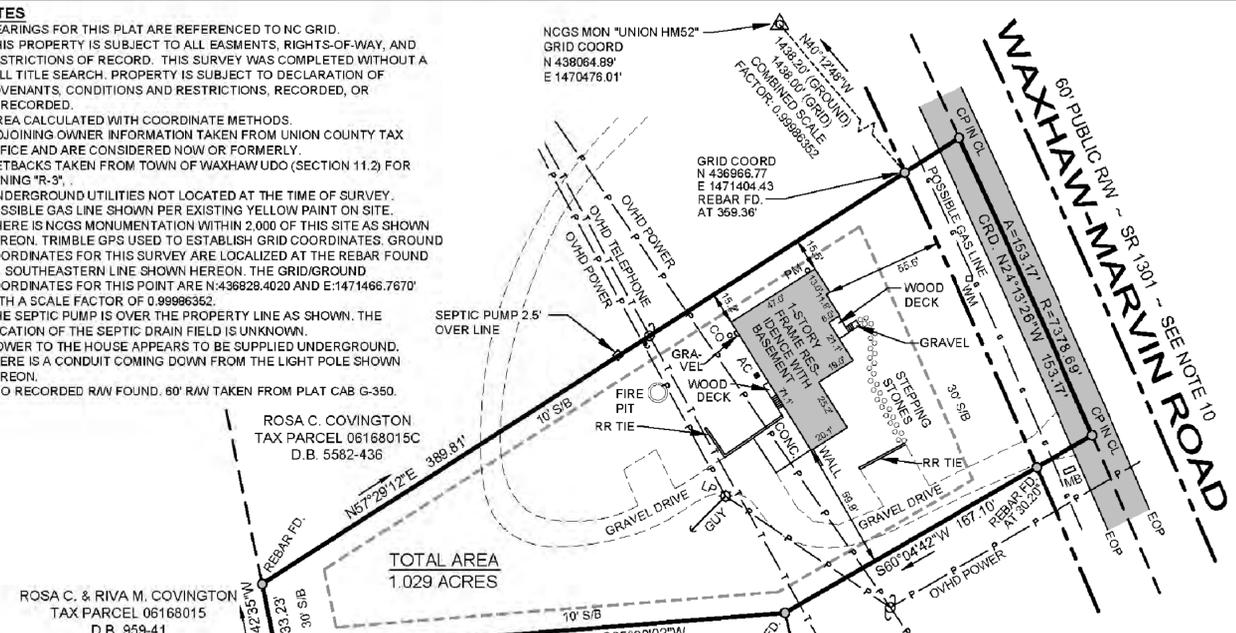
**NOTES**

1. BEARINGS FOR THIS PLAT ARE REFERENCED TO NC GRID.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD. THIS SURVEY WAS COMPLETED WITHOUT A FULL TITLE SEARCH. PROPERTY IS SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED, OR UNRECORDED.
3. AREA CALCULATED WITH COORDINATE METHODS.
4. ADJOINING OWNER INFORMATION TAKEN FROM UNION COUNTY TAX OFFICE AND ARE CONSIDERED NOW OR FORMERLY.
5. SETBACKS TAKEN FROM TOWN OF WAXHAW UDO (SECTION 11.2) FOR ZONING "R-3".
6. UNDERGROUND UTILITIES NOT LOCATED AT THE TIME OF SURVEY. POSSIBLE GAS LINE SHOWN PER EXISTING YELLOW PAINT ON SITE.
7. THERE IS NCGS MONUMENTATION WITHIN 2,000' OF THIS SITE AS SHOWN HEREON. TRIMBLE GPS USED TO ESTABLISH GRID COORDINATES. GROUND COORDINATES FOR THIS SURVEY ARE LOCALIZED AT THE REBAR FOUND ON SOUTHEASTERN LINE SHOWN HEREON. THE GRID/GROUND COORDINATES FOR THIS POINT ARE N:436828.4020 AND E:1471466.7670' WITH A SCALE FACTOR OF 0.99996352.
8. THE SEPTIC PUMP IS OVER THE PROPERTY LINE AS SHOWN. THE LOCATION OF THE SEPTIC DRAIN FIELD IS UNKNOWN.
9. POWER TO THE HOUSE APPEARS TO BE SUPPLIED UNDERGROUND. THERE IS A CONDUIT COMING DOWN FROM THE LIGHT POLE SHOWN HEREON.
10. NO RECORDED RAW FOUND. 60' RAW TAKEN FROM PLAT CAB G-350.

**CERTIFICATION**

I, MATTHEW J. STIKELATHER, CERTIFY THAT THIS SURVEY WAS COMPLETED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIPTION FROM D.B. 6194-781); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION EXCEEDS 1:10,000; AND THAT THIS SURVEY MEETS OR EXCEEDS NORTH CAROLINA STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYING AS SET FORTH IN TITLE 21-58.1606 OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

MATTHEW J. STIKELATHER, NC PLS L-4243



- LEGEND**
- MB - MAIL BOX
  - CO - SEPTIC CLEANOUT
  - AC - AIR CONDITIONER
  - S/B - SETBACK
  - OVHD - OVERHEAD
  - CONC - CONCRETE
  - CP - CALCULATED POINT
  - RAW - RIGHT OF WAY
  - PM - POWER METER
  - WM - WATER METER
  - LP - LIGHT POLE
  - RR TIE - RAILROAD TIE FOR LANDSCAPE EDGE
  - - PROPERTY CORNER - AS DESCRIBED
  - - SUBJECT PROPERTY LINE
  - - - ADJACENT OWNER LINE (UNSURVEYED UNLESS DIMENSIONED)
  - - - RIGHT-OF-WAY
  - - UTILITY POLE

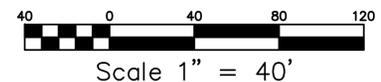
BOUNDARY SURVEY FOR:

### Angela Berger

SCALE	TOWN	COUNTY	STATE	DATE
1" = 40'	TOWN OF WAXHAW SANDY RIDGE TOWNSHIP	UNION	N.C.	7-23-14

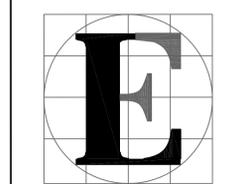
4710 Waxhaw-Marvin Road - Tax Parcel 06168015B  
Owner as of Survey Date: David H. & Janice K. Bothwell

DEED RECORDED 6194-781	<b>PROVIDENCE LAND GROUP, PLLC</b> 3716 PROVIDENCE ROAD SOUTH WAXHAW NC 28173 704.400.0117 NC FIRM # P-0910 SC COA # 4356
MAP RECORDED NONE	
SURVEYED CJS	
DRAWN JCK	



THE ORIGINAL SCALE OF THE SURVEY IS 1" = 60'. FOR PRESENTATION PURPOSES ONLY, THE SCALE WAS CHANGED TO 1" = 40'. THE SURVEY PORTION OF THE PLAN HAS NOT BEEN ALTERED.

Revisions:



**LASH ENGINEERING**  
Consulting Civil Engineer/Planner  
1104 Cindy Carr Drive  
Matthews, N.C. 28105  
Phone: 704/247-3031  
email: mikel@lashengineering.com  
License Number C-2433



PROJECT ENGINEER:  
**MICHAEL LASH, P.E.**  
THESE DRAWINGS AND THE DESIGN SHOWN THEREON ARE INSTRUMENTS OF LASH ENGINEERING, INC. THE REPRODUCTION OR UNAUTHORIZED USE OF THE DOCUMENTS WITHOUT THE CONSENT OF LASH ENGINEERING, INC. IS PROHIBITED.

CLIENT:  
**Angela Berger**  
3001 Waxhaw-Crossing, Dr.  
Waxhaw, NC. 28173

Phone: (704)771-5020

PROJECT:  
**Conditional Use Permit Plan**  
Facility at:  
4710 Waxhaw-Marvin Rd.  
Waxhaw, NC 28173  
Tax Parcel #06168015B

DESCRIPTION:  
**Existing Survey**

**Conditional Use Plan**

SUBMITTED TO: Town

Scale: 1" = 40'  
Date: 12/16/2014

SHEET NO. **1 OF 5**

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES, LOCATIONS AND ELEVATIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE REPORTED

(3) DAYS BEFORE DIGGING IN NORTH CAROLINA CALL: 1.800.632.4949 NORTH CAROLINA 1 CALL CENTER

ROSA C. COVINGTON  
TAX PARCEL 06168015C  
D.B. 5582-436  
Zoning:R3  
Single Family

EASEMENT HAS BEEN GRANTED AND RECORDED TO ALLOW OWNER THE RIGHT TO MAINTAIN, INSPECT, REPLACE, RECONSTRUCT, REPAIR, AND/OR MAKE IMPROVEMENTS ON THE SEPTIC SYSTEM.

ROSA C. & RIVA M. COVINGTON  
TAX PARCEL 06168015  
D.B. 959-41  
Zoning:R3  
Single Family

WENDEL CRENSHAW  
TAX PARCEL 06168015A  
D.B. 1323-479  
Zoning:R3  
Single Family

VICTOR L. & LORA A. BARRETT  
TAX PARCEL 06168015D  
D.B. 1698-664  
PLAT CAB. G-350  
Zoning:R3  
Single Family

SEE SHEET 3 of 4 for LANDSCAPE PLAN

SEE SHEET 4 of 4 for LIGHTING PLAN

ZONING/DEVELOPMENT DATA  
EXISTING ZONING: R3 SINGLE FAMILY  
PROPOSED USE: PRIMARILY DAY CARE USE  
Area = 1.029 Acres

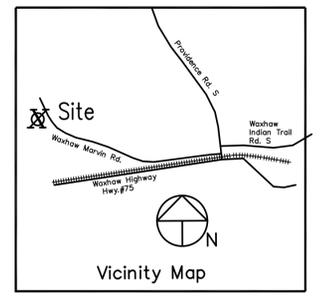
GENERAL NOTES:  
1. THE PROPOSED DEVELOPMENT WILL COMPLY WITH ALL APPLICABLE TOWN OF WAXHAW AND UNION COUNTY REGULATIONS.  
2. ALL DRAINAGE STRUCTURES, CURB & GUTTER, HANDICAP RAMPS, DRIVEWAY ENTRANCE, EROSION CONTROL MEASURES ETC. SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LAND DEVELOPMENT STANDARDS APPROVED BY THE TOWN OF WAXHAW, THE STATE EROSION CONTROL MANUAL.

**AREAS OF FACILITY**

EXISTING SQUARE FOOTAGE:	1,970 sf.
Basement (to be finished):	1,081 sf.
Garage (to be finished):	500 sf.
<b>TOTAL EXISTING SQUARE FOOTAGE:</b>	<b>3,551 sf.</b>
<b>PROPOSED ADDITIONAL SPACE</b>	
Proposed Addition (19' x 17'):	513 sf.
<b>TOTAL SQUARE FOOTAGE OF FACILITY:</b>	<b>4,064 sf.</b>

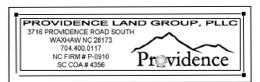
**GENERAL NOTES**

- BEARINGS FOR THIS PLAT ARE REFERENCED TO NC GRID.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD. THIS SURVEY WAS COMPLETED WITHOUT A FULL TITLE SEARCH. PROPERTY IS SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED, OR UNRECORDED.
- AREA CALCULATED WITH COORDINATE METHODS.
- ADJOINING OWNER INFORMATION TAKEN FROM UNION COUNTY TAX OFFICE AND ARE CONSIDERED NOW OR FORMERLY.
- SETBACKS TAKEN FROM TOWN OF WAXHAW UDO (SECTION 11.2) FOR ZONING "R3 Single Family".
- UNDERGROUND UTILITIES NOT LOCATED AT THE TIME OF SURVEY.
- POSSIBLE GAS LINE SHOWN PER EXISTING YELLOW PAINT ON SITE.
- THERE IS NCGS MONUMENTATION WITHIN 2,000 OF THIS SITE AS SHOWN HEREON. TRIMBLE GPS USED TO ESTABLISH GRID COORDINATES. GROUND COORDINATES FOR THIS SURVEY ARE LOCALIZED AT THE REBAR FOUND ON SOUTHEASTERN LINE SHOWN HEREON. THE GRID/GROUND COORDINATES FOR THIS POINT ARE N:436828.4020 AND E:1471466.7670' WITH A SCALE FACTOR OF 0.99998352.
- THE SEPTIC PUMP IS OVER THE PROPERTY LINE AS SHOWN AND AN EASEMENT HAS BEEN ACQUIRED FROM THE ADJACENT PROPERTY OWNER. THE EXACT LOCATION OF THE SEPTIC DRAIN LINES HAVE NOT BEEN FIELD LOCATED BUT THE HEALTH DEPARTMENT HAS REVIEWED AND APPROVED THE SYSTEM (Added a Line).
- PROPERTY IS SERVED BY PUBLIC WATER (UCPW).
- PROPERTY IS SERVED BY PRIVATE SEWER (Septic).
- POWER TO THE HOUSE APPEARS TO BE SUPPLIED UNDERGROUND. THERE IS A CONDUIT COMING DOWN FROM THE LIGHT POLE SHOWN HEREON.
- NO RECORDED R/W FOUND. 60' R/W TAKEN FROM PLAT CAB G-350.



**HOUSE ADDITION NOTES:**

- THE ADDITION IS PROPOSED FOR THIS PERMIT, HOWEVER IT IS UNDER REVIEW BY UNION POWER COOPERATIVE.
- THERE IS AN EXISTING OVERHEAD UNION POWER, POWER LINE THAT GOES OVER THE TOP OF THE ADDITION.
- UNION POWER COOPERATIVE IS CURRENTLY REVIEWING THE AERIAL LINE TO REMOVE, RELOCATE OR BURY.
- IF UNION POWER DECLARES THAT THE POWER LINE NEEDS TO REMAIN THEN THE ADDITION WILL NOT BE BUILT.
- THE POWER LINE IS SHOWN IN PLAN VIEW ON THIS SHEET.



**LEGEND**

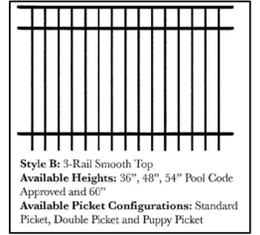
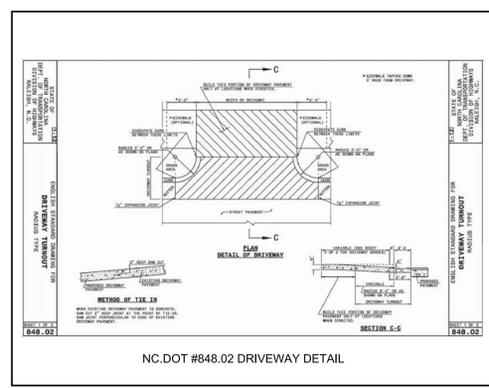
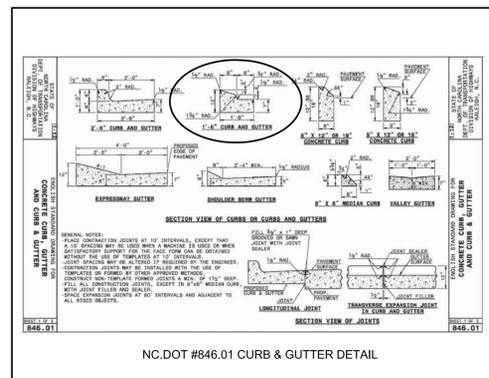
ch.	chord
IPF/IRF	iron pipe/rebar found
IRF/IRS	iron rebar found/set
L,R	curve length, radius
MB,DB	record map, deed reference
OU	overhead utilities
PKF/S	PK Nail found/set
s.f.	square feet (by coordinates)
□	catch basin
⊞	water meter
⊕	water valve
⊗	light pole

**DEVELOPMENT NOTES:**

- GENERAL PROVISIONS**
  - This petition relates to that certain 1.029 acre parcel of land (Tax Parcel 06168015B) lying within the Town of Waxhaw, hereinafter referred to as the "Site". This petition is requesting to add a conditional use to the existing R3 Zoning.
  - Development of the Site will be controlled by the standards depicted on this Zoning Plan and by the standards of the Unified Development Ordinance. The development depicted on the Zoning Plan is intended to reflect the arrangements of existing buildings and uses on the Site, but the exact configurations, placements and sizes of individual elements may be altered or modified within the limits prescribed by the Ordinance during the design development and construction phases.
  - Unless more stringent standards are established by these Development Standards, all development standards established under the Unified Development Ordinance (the "Ordinance") for the R3 (Single Family) District shall be followed with respect to the Site.
  - The Petitioner has contacted and coordinated with the County Health Department related to septic tanks and waste water facilities.
- STATEMENTS WITH RESPECT TO THE GRAPHICS WHICH ARE SET FORTH ON EXHIBITS ACCOMPANYING THE CONDITIONAL USE PLAN.**
  - Any Exhibits accompanying the CONDITIONAL USE PLAN are conceptual images of portions of the Site. They are not to be considered as development plans but rather as preliminary representations of the types and quality of development proposed for the Site.
  - The Zoning Plan identifies an existing building. No new buildings are being proposed. However, the Petitioner reserves the right to add a shed, garage or similar structure as is allowed by the Unified Development Ordinance.
- PERMITTED USES AND MAXIMUM DEVELOPMENT**
  - The Site is a R3 Single Family District. The following use is specifically requested:
    - Day Care Facility - For up to a maximum of 30 children.
- ACCESS POINTS**
  - The total number of ingress/egress points to and from the Site shall be limited to one entrance on Waxhaw-Marvin Road. The exact location may vary somewhat from those depicted based upon final design and location requirements as regulated by the transportation engineer and Town of Waxhaw. Any other driveway for the site will be abandoned (none are apparent).
  - The Petitioner is expecting to install the proposed driveway of the site in close proximity to the existing driveway and be upgraded to an approved driveway type (NC.DOT#848.02 (Radius) Type).
- SETBACK, SIDE YARDS AND REAR YARDS**
  - No buildings or parking areas shall be allowed in the 30 foot front setback along Waxhaw-Marvin Road or the Sides or Rear Yard Setbacks. No new buildings are proposed with this plan.
- DESIGN AND PERFORMANCE STANDARDS**
  - The Site shall comply with all requirements of the Unified Development Ordinance.
  - The Developer shall preserve and maintain the natural areas per ordinance.
  - The Building shall be connected by sidewalk to a proposed 5 foot sidewalk along Waxhaw-Marvin Road.
  - All sidewalks installed within the Site that connect to the public Right-of-Way shall be at least five feet in width.
  - All Sidewalks shall be ADA compliant.
- EXTERIOR FEATURES**
  - The Exterior will remain the same. All repairs/renovations or alterations are to be approved by the Town of Waxhaw.
- PARKING**
  - Off-street vehicular parking for the Site shall meet or exceed the minimum standards established by the Unified Development Ordinance.
- LIGHTING**
  - All outdoor lighting is to meet the standards within Waxhaw Outdoor Lighting Ordinance.
- STORMWATER**
  - The petitioner shall tie into the existing storm water system(s).
  - The petitioner shall control the stormwater runoff from the site to satisfy the stormwater ordinance.
- SIGNS**
  - A separate Permit is necessary for the installation of a new sign through the Town of Waxhaw. The Petitioner will be requesting this permit with the Town.
  - The Pylon Sign would be freestanding and conforming to the sign ordinance.
  - The location for the proposed sign is shown on this plan. Located a minimum of 5' off R/W (min.) and out of the NCDOT Sight Triangle.
- BINDING EFFECT**
  - Upon approval, all conditions applicable to development of the Site imposed under the Conditional Use Plan and these Development Notes will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Notes, the terms "Developer", "Petitioner", "Owner" or "Owners", shall, with respect to each parcel within the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

**PARKING SPACE TABLE**  
Zoning: R3

USE: DAY CARE FACILITY, LICENSED CAPACITY = 30  
Parking Requirement = 0.35 x licensed person = 1 spc.  
0.35 x 30 licensed people = 10.5 spaces Use 11 spaces  
11 spaces requires 1 handicap space.  
PERMITTED USE SPACES PROVIDED:  
INCLUDED ONE HANDICAP SPACES: 11 spaces Total



**BMP Analysis:**  
Total Area for Site = 40,241 sf. (excluding area within DOT R/W)  
Existing Impervious Area for the Site = 7,824 sf. (19.4%)  
Proposed Impervious Area for the Site = 11,404 sf. (28.3%)  
Therefore, the project has a net gain of: 3,580 sf. (8.9%)  
The BMP for this Site is:  
1. Total Impervious Area for the Site is less than the 20,000 sf allowable by regulation.  
2. These numbers may change depending on the review process but it is the intent of this plan to have the total impervious area to be less than the 20,000 sf allowable.  
3. The parking lot drains away from the street and toward the backyard behind the house. Drainage Control will be in the form of Curb Cuts to establish a better sheet/shallow flow to the existing drainage areas off site. There are no offsite or onsite outfalls available. All existing drainage (onsite & adjacent offsite) is sheet and shallow flow.

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES, LOCATIONS AND ELEVATIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE REPORTED

(3) DAYS BEFORE DIGGING IN NORTH CAROLINA CALL: 1.800.632.4949  
NORTH CAROLINA 1 CALL CENTER



NORTH SIDE



EAST SIDE



SOUTH SIDE



WEST SIDE

Revisions:

**LASH ENGINEERING**  
Consulting Civil Engineer/Planner  
1104 Cindy Carr Drive  
Matthews, N.C. 28105  
Phone: 704/847-3031  
email: mlash@lashengineering.com  
License Number C-2433



**PROJECT ENGINEER:**  
MICHAEL LASH, P.E.

**CLIENT:**  
Angela Berger  
3001 Waxhaw-Crossing, Dr.  
Waxhaw, NC. 28173

Phone: (704)771-5020

**PROJECT:**  
Conditional Use Permit Plan

Facility at:  
4710 Waxhaw-Marvin Rd.  
Waxhaw, NC 28173  
Tax Parcel #06168015B

**DESCRIPTION:**  
Conditional Use Plan

SUBMITTED TO: Town

Scale: 1" = 30'  
Date: 12/16/2014  
SHEET NO. 2 OF 5

ROSA C. COVINGTON  
TAX PARCEL 06168015C  
D.B. 5582-436  
Zoning:R3  
Single Family

ROSA C. & RIVA M.  
COVINGTON  
TAX PARCEL 06168015  
D.B. 959-41  
Zoning:R3  
Single Family

WENDEL CRENSHAW  
TAX PARCEL 06168015A  
D.B. 1323-479  
Zoning:R3  
Single Family

VICTOR L. & LORA A. BARRETT  
TAX PARCEL 06168015D  
D.B. 1698-664  
PLAT CAB. G-350  
Zoning:R3  
Single Family

**CLEARING for PROPOSED SEPTIC DISPOSAL**  
1. AREA TO BE CLEARED ACCORDING TO HEALTH DEPARTMENTS STANDARDS (NOT WITH HEAVY EQUIPMENT).  
2. APPROPRIATE SEPTIC DISPOSAL INSTALLED.

**PHASE 2 - CLEARING**  
1. UPON ACQUISITION OF CONDITIONAL USE PERMIT AND AS PART OF THE ENGINEERING PLAN REVIEW PROCESS, THE EXISTING MATERIAL IN THE PHASE 2 BUFFERS WILL BE VERIFIED TO MEET THE REQUIREMENTS OF THE U.D.C.  
2. ANY DEFICIENCIES IN THE BUFFER REQUIREMENT WILL BE CORRECTED.  
2. THE SURVEY WILL ALSO INCLUDE ANY TREES THAT MEET THE TREE PRESERVATION REQUIREMENTS.  
3. ANY MATERIAL MEETING THESE REQUIREMENTS WILL BE LOCATED AND SHOWN ON THE PLAN.

**Shrub Requirements**  
Shrubs used for buffers and / or perimeter screening shall be at least thirty (30) inches tall when planted, and be expected to grow to a minimum height of five (5) to six (6) feet when mature, with a minimum mature width four (4) feet.

**Tree Requirements**  
Trees used to meet buffer planting requirements shall have a minimum trunk caliper (measured six (6) inches above ground) of two (2) inches for large maturing trees and one and one-half (1-1/2) inches for small maturing trees, and a minimum height of ten (10) feet.

**Interior Parking Lot Landscaping "A"**  
At least one existing or planted tree  
And four shrubs of appropriate minimum caliper and height shall be provided for every 1,000 sf. of vehicular use area. Area of Parking = 5,147 sf.  
REQUIRED TREES = 5147/1000 = 6 Trees  
2 RED MAPLE (LARGE MATURING.)  
4 RED BUD TREES.  
REQUIRED 75% LARGE MATURING TREES.  
2/6 = 33% LARGE MATURING TREES PROVIDED.  
DUE TO EXCESSIVE POWER LINES.

**Street Frontage "B"**  
WAXHAW-MARVIN ROAD  
Ex. Gum Ball, Pine Tree AND 3 Bradford Pear Trees are to be removed. Street Tree Requirement per Sec.9.8.2.70 is 4 TOTAL TREES being met by Proposed 4 Maple Trees. with 10 SHRUBS

**Buffer Requirements "C"**  
PHASE 1  
Side Buffers: 67 Shrubs & 8 Trees.  
PHASE 2  
Side & Rear Buffers: 86 Shrubs & 10 Trees  
A Class "C" Buffer is required to buffer adjacent property.  
Class "C" Buffer: 2 Trees & 20 Shrubs/100' Required.

ZONING/DEVELOPMENT DATA  
EXISTING ZONING: R3  
PROPOSED USE: PRIMARILY DAY CARE USE  
Area:1.029Acres

GENERAL NOTES:  
1. THE PROPOSED DEVELOPMENT WILL COMPLY WITH ALL APPLICABLE TOWN OF WAXHAW AND UNION COUNTY REGULATIONS.  
2. ALL DRAINAGE STRUCTURES, CURB & GUTTER, HANDICAP RAMPS, DRIVEWAY ENTRANCE, ETC. SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROPRIATE DEVELOPMENT STANDARDS UNLESS SPECIFICALLY NOTED ON THE PLANS.

**LEGEND**

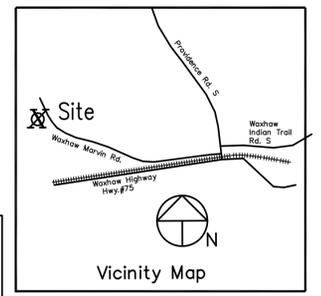
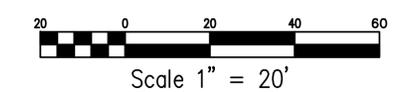
MB,DB	record map, deed reference
ch.	chord
IPF/IRF	iron pipe/rebar found
IRF/IRS	iron rebar found/set
L,R	curve length, radius
s.f.	square feet (by coordinates)
OU	overhead utilities
PKF/S	PK Nail found/set
⊗	light pole
⊠	catch basin
⊞	water meter
⊞	water valve

**LANDSCAPE LEGEND**

GUMBALL TREE	
BRADFORD PEAR	
CRAPE MYRTLE	
CEDAR TREE	
EVERGREEN EUONYMUS	
RED MAPLE TREE	
EASTERN REDBUD	

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES, LOCATIONS AND ELEVATIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE REPORTED

(3) DAYS BEFORE DIGGING IN NORTH CAROLINA CALL: 1.800.632.4949 NORTH CAROLINA 1 CALL CENTER



Revisions:

**LASH ENGINEERING**  
Consulting Civil Engineer/Planner  
1104 Cindy Carr Drive  
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Phone: 704/847-3031  
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CLIENT:  
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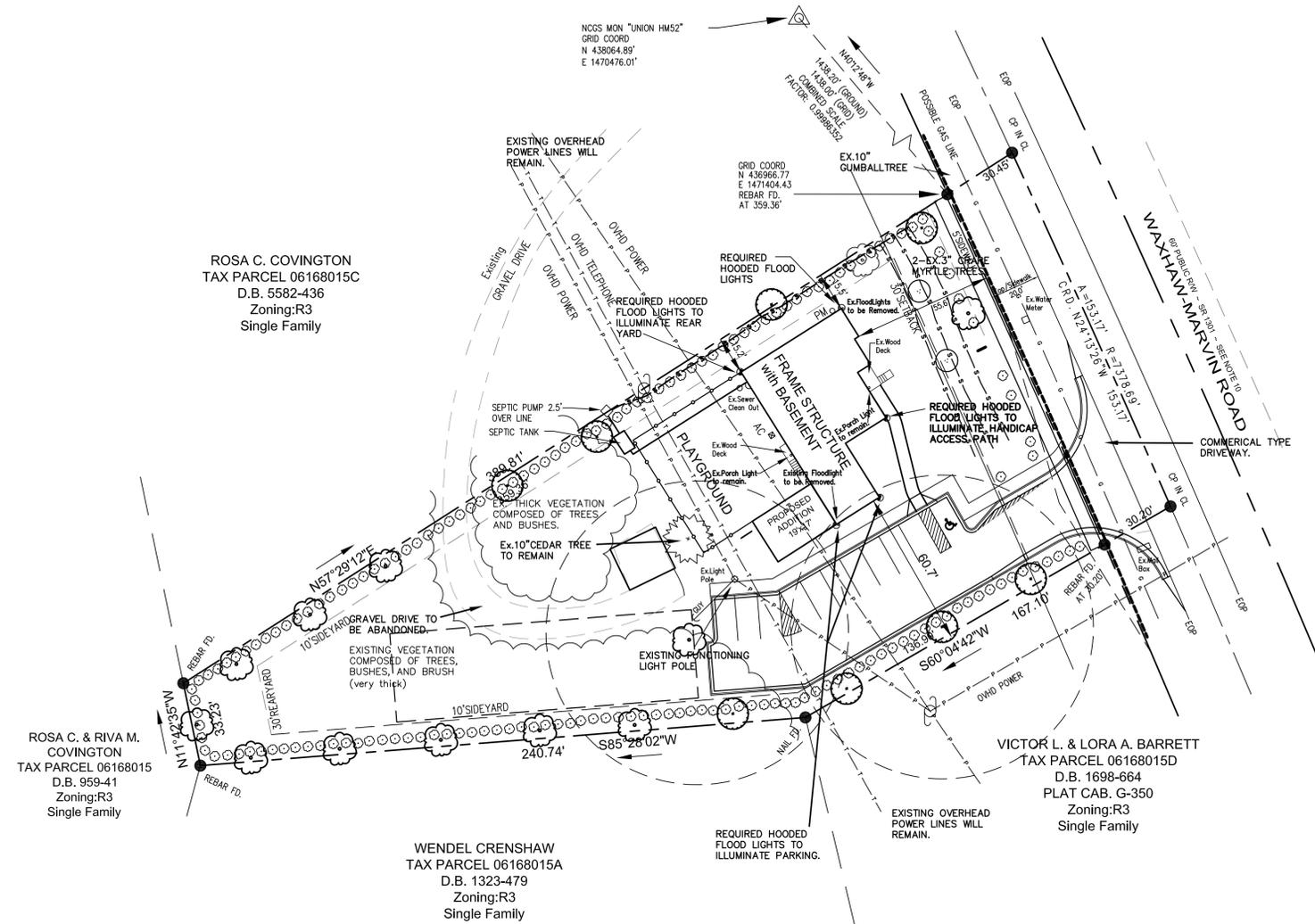
Phone: (704)771-5020

PROJECT:  
**Conditional Use Permit Plan**  
Facility at:  
4710 Waxhaw-Marvin Rd.  
Waxhaw, NC 28173  
Tax Parcel #06168015B

DESCRIPTION:  
**Landscape Plan**

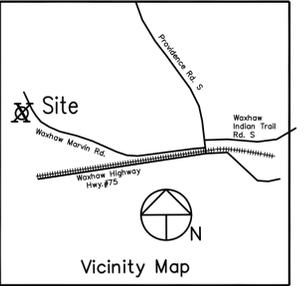
**Conditional Use Plan**

SUBMITTED TO: Town  
Scale: 1" = 20'  
Date: 12/16/14  
SHEET NO. **3 OF 5**



ZONING/DEVELOPMENT DATA  
 EXISTING ZONING: R3  
 PROPOSED USE: PRIMARILY DAY CARE USE  
 Area: 1.029 Acres

GENERAL NOTES:  
 1. THE PROPOSED DEVELOPMENT WILL COMPLY WITH ALL APPLICABLE TOWN OF WAXHAW AND UNION COUNTY REGULATIONS.  
 2. ALL DRAINAGE STRUCTURES, CURB & GUTTER, HANDICAP RAMPS, DRIVEWAY ENTRANCE, ETC. SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE WAXHAW LAND DEVELOPMENT STANDARDS MANUAL UNLESS SPECIFICALLY NOTED ON THE PLANS. CATCH BASINS AND PIPING IN LANDSCAPED AREAS (if required) WILL BE OF A TYPE SUITABLE FOR LANDSCAPE AREAS.

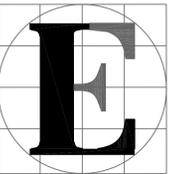


VICINITY MAP - NOT TO SCALE

LEGEND	
ch.	chord
IPF/IRF	iron pipe/rebar found
IRF/IRS	iron rebar found/set
L,R	curve length, radius
MB,DB	record map, deed reference
OU	overhead utilities
PKF/S	PK Nail found/set
s.f.	square feet (by coordinates)
□	catch basin
⊠	water meter
⊗	water valve
⊕	light pole

- LIGHTING Specifications**
- Flood lights on south side of the building are to be arranged such that the parking lot is illuminated but not the Adjacent Property. Other Lights are to be directed toward the ground or path for the illumination of that area only.
  - Existing Flood Lights are to be removed and new HOODED Floodlights per Detail are to be installed at locations shown on Plan.
  - The illumination of the Sign out front shall be from the ground. Light Detail is shown on this sheet.
  - Front and Rear Porch Lights are to Remain.

Revisions:



**LASH ENGINEERING**  
 Consulting Civil Engineer/Planner  
 1104 Cindy Carr Drive  
 Matthews, N.C. 28105  
 Phone: 704/847-3031  
 email: mikel@lashengineering.com  
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PROJECT ENGINEER:  
**MICHAEL LASH, P.E.**  
 THESE DRAWINGS AND THE DESIGN SHOWN THEREON ARE INSTRUMENTS OF LASH ENGINEERING, INC. THE REPRODUCTION OR UNAUTHORIZED USE OF THE DOCUMENTS WITHOUT THE CONSENT OF LASH ENGINEERING, INC. IS PROHIBITED.

CLIENT:  
**Angela Berger**  
 3001 Waxhaw-Crossing, Dr.  
 Waxhaw, NC. 28173

PROJECT:  
**Conditional Use Permit Plan**  
 Facility at:  
 4710 Waxhaw-Marvin Rd.  
 Waxhaw, NC 28173  
 Tax Parcel #06168015B

DESCRIPTION:  
**Lighting Plan**  
**Conditional Use Plan**

SUBMITTED TO: Town  
 Scale: 1" = 30'  
 Date: 12/16/2014  
 SHEET NO. **4 OF 5**

**SIGN LIGHT SPECIFICATION**



LED  
 Series: TAFLL  
 Description  
 The TAFLL flood light is a versatile unit with multiple mounting options that satisfy many of your lighting applications. The TAFLL can be utilized as a floodlight or a security light in conjunction with our MSP motion sensor range, and can be adjusted to almost any position to direct the light where needed.  
 Features  
 \* Durable die cast powder coated aluminum housing with stainless hardware  
 \* Finned heat sink designed to dissipate the radiant heat efficiently.  
 \* Fully gasketed tempered glass lens.  
 \* 120-277V Operation  
 \* Ultra-bright 5000K, 10W LED producing over 850 lumens.  
 \* Specular aluminum back reflector creating a 160A° beam spread.  
 \* LED light source does not attract most insects.  
 \* Mountable with yoke bracket or canopy with provided weather-proof mounting canopy  
 \* Fixture provided with 6' power cord to allow versatility in many installation applications.  
 \* UL listed for wet locations.

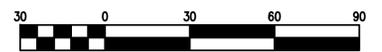
**FLOOD LIGHT SPECIFICATION**



SPECIFICATIONS:  
 1. TAMULTE MSP2180  
 2. POLYCARBONATE CONSTRUCTION  
 3. 120V OPERATION ONLY  
 4. 180° MOTION SENSOR  
 5. RATED FOR 500W max.  
 6. UL LISTED FOR WET CONDITIONS.

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES, LOCATIONS AND ELEVATIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE REPORTED

(3) DAYS BEFORE DIGGING IN NORTH CAROLINA CALL: 1.800.632.4949 NORTH CAROLINA 1 CALL CENTER



Scale 1" = 30'



RENDERING OF PERSPECTIVE FROM STREET



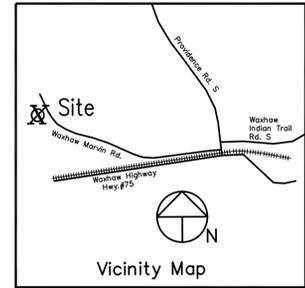
RENDERING SHOWING THE FRONT ACCESS



RENDERING OF PERSPECTIVE FROM REAR PARKING.



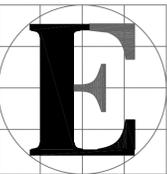
RENDERING SHOWING THE REAR PLAYGROUND



VICINITY MAP - NOT TO SCALE



Revisions:



**LASH ENGINEERING**  
 Consulting Civil Engineer/Planner  
 1104 Cindy Carr Drive  
 Matthews, N.C. 28105  
 Phone: 704/847-3031  
 email: mikel@lashengineering.com  
 License Number C-2433

RENDERINGS PROVIDED BY:

**Residential Designs**  
 Michael McCollum  
 2909 Marshville-Olive Branch Rd.  
 Marshville, N.C. 28103  
 704-996-7740

CLIENT:

**Angela Berger**  
 3001 Waxhaw-Crossing, Dr.  
 Waxhaw, N.C. 28173

Phone: (704)771-5020

PROJECT:

**Conditional Use Permit Plan**  
 Facility at:  
 4710 Waxhaw-Marvin Rd.  
 Waxhaw, NC 28173  
 Tax Parcel #061680158

DESCRIPTION:

**Renderings**

**Conditional Use Plan**

SUBMITTED TO: Town

Scale: nts  
 Date: 12/16/2014

SHEET NO.

**5 OF 5**

NOTE:

1. The existing exterior materials of the existing building will remain the same.
2. An effort will be made on the new addition to match the materials used on the existing building.



## **VII. New Business**

### **B. Discussion & Possible Approval of Petition CU-002567-2014**

Request by Tommy Holevas, on behalf of Waxhaw Professional Park, LLC, for an amendment to the Conditional Use Permit for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved Conditional Use Permit plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow for church use. Phase 4 is located on the eastern side of tax parcel 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings

**Presenter:** [Lisa McCarter](#)

### **Information**

This matter is a request by Tommy Holevas, on behalf of Waxhaw Professional Park, LLC, for an amendment to the Conditional Use Permit for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved Conditional Use Permit plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow for church use. Phase 4 is located on the eastern side of tax parcel 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings.

### **Board Action**

- Possible action on Petition CU-002567-2014 by Tommy Holevas, for an amendment to the Conditional Use Permit for Phase 4 of Waxhaw Park Shopping Center located on the eastern side of tax parcel 06-141-007



## STAFF REQUEST TO PLACE ITEM ON BOARD AGENDA

Date of Meeting: January 13, 2015

Department Requesting: Planning and Community Development

Staff Member Requesting: Lisa McCarter

Case #: CU-002567-2014

### Brief Summary of the item:

CU-002567-2014 is a request by the applicant, Tommy Holevas on behalf of Waxhaw Professional Park, LLC, for an amendment to the CUP (Conditional Use Permit) for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved CUP plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow a church use. Phase 4 is located on the eastern side of tax parcel number 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings.

### Attachments Included:

- Application
- Aerial Map
- Future Land Use Map
- Zoning Map
- Staff Report & Town of Waxhaw Review Comments - Town/County Agencies
- Photos of Phase 3 Elevations for Architectural Example of New Phase 4 Buildings
- Originally Approved CUP Plan
- Approved Phase 2 & Phase 3 Plans
- 11 by 17 CUP Amendment Plans
- Full Size CUP Amendment Plans

Date submitted to Town Clerk: 12/19/2014



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received  
 7-3-2014  
 Received By  
 DL  
 Fee  
 440.00

AMENDMENT

**CONDITIONAL USE PERMIT APPLICATION**

Application Number: CU- 002567-2014 Date of Application: 6-26-14

**Applicant Information**

Applicant Name: Tommy Holvas

Applicant Mailing Address: 10033 STRIKE The Gold Lane WAXHAW NC 28173

Applicant Telephone: 704-506-1354

Property Owner Name: WAXHAW Professional Park, LLC

Property Owner Mailing Address: SAME 101 WAXHAW Professional Park Dr  
 WAXHAW NC 28173

Property Owner Telephone: same

Relationship of Applicant to Property Owner: same

**Subject Property Information**

Property Location: 101 WAXHAW Profesional Park Dr.

Tax Map and Parcel Number(s): 06141007

Existing Zoning: CU-C3 In Flood Area? No

Is Conditional Use (CU) Rezoning Requested:  Yes  No

Proposed Conditional Use: office same as phase 3 +  
 church

Comments: \_\_\_\_\_

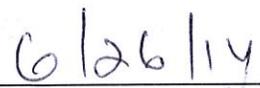
A site plan must be submitted for evaluation by the Zoning Administrator and Planning Board and subsequently approved by the Board of Commissioners prior to any development and/or construction and must be accompanied by the following:

1. Name, address, and phone number of the applicant and property owner(s) (if different from applicant).
2. A scaled boundary survey showing the total acreage, present zoning classification(s), date & north arrow.
3. The owner's names and addresses, the tax parcel numbers, and the existing land use(s) of all adjoining properties.
4. A scaled site plan showing the following information:
  - A: All existing easements, reservations, rights-of-way and all yard requirements on the property or properties which are subject to the application.
  - B: Proposed size, layout and setbacks of all proposed structures. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For non-residential uses, this shall include the approximate gross floor area of all structures and an outline of the area where the structures will be located.
  - C: Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
  - D: Landscape plans showing proposed screening and landscaping, including walls, fences or planted areas as well as treatment of any existing natural features within the site.
  - E: Delineation of areas within the regulatory floodplain as shown on the Official Flood Plain Hazard Boundary Maps.
  - F: Proposed number, type and location of all free-standing identification signs.
5. Proposed phasing, if any, and approximate completion time of the project.
6. A fee paid in accordance with the fee schedule.

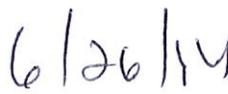
No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

  
\_\_\_\_\_  
(Signature of Property Owner)

  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Signature of Applicant)

  
\_\_\_\_\_  
(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

Sari Oakley  
(Signature of Zoning Administrator)

7-3-14  
(Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 7-3-2014

Reviewed by Planning Board on: 12-15-14

Action of Planning Board: The Planning Board made a favorable motion to accept the applicants request to reduce the buildings from 11 to 4 with the conditions that the parking meets the 2007 UDO requirements and church use is not allowed. (unanimous)

Town Board Public Hearing Held On: \_\_\_\_\_

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***\*Newspaper Affidavit should be attached***

Public Hearing Notice Filed in (Newspaper): \_\_\_\_\_

Date(s) Notices Published: \_\_\_\_\_

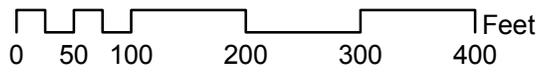
Notification to adjacent property owners mailed on: \_\_\_\_\_

Property Posting Date: \_\_\_\_\_

# CU-002567-2014 Waxhaw Park Shopping Center Aerial Map



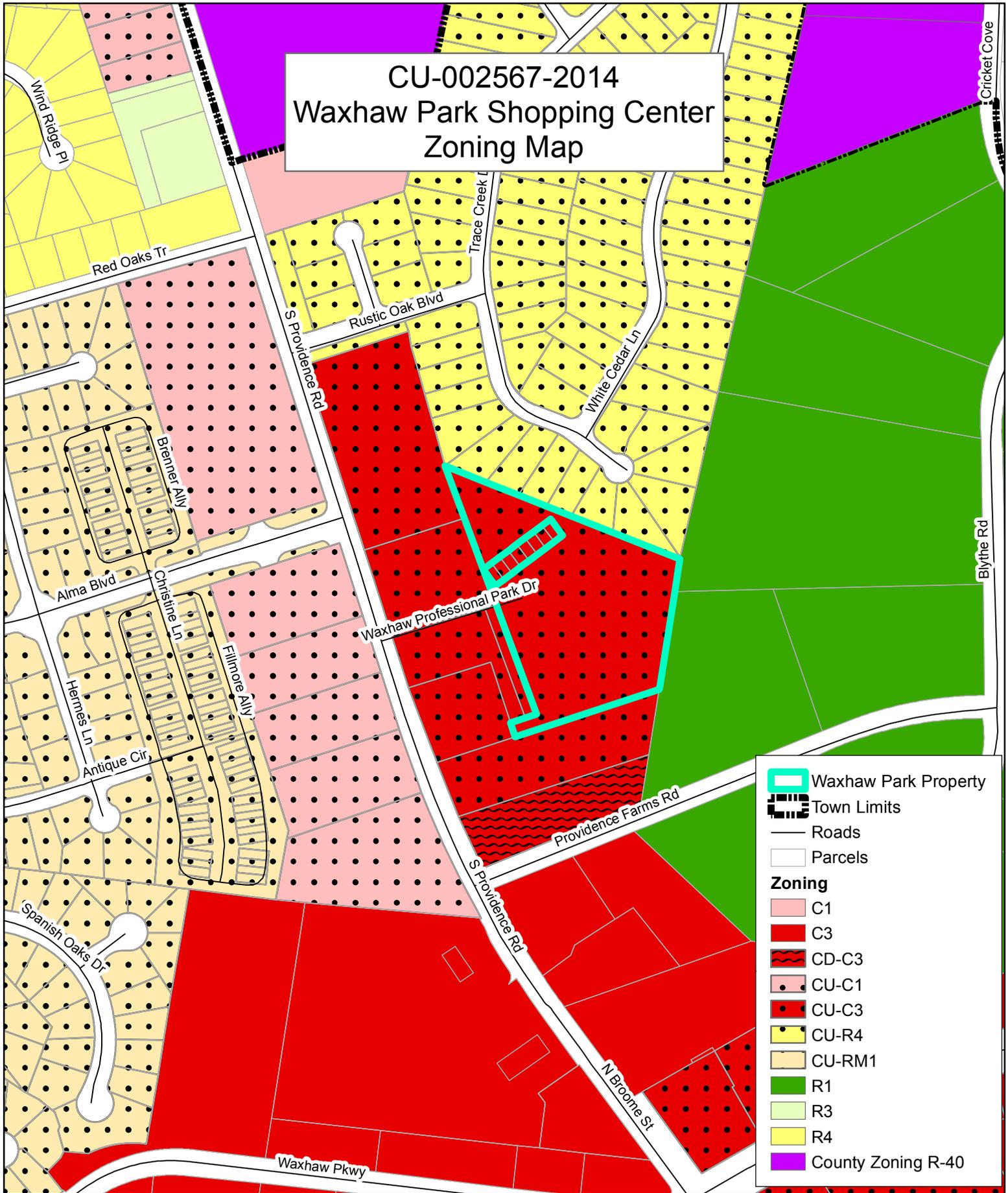
-  Waxhaw Park Property
-  Town Limits
-  Roads
-  Parcels



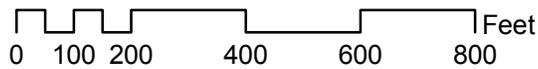
**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created November 2014.



# CU-002567-2014 Waxhaw Park Shopping Center Zoning Map



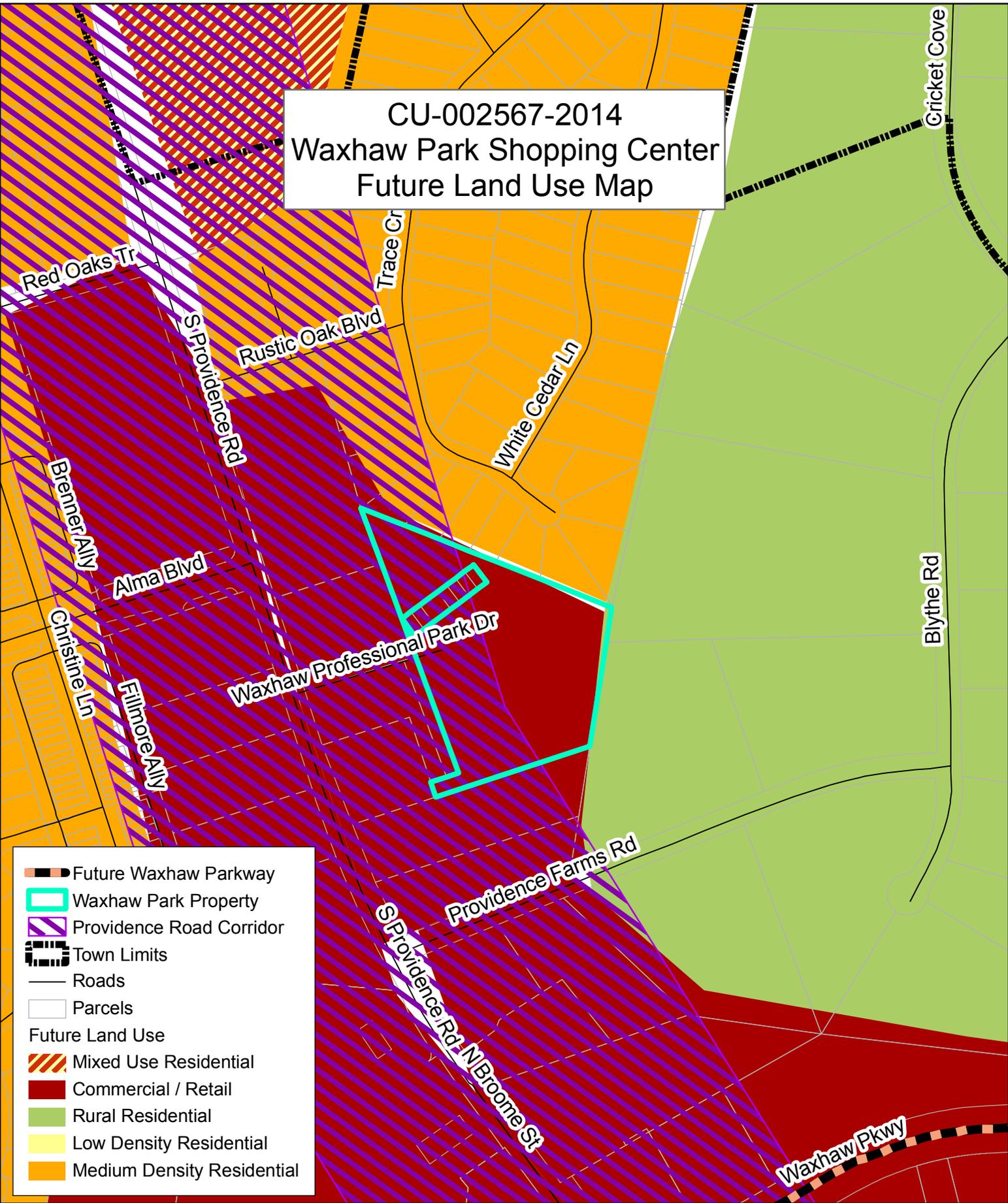
	Waxhaw Park Property
	Town Limits
	Roads
	Parcels
<b>Zoning</b>	
	C1
	C3
	CD-C3
	CU-C1
	CU-C3
	CU-R4
	CU-RM1
	R1
	R3
	R4
	County Zoning R-40



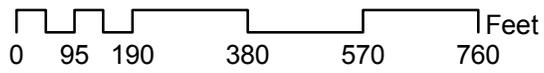
**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created November 2014.



# CU-002567-2014 Waxhaw Park Shopping Center Future Land Use Map



	Future Waxhaw Parkway
	Waxhaw Park Property
	Providence Road Corridor
	Town Limits
	Roads
	Parcels
<b>Future Land Use</b>	
	Mixed Use Residential
	Commercial / Retail
	Rural Residential
	Low Density Residential
	Medium Density Residential



**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created November 2014.



**Conditional Use Petition CU-002567-2014  
Waxhaw Park Shopping Center Phase 4  
Conditional Use Permit Amendment**

**EXPLANATION OF THE REQUEST**

CU-002567-2014 is a request by the applicant, Tommy Holevas on behalf of Waxhaw Professional Park, LLC, for an amendment to the CUP (Conditional Use Permit) for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved CUP plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow a church use. Phase 4 is located on the eastern side of tax parcel number 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings.

**LOCATION / CURRENT LAND USE**

The property is located off Waxhaw Professional Park Drive on the east side of Providence Road behind the Napa Auto Parts & Snap Fitness buildings. The property is zoned CU-C3 (Conditional Use-General Commercial). Currently, the subject property is undeveloped and is Phase 4 of the Waxhaw Park Shopping Center.

- Condition and land use of the surrounding properties. The adjoining properties are:
- To the north – Camberley single-family residential subdivision zoned CU-R4 (Conditional Use-Single-Family Residential).
  - To the south – Ace Hardware retail store. This property is zoned CU-C3 (Conditional Use-General Commercial).
  - To the east – Providence Farms single-family residential subdivision zoned R-1 (Single-Family Residential).
  - To the west – Four parcels: A parcel with a retail building containing NAPA Auto Parts, Studio Forma florist, Jackson Hewitt insurance company, and The Groomery pet grooming; A parcel that is Phase 1 of the Waxhaw Park Shopping Center with a retail building including Kim’s Curtains Interiors & Blinds, and Snap Fitness; A parcel that is Phase 2 of the Waxhaw Park Shopping Center with a retail building including Studio U Salon & Spa, Waxhaw Family Vision Care, WOW Taekwondo, Dream Dinners, PMAC, Personal & Group Fitness, and Trattoria Antica restaurant; and a parcel that contains two retail buildings including Sherwin-Williams Paint, Sephora Nails, Sweet Repeats, The Color Bar Hair Salon, Subway, Domino’s Pizza, a gym, a Drycleaners, and a tanning salon. These properties are all zoned CU-C3.

**LAND USE**

The Waxhaw Park Shopping Center was approved in phases beginning when the CUP was approved by the Board of Commissioners in April 2007. This original plan (attached) showed eleven smaller buildings versus the four larger buildings the applicant is proposing. Phases 2 and 3 were approved administratively on August 22, 2008 and October 27, 2008 respectively. Phase 2 was consistent with the approved CUP, however Phase 3 was approved in error because the plans did not go to the Board of Commissioners for approval since there is a condition on the CUP that the buildings not be combined or enlarged without Board of Commissioner approval. In Phase 3, two smaller buildings that were shown on the approved CUP plan were combined into one larger building. Phase 4 is labeled as future development on both the Phase 2 and Phase 3 plans and shows four larger buildings (consistent with this CUP amendment request) as opposed to the originally approved CUP that showed eleven smaller buildings. However, future development shown on a plan does not constitute site plan approval. The applicant is

proposing to remove the condition that buildings not be combined or enlarged without approval by the Board of Commissioners, but this condition still currently requires the applicant to receive approval by the Board of Commissioners to request four larger buildings instead of the approved eleven smaller buildings on the approved CUP plan.

The applicant is proposing three office buildings and one church building. Per the conditions of the Conditional Use Permit for the Waxhaw Park Shopping Center approved by the Waxhaw Board of Commissioners on April 10, 2007, only office uses allowed in the OIS (Office, Institutional & Specialty) zoning district are allowed by right. The applicant is proposing to amend this condition to allow church use also. (Proposed conditions of the CUP can be found on the attached CUP Amendment Site Plan).

## **PARKING**

This project is regulated by the Unified Development Ordinance that was in effect at the time of approval on April 10, 2007. Therefore, this request has been reviewed under those regulations. The applicant has met these requirements.

The parking regulations for office use required one parking space per 200 sq. ft. of net rentable area with the further standard that the net rentable area be considered 80% of the gross floor area. The applicant's three office buildings total 29,246 sq. ft. gross floor area, so the applicant is required to provide 117 spaces for the office buildings.

The parking regulations for churches required one space per four seats in the largest assembly room. The applicant is proposing 400 seats in the largest assembly room, so 100 spaces are required.

The combined required parking spaces for the office buildings and the church equals 217 spaces, however, under the former UDO regulations at the time of approval, there was a provision for Day Time/Night Time Assignments which stated:

*One-half the required parking spaces for churches, theaters, or assembly halls whose peak attendance is at night or on Sundays may be assigned to a use which will be closed at night or Sundays.*

The applicant proposes to use this provision to reassign 50 parking spaces from Phase 3 to use as parking for the church. This brings the total required parking spaces to 167. The applicant has proposed to provide 167 spaces. The plans also show seven handicap spaces which meets the requirements and is the total required for the full 217 spaces before the 50 space subtraction for reassigned spaces.

## **LANDSCAPING AND BUFFERING**

There is no interior lot landscaping required by the April 2007 UDO, however, the applicant is providing some interior parking lot landscaping.

The April 2007 UDO did require a 20 foot perimeter buffer where a C3 district abuts a residential district. Where this property abuts the Providence Farms and Camberley Subdivisions which have residential zoning, the applicant has provided a buffer in accordance with requirements. There is a proposed nine mature trees (1/3 evergreen) and 20 large shrubs provided per 100 feet of buffer strip.

The applicant proposes to screen the dumpster on the site adjacent to the church with an opaque (brick) screen in keeping with the other Phase 3 of the shopping center. The brick used for the buildings and the dumpster enclosure will be the same in appearance as the brick on the buildings in Phase 3 (photos attached). The other buildings will not utilize dumpsters at this time.

### 2030 Comprehensive Plan

The Future Land Use Map from the 2030 Comprehensive Plan show the property as Commercial / Retail and Providence Road Corridor. (See attached Future Land Use Map.)

Commercial / Retail is summarized in the plan as:

**Commercial / Retail.** These areas focus on retail and commercial uses. They should be located along main transportation corridors and near residential and employment areas to provide access to goods and services.

The Providence Road Corridor is described in the plan as:

**Providence Road Corridor.** This classification designates a corridor along Providence Road (NC-16) - the primary road corridor through Waxhaw - that has been identified for additional planning. A plan for this corridor should include recommendations for specific design standards, such as building orientation, location and amount of parking, pedestrian and bicycle facilities, signage, and architectural requirements. Standards should also address transportation design, such as access management.

### PLANNING STAFF ANALYSIS

The plan is in compliance with the April 2007 UDO. Two existing CUP conditions require the applicant's proposed plan to be approved by the Board of Commissioners as opposed to administrative approval by staff. These conditions are the use of one of the proposed buildings as a church (as opposed to an office use allowed in OIS), and the combining and enlarging of eleven smaller buildings on the approved plan to four larger buildings.

The parking meets the requirements of the 2007 UDO with the 50 spaces that will be reassigned from the existing Phase 3 for the church building. The applicant is providing 167 parking spaces and seven of those spaces will be handicap. The applicant is providing landscaping within the parking lot area although none is required by the UDO in effect at the time of approval. The applicant is also providing a 20' perimeter buffer where the property abuts residential. The applicant also proposes to screen the dumpster located next to the church with an opaque brick screen compliant with UDO requirements.

The Future Land Use Plan from the 2013 Comprehensive Plan shows the property as Providence Road Corridor and Commercial/Retail. These both include the proposed office use; however they do not include the proposed church use. The Town is currently beginning the process of updating the 2030 Comprehensive Plan.

The Waxhaw Park Shopping Center was approved in phases beginning when the CUP was approved by the Board of Commissioners in April 2007. This original plan (attached) showed eleven smaller buildings versus the four larger buildings the applicant is proposing. Phase 4 is labeled as future development on both the Phase 2 and Phase 3 plans and shows four larger buildings consistent with this CUP amendment request. However, future development shown on a plan does not constitute site plan approval, so the Phase 4 CUP amendment still requires approval by the Board of Commissioners since a condition of the plan says there is to be no combining or enlarging of buildings without Board of Commissioners approval. The requested revision to the CUP is more consistent with the existing Phase 3 than the Phase 4 area shown on the original CUP plan.

### PLANNING STAFF RECOMMENDATION

Planning staff recommends approval of CU-0002567-2014, a request for modification of the approved CUP plan that includes reconfiguration of the site to show four large buildings and a church use.

However, staff recommends that the church implement special traffic measures, such as hiring an off-duty police officer to direct traffic on Sunday to ensure traffic flow is maintained on Highway 16 when services are held. (See attached Waxhaw Police Department comment.)

The CUP amendment plan meets the UDO requirements at the time of development. The requested plan also meets the conditions of the originally approved CUP with the exception of one condition; that uses permitted are only office uses allowed in the OIS district. The church use is substantially different from an office use; however staff feels that the traffic generation is the only difference that would require mitigation measures. The applicant is compliant with the condition that enlarging or combining buildings be approved by the Board of Commissioners since the revised CUP is going through the review process.

The revised CUP plan meets the parking, screening and buffer requirements of the 2007 UDO. The church use is not consistent with the 2030 Comprehensive Plan; however the town is currently undertaking a complete revision of this plan.

Finally, the requested amendment to the CUP plan is more consistent with the existing Phase 3 which is a larger building than what is shown for Phase 4 on the original CUP plan.

#### **PLANNING BOARD RECOMMENDATION**

At the Planning Board meeting the applicant indicated that they may not use one of the four buildings as a church and the uses for all four buildings would probably be office use, but they would still like the option of having a church use on the property. The applicant's amended CUP plan calculated the parking requirements based on three office buildings and one church building so it was not known at the meeting if the site plan would meet the parking requirements if all the buildings were office use. Therefore;

**The Planning Board made a favorable motion to accept the applicants request to reduce the buildings from eleven smaller buildings to four larger buildings with the conditions that the parking meets the 2007 UDO requirements for office use for all four buildings and church use is not allowed.** (Unanimous)

The Planning Board had concerns with a church use on the site due to traffic flow on Highway 16 during services and services possibly being held during the week or on holidays when the offices needed parking.

Planning Staff has calculated the parking requirements if the all the buildings are office use and the parking meets the 2007 UDO requirements, which is 167 spaces.

In approving an application for a conditional use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.

The Board of Commissioners shall issue a conditional use permit if it has evaluated an application and determined that:

- A. That the use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located.
- B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.
- C. That the Conditional Use meets all required conditions and specifications; and
- D. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Waxhaw and its environs.

**\*\*\*Please refer to the 4 Findings of Fact listed above when making a decision\*\*\***

*Submitted by: Lisa McCarter*

**Town of Waxhaw**  
**Review Comments- Town/County Agencies**  
**Waxhaw Park Shopping Center Phase 4**

Name of Project: *Waxhaw Park Shopping Center Phase 4 Conditional Use Permit Amendment*

Location of Project: *Parcel # 06-141-007, located off Waxhaw Professional Park Drive*

**Waxhaw Police (Chief Eiss)**

Concerns:

1. What is the number of people that attend the church? There may be a traffic issue with a high volume of cars, and also there is only one entrance.
2. Make sure there is adequate parking lot lighting for security reasons.

**Waxhaw Fire (Rob Fitzgerald)**

Concerns:

1. Access for fire apparatus
  - a. It looks like a tight turn coming in the entrance and making the right to access building 6
  - b. Other islands with mature trees
2. Hydrant location
3. Tree canopy once the trees have matured blocking fire apparatus
4. Fire Dept Connection (FDC) if there is one in any of the buildings and where will it be located
5. The retention ponds seem pretty deep. With a neighborhood right behind this property is there a requirement for a fence around them?

Fire Dept. Requirements

1. You are required to put a Knox Box on each building.
2. We need 3 sets of master keys in each Knox Box for each building.
3. It appears that the buildings are one story. If two stories we will need a key for the elevator in the Knox Box so that we can put the elevator in firefighter mode and override the elevator.

**Union County Public Works Department**

Please have the developer revise the Phase 4 Plan, to show all of the requirements of Article 2, Section 2.2 of the *Union County Water and Sewer Extension Ordinance* (copy attached).

## ARTICLE 2 – SUBMISSION AND REVIEW OF WATER AND SEWER PLANS

### 2.1- Overview

The outline in this Section 2.1 is intended solely to provide a general overview of the submission and review process. Developer must follow the specific requirements as delineated in the subsequent sections of this Article.

1. Where required by the policies of the Appropriate Planning Agency, Developer shall submit a sketch plan to the Appropriate Planning Agency for distribution to reviewing entities, including UCPW. Where not so required, Developer shall submit the sketch plan directly to UCPW. Developer shall include in the sketch plan a description of the types of development and an initial estimate of the water and sewer capacity being requested for the Development.
2. UCPW will review the sketch plan and issue a Conditional Sketch Plan Comment Letter to the Appropriate Planning Agency and to Developer. UCPW will concurrently provide a sample Standard Water and Sewer Services Extension Agreement to Developer.
3. Developer shall submit Water and Sewer Plans incorporating comments from the Conditional Sketch Plan Comment Letter.
4. UCPW will review plans for conformance with UCPW Sanitary Sewer and Water Specifications and provide response to Developer and the Appropriate Planning Agency through transmittal of red-lined drawings or through participation in the technical review committee of the Appropriate Planning Agency. UCPW will include in its comments a statement of the quantity of water and sewer capacity necessary for the Development and an estimate of the amount of the corresponding Capacity Fees in effect at that time.
5. If the Water and Sewer Plans are approved by UCPW, UCPW will submit an application to NCDENR for water and/or sewer construction permit(s) for the Project and send an Accessibility Letter to the Appropriate Planning Agency.
6. Upon (i) receipt of the appropriate water and/or sewer permits from NCDENR, (ii) mutual execution of the Standard Water and Sewer Services Extension Agreement, and (iii) payment of all applicable fees by Developer, UCPW will issue an Approval to Construct Letter to Developer for the Development Phase.

### 2.2 - Sketch Plan Approval Requirements and Process

#### (a) Sketch Plan Submittal

A Developer desiring a water or sewer extension for a Development shall first submit to the Appropriate Planning Agency a sketch plan of the proposed Development. If the Development lies in a jurisdiction where the Appropriate Planning Agency does not provide a central clearinghouse for development review and approval, Developer shall submit the sketch plans directly to UCPW. Developer shall identify for UCPW the engineer designated as Developer's Engineer of Record for the Project. For purposes of this Ordinance, the sketch plan shall include the following information:

1. Name, address, phone and email of the person submitting the sketch plan (Developer or development firm and designated contact person).
2. Name, address, phone, email, legal description of the Owner(s).
3. Identification of property to be developed by tax map, block and Lot number, deed book and page number, and any other pertinent information such as subdivision name and lot number, general plat of property, name and/or highway number of adjacent streets and highways and adjacent property owners as may be necessary to properly identify the property.
4. Nature of development contemplated and proposed number and type of units, square footage and proposed construction schedule and phases as applicable.
5. Services requested with estimated consumption or flow volumes (water, sewer, and/or fire flow, and irrigation). For residential development, Developer shall base water and sewer capacity requests on the number of units planned. For commercial and industrial development, Developer shall base water and sewer capacity requests on total gallons per day in accordance with NCDENR guidelines. Developer shall list in the sketch plan the proposed number of water meters to serve the Development and shall classify whether any of the meters are intended for use as master meters for multiple customers. UCPW reserves the right, at its discretion, to make the final determination of use of master or individual meter sets.
6. For wastewater service, quality of waste to be delivered to UCPW's system for treatment (domestic, industrial, commercial).

(b) Sketch Plan Review by UCPW

UCPW will review the sketch plan and provide a Conditional Sketch Plan Comment Letter to the Appropriate Planning Agency and to Developer. At this time, UCPW will also provide Developer with a sample Standard Water and Sewer Services Extension Agreement for Developer's reference regarding terms and conditions for potential allocation of capacity. Depending on the nature and extent of comments by UCPW, UCPW may require Developer to submit a revised sketch plan as a prerequisite for reviewing Developer's Water and Sewer Plan. As part of this sketch plan review, UCPW will notify Developer or Developer's Engineer of Record of any potential off-site and oversize improvements that may be required for the Project to conform to the UCPW Master Water and Sewer Plan.

Following its receipt of the Conditional Sketch Plan Comment Letter, Developer shall submit within 180 days either a revised sketch plan, if required by UCPW, or Developer's Water and Sewer Plans, accompanied by payment of all applicable costs and fees. If Developer fails to submit the required documentation and costs/fees within 180 days, the Project will be considered inactive for purposes of this Ordinance. Should Developer desire to proceed with the Project after it is determined inactive, Developer shall be required to submit a new sketch plan.



10-05-14

WAXHAW PARK - BLDG 2 1/6



WAXHAN PARK - BLDG 2 2/16

10-05-14



10-05-14

WAXHAW PARK - BLDG 2 3/6



10-05-14

WAXHAW PARK - BLDG 2 416



10-05-14

WAXHAW PARK - BLDG 2 5/6



10-05-14

WAXHAW PARK - BUDG 2 6/6

Existing Residential Subdivision



**Waxhaw Park**  
Shopping and Office Center

Master Site Plan

Scale: 1" = 40'

PROVIDENCE ROAD - NC HWY. 16

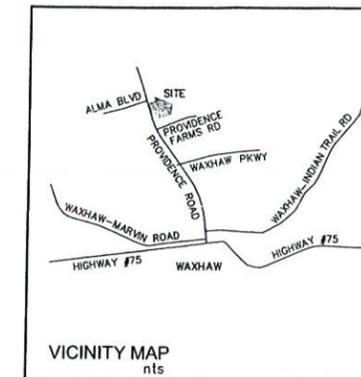
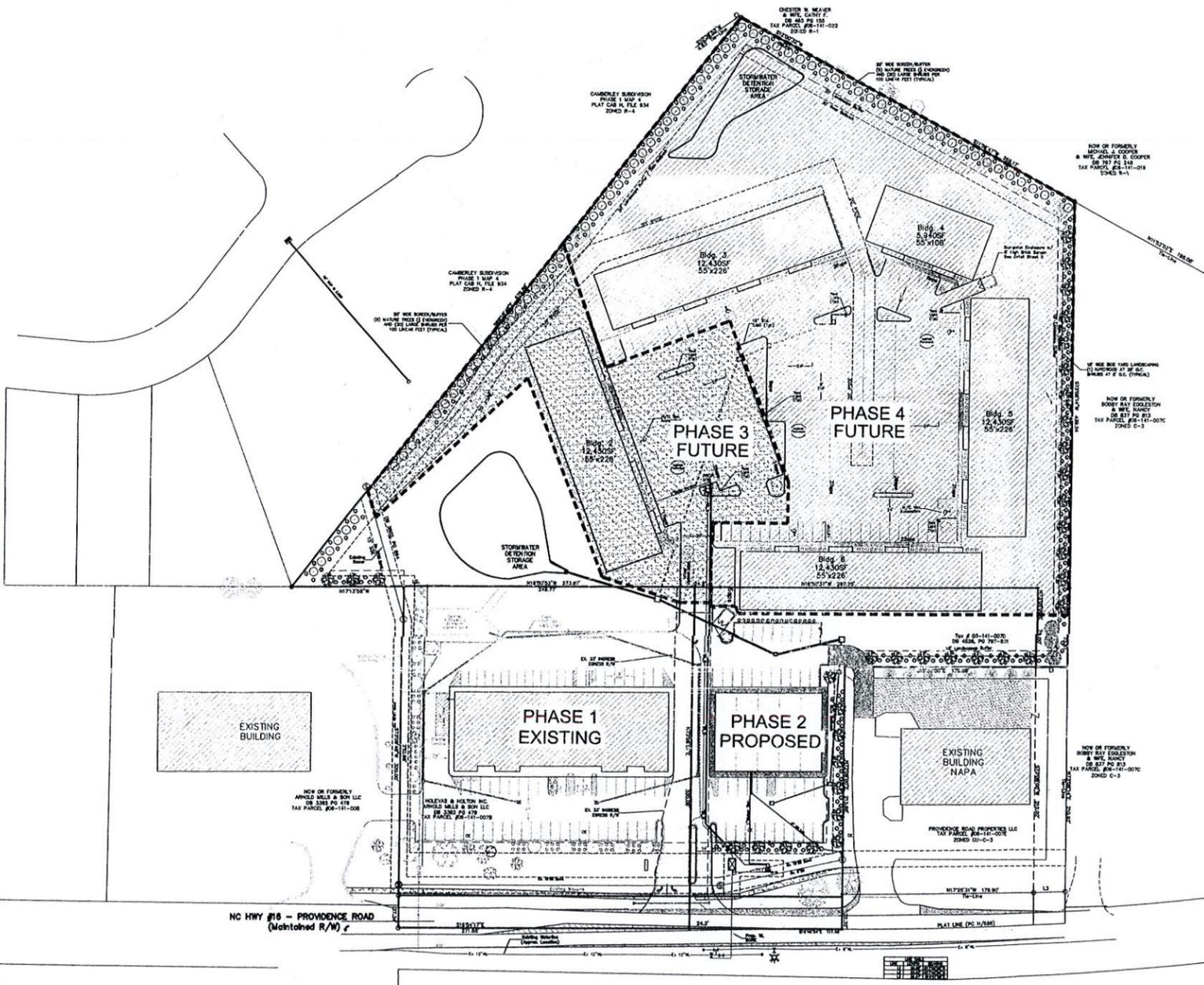
Town of Waxhaw  
Approved for Construction Only  
These drawings meet the minimum criteria specified in the Town Unified Development Ordinance and are approved for construction only. This approval does not constitute approval from other agencies having authority over the project. The user is responsible for obtaining all other permits to operate or finish. This approval is based on the drawings as shown. It is the user's responsibility to ensure that all drawings are built as shown. This approval is not valid if the drawings are altered without the approval of the Town Engineer. Approved By: *[Signature]* Date: August 22, 2007

# CIVIL DESIGN DRAWINGS

## WAXHAW PARK SHOPPING CENTER

### PHASE 2

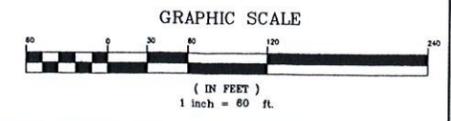
**CALL BEFORE YOU DIG**  
CONTRACTOR TO CALL 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO CONSTRUCTION. RECORD TICKET NUMBER FOR FUTURE REFERENCE.  
CONTRACTOR TO CALL UNION COUNTY PUBLIC WORKS AT 704-296-4210 TO HAVE EXISTING WATER AND SEWER LINES LOCATED.



**OWNER/DEVELOPER INFORMATION:**  
HOLEVAS-HOLTON CONSTRUCTION, INC  
1724 FUNNY OIDE CIRCLE  
WAXHAW NC 28173  
CONTACT: TOMMY HOLEVAS  
704-506-1354  
CHARLOTTE, N.C. 28277

**INDEX TO SHEETS**

SHEET 1 OF 10:	COVER SHEET
SHEET 2 OF 10:	OVERALL SITE PLAN
SHEET 3 OF 10:	PHASE 2 SITE PLAN
SHEET 4 OF 10:	GRADING & EROSION CONTROL
SHEET 5 OF 10:	CONSTRUCTION DETAILS (1)
SHEET 6 OF 10:	CONSTRUCTION DETAILS (2)
SHEET 7 OF 10:	STORMWATER MANAGEMENT PLAN
SHEET 8 OF 10:	WATER AND SEWER CONNECTION PLAN
SHEET 9 OF 10:	WATER AND SEWER CONNECTION DETAILS
SHEET 10 OF 10:	LANDSCAPING PLAN



THIS DRAWING SHALL BE RETURNED TO FRONTIER LAND SURVEYING UPON REQUEST.

**FRONTIER LAND SURVEYING**  
1394-B WALKUP AVENUE  
MONROE, NC 28110  
(704) 283-9726

Surveying & Engineering Services By:  
**FRONTIER LAND SURVEYING**  
1394-B WALKUP AVENUE  
MONROE, NC 28110  
(704) 283-9726

DATE: 11/07/2007  
HORIZ. SCALE = 1" = 60'  
VERT. SCALE = N/A  
DRAWN BY: KEH  
APPROVED BY:  
REV: 03/14/2008  
REV: 07/03/2008  
REV:

**WAXHAW PARK SHOPPING CENTER**  
Phase 2  
COVER SHEET

SH. 1 OF 10

# CIVIL DESIGN DRAWINGS

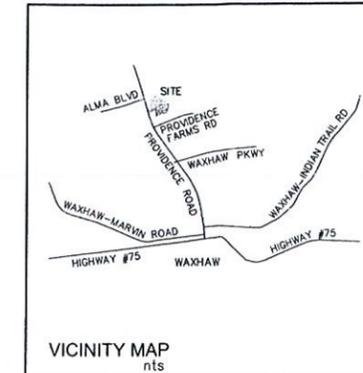
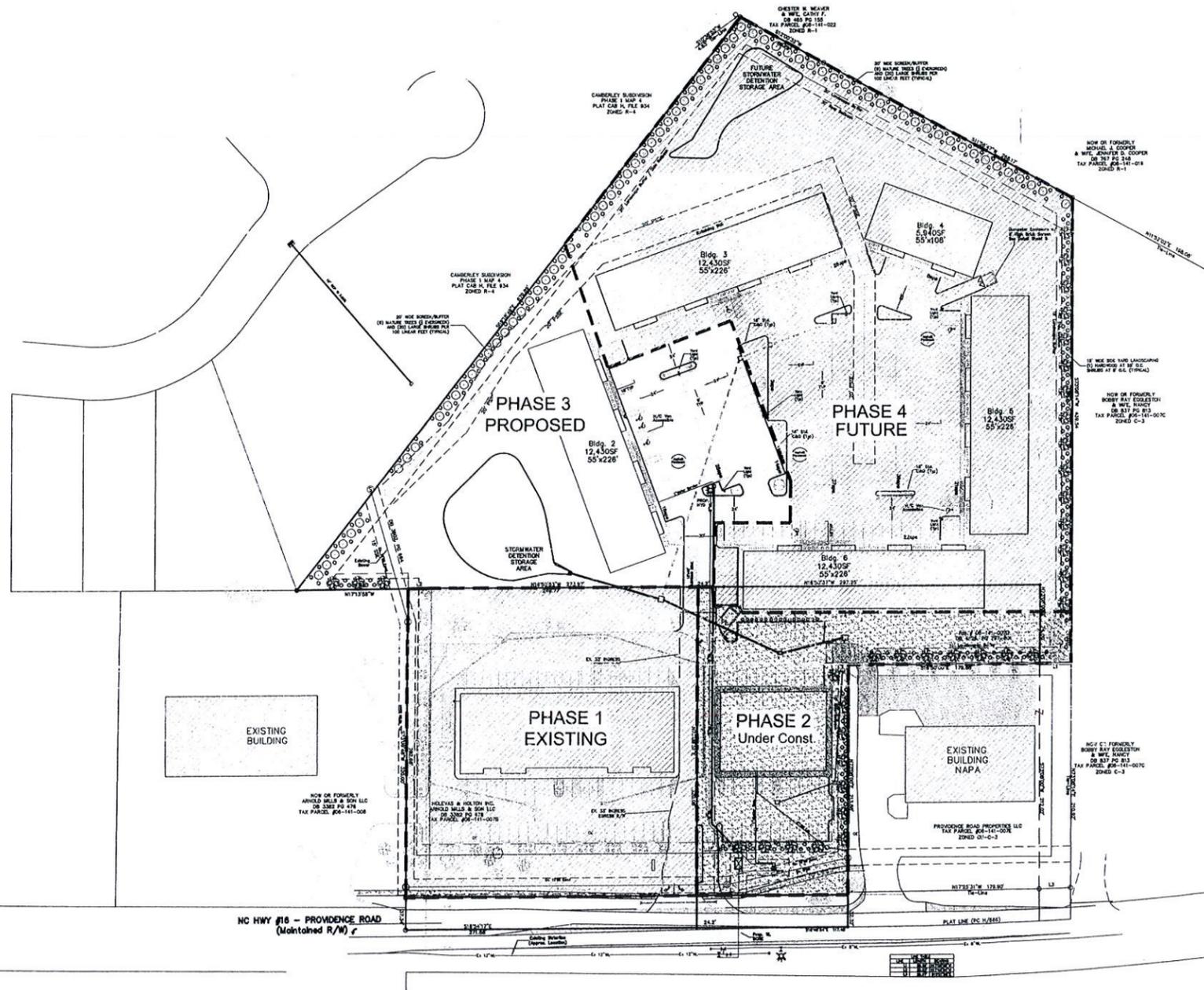
## WAXHAW PARK SHOPPING CENTER

### PHASE 3

**CALL BEFORE YOU DIG**

CONTRACTOR TO CALL 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO CONSTRUCTION. RECORD TICKET NUMBER FOR FUTURE REFERENCE.

CONTRACTOR TO CALL UNION COUNTY PUBLIC WORKS AT 704-296-4210 TO HAVE EXISTING WATER AND SEWER LINES LOCATED.



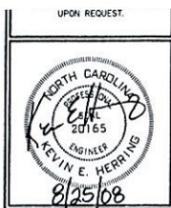
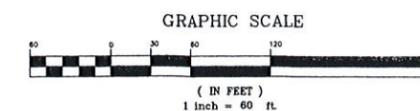
**OWNER/DEVELOPER INFORMATION:**  
 HOLEVAS-HOLTON CONSTRUCTION, INC  
 1724 FUNNY CIDE CIRCLE  
 WAXHAW NC 28173  
 CONTACT: JIMMY HOLEVAS  
 704-506-1353  
 CHARLOTTE, N.C. 28277



**INDEX TO SHEETS**

- SHEET 1 OF 7: COVER SHEET
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- SHEET 3 OF 7: PHASE 3 SITE PLAN
- SHEET 4 OF 7: GRADING & EROSION CONTROL
- SHEET 5 OF 7: CONSTRUCTION DETAILS
- SHEET 6 OF 7: WATER AND SEWER CONNECTION PLAN
- SHEET 7 OF 7: WATER AND SEWER CONNECTION DETAILS

**NOTE:**  
 REFER TO PHASE 2 LANDSCAPING PLAN FOR REQUIRED SCREENING AND LANDSCAPING DETAILS.



Surveying & Engineering Services By:  
**FRONTIER LAND SURVEYING**  
 1394-B WALKUP AVENUE  
 MONROE, NC 28110  
 (704) 283-9726

DATE: 08/25/2008  
 HORIZ. SCALE = 1" = 60'  
 VERT. SCALE = N/A  
 DRAWN BY: KEH  
 APPROVED BY:

REV:  
 REV:  
 REV:  
 REV:

WAXHAW PARK SHOPPING CENTER  
 Phase 3  
 COVER SHEET

**Minutes of the Waxhaw Planning Board  
Town of Waxhaw, NC  
December 15, 2014**

The Waxhaw Planning Board met in regular session Monday, December 15, 2014 at 6:30 p.m. at the Waxhaw Police Department Community Room.

**Regular Meeting**

**1. Call to Order**

Chairman Godfrey called the meeting to order at 6:30 p.m.

**2. Roll Call and Determination of Quorum**

A roll call and determination of quorum was made.

Present: Chairman Godfrey, Bob Morgan, John Cannamela, Michael Kreimer, Dan Gingrich, James Mathieson, Staff McCarter, Staff Oakley, and Recording Secretary Oliver.

Absent: Vice-Chair Underwood, Fred Burrell, and Thomas Dwyer.

**3. Work Session**

NONE

**4. Unfinished Business**

NONE

**5. New Business**

- A. \*Petition TA-002916-2014 – A request by the Waxhaw Commerce, LLC to amend Section 21 *Downtown Code*, and Section 8 *Definitions* to remove the maximum lot width in the TC (Town Center) zoning district, allow live-work units in the TC zoning district, and revise the live-work unit supplemental regulations. **\*[PRIOR TO CONSIDERATION, APPLICANT AND STAFF REQUEST THIS ITEM BE REMOVED FROM THE AGENDA]**

**Michael Kreimer motioned to remove TA-002916-2014 from the agenda. Dan Gingrich seconded. The motion passed unanimously, (6-0).**

- B. Petition CU-002567-2014 – A request by the applicant, Tommy Holevas on behalf of Waxhaw Park, LLC, for an amendment to the CUP (Conditional Use Permit) for Waxhaw Park Shopping Center to change eleven small buildings on the approved CUP plan to four larger buildings, and allow a church use on parcel # 06-141-007.

Staff McCarter gave a presentation on CU-002567-2014 (see attached).

Tommy Holevas stated that when he originally built the first building, on the back portion of the property, he thought everything was approved. He stated that he found out that phase 4 was not approved when he contacted planning staff about constructing a building for a church that wanted to locate in town. Tommy Holevas stated that he was now not sure if the church would be locating on his property. He stated that if the church is a point of contention he can remove the use from the plans.

Chairman Godfrey asked what would go into the building if it was not used as a church. Tommy Holevas stated that the building would be built as an office/medical building.

Staff Oakley clarified that the CUP request is to allow for the many small buildings originally proposed, to be combined into fewer, larger buildings as well as to allow a church use on the site.

Chairman Godfrey stated that he would like to add a condition that a police officer must direct traffic for church services.

There was a discussion about turn lanes into the site.

Tommy Holevas stated that the square footage of the plan has not changed from the original CUP but the number of buildings that will make up the total square footage has decreased.

Dan Gingrich asked if the retention pond was going to be permanently filled or if it would only fill after a storm. He stated that the fire department had concerns about the retention pond during their review of the plan. Tommy Holevas stated that the pond was for storm water retention.

Dan Gingrich stated that he was concerned about traffic from the church during the week. Tommy Holevas stated that the church would only meet on the weekends and that it would look just like the other buildings.

Staff Oakley stated that if there was a concern about traffic during the week that the Planning Board could add conditions to only allow church services to be held on the weekends as long as the applicant was willing to agree to the conditions.

John Cannamela asked about the possibility of the proposed church hosting college classes and if the Planning Board could put a condition on the CUP to not allow that use. Staff Oakley stated that a condition could be added. John Cannamela asked if the condition would still be in place even if Tommy Holevas sold the buildings. Staff Oakley stated that any future owner would have to go through the CUP process again to change the conditions.

James Mathieson asked about the shared parking and the church only operating on the weekend and about the possibility of the building not being used as a church. He asked if there would be enough parking for the office tenants. Tommy Holevas stated that the formerly approved plans had the same amount of parking as the proposed amendments.

Michael Krimmer asked about a situation in where the church was very successful and fills up the parking lot, whether it would be easy to get cars back out of the lot. Tommy Holevas stated that the driveway would be able to accommodate the amount of traffic that the church might create.

Chairman Godfrey called for a motion on the case.

Michael Kreimer stated that he wasn't sure whether the Planning Board was voting on one or two items. There was a discussion about how to make the motion.

Dan Gingrich stated that he feels like they are voting on two things. One to allow 11 small buildings to become 4 larger buildings and the second is to allow a church as a use. Chairman Godfrey stated that he felt the Planning Board was voting on one item. He stated that conditions could be included with the motion such as restricting church services to the weekend and having a police officer direct traffic.

John Cannamela stated that holiday's do not always fall on a weekend so if Christmas falls onto a Tuesday they would want to hold a service.

There was a discussion about the church operating on holidays.

Staff Oakley stated that the Planning Board can break the motion down into two separate parts.

Michael Kreimer motioned to send a favorable recommendation to the Board of Commissioners on allowing 11 small buildings to be combined into 4 buildings and to have the applicant reapply for a CUP amendment if they want to allow a church use on the site.

There were concerns discussed about allowing the church use and the concerns with parking and traffic.

Staff Oakley stated that a second is needed to the vote on the motion that is on the floor.

Chairman Godfrey asked Michael Kreimer why he thought not allowing a church at this time was for the best. Michael Kreimer stated that the church opens more unanswered questions about parking and traffic.

There was a discussion about conventions centers and other high intensity uses.

Dan Gingrich stated that we have to confirm with planning staff that there is enough parking for a regular office use rather than a church use. Staff Oakley stated that it would be approved for 167 spaces and that may or may not be enough spaces according to the prescribed use.

There was further discussion that about required parking and how to calculate it based on use.

Dan Gingrich stated that the motion should include that the parking requirements would be correct based on use.

Michael Kreimer withdrew his motion.

**Dan Gingrich made a motion to send a favorable recommendation to the Board of Commissioners to reduce the number of buildings from 11 to 4 with the contingency that the parking meets the 2007 UDO requirements and that the church use is removed from the plan at this time. James Mathieson seconded. The motion passed unanimously, (6-0).**

- C. Reschedule January 19, 2015 Planning Board meeting due to Martin Luther King holiday.

**Michael Kreimer motioned to reschedule the January 19, 2015 Planning Board regular meeting to January 20, 2015. John Cannamela seconded. The motion passed unanimously, (6-0).**

## **6. Other Business - Update on previous case(s) heard by the Planning Board**

Staff Oakley stated that Planning Board had one case in October, the Berger Day Care. Angela Berger requested more time before the case went to the Board of Commissioners. Staff Oakley also gave everyone a reminder about the committee holiday party and stated that it's a drop in event.

**7. Minutes for correction and approval: October 20, 2014 regular meeting**

Dan Gingrich motioned to approve the minutes from the October 20, 2014 regular meeting. John Cannamela seconded. The motion passed unanimously, (6-0).

**10. Adjournment**

John Cannamela motioned to adjourn the meeting at 7:19 pm. Dan Gingrich seconded. The motion passed unanimously, (6-0).

The meeting adjourned at 7:19 p.m.

Respectfully Submitted,

---

Chairman, David Godfrey

---

Recording Secretary, Maxx Oliver

# Town of Waxhaw Planning Board

Waxhaw Police Department Community Meeting Room  
Monday December 15, 2014

## TA-002916-2014

Petition TA-002916-2014 is a request by the Waxhaw Commerce, LLC to amend Section 21 *Downtown Code*, and Section 8 *Definitions* to remove the maximum lot width in the TC (Town Center) zoning district, allow live-work units in the TC zoning district, and revise the live-work unit supplemental regulations and definition to remove the requirement that the same tenant occupy the live and work area.

## Removal from Agenda

Prior to consideration, applicant and staff request this item be removed from the agenda.

## Proposed Changes

### Section 8.2 Definitions, live-work units

Delete common tenant and dual occupancy requirement to allow different tenants in the live and work areas.

**Live-Work Units** - An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (~~no dual occupancy~~).

## Proposed Changes

### Section 21.3.1 Table of Permitted Uses, A. Residential

Add live-work units to the table of uses chart as a use permitted in the TC zoning district with supplemental regulations.

### Section 21.3.2.A.3. Live-Work Units (supplemental regulations)

Modify a. to require the maximum square footage for living area is 3,000 square feet and the maximum height of the building is three feet.

Delete d. which requires the same tenant to occupy the work area and living area.

## Proposed Supplemental Regulations

### 21.3.2.A Residential Uses & Functions

3. Live-Work Units: Construction shall meet the requirements of the North Carolina Building Code, and built to commercial standards subject to the following:

- a. The maximum total size of the living area in a Live-Work unit is 3000 square feet and a live-work building is limited to three stories in height.
- b. The non-residential area function shall be limited to the first or main floor only, and must occupy the portion of the building facing the street.
- c. The work area shall occupy 50% or less of the total unit.
- ~~d. The same tenant shall occupy the work area and living area.~~

## Proposed Changes

### 21.4.4 Town Center

#### A. BUILDING HEIGHT

- a. Principal Building 16 ft. min. 4 stories, 72 ft. max.
- b. Accessory Building 1 story max.

#### B. LOT OCCUPATION

- 1. Lot Width 18 ft. min. ~~96 ft. max.~~
- 2. Lot Coverage 100% max.

## Planning Staff Analysis

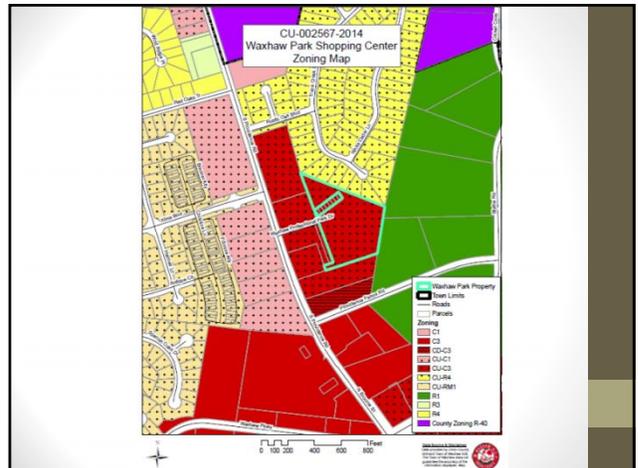
The applicant represents two parcels currently zoned C-2 (Highway Commercial) that are adjacent to parcels zoned TC and NMX (Neighborhood Mixed Use) in the downtown area. The applicant is going to submit a rezoning request to zone the property TC. The two parcels combined are over 20 acres of property, and the applicant would like to make the modifications to the TC requirements and definition of live-work units to provide greater flexibility to potential buyers. The changes would be in keeping with current market demands for larger properties to locate larger buildings. The requested changes would also allow live-work units in TC and allow the flexibility to have a different tenant in the living and working areas of live-work units.

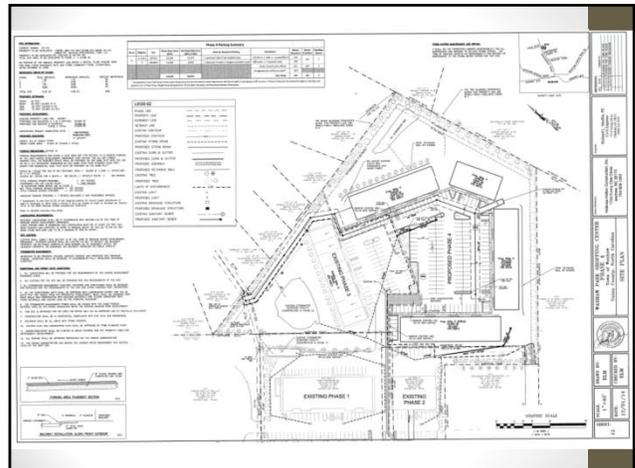
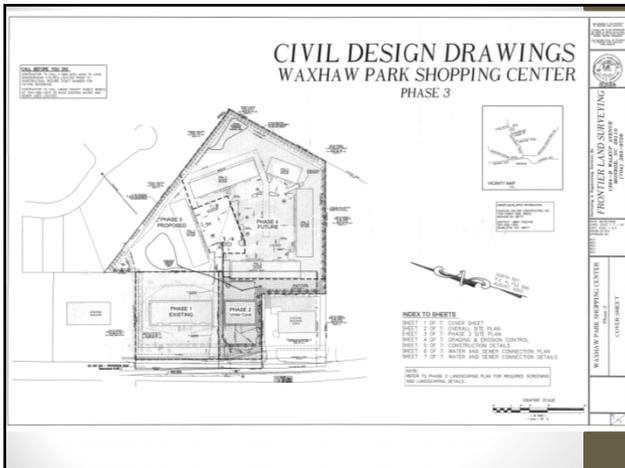
## Planning Staff Recommendation

Planning Staff recommends approval of TA-002916-2014. The proposed text amendment will result in more flexible lot width standards in response to market demands, allow live-work units in the TC zoning district and allow different tenants for the living and working areas of live-work units. This will allow vacant property to be developed and create more business and residential units in the downtown.

## CU-002567-2014 WAXHAW PARK SHOPPING CENTER CONDITIONAL USE PERMIT AMENDMENT

CU-002567-2014 is a request by the applicant, Tommy Holevas on behalf of Waxhaw Professional Park, LLC, for an amendment to the CUP (Conditional Use Permit) for Phase 4 of Waxhaw Park Shopping Center to change the eleven small buildings on the approved CUP plan to four larger buildings with a different configuration to tie into the existing Phase 3 of the shopping center, and also allow a church use. Phase 4 is located on the eastern side of tax parcel number 06-141-007 off Waxhaw Professional Park Drive behind the Napa Auto Parts & Snap Fitness buildings.





## Parking

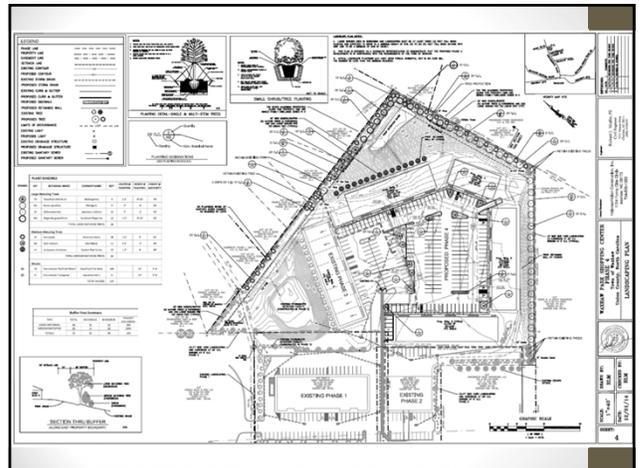
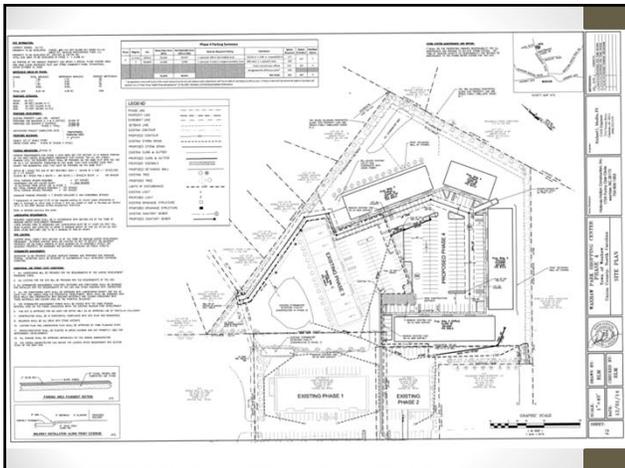
This project is regulated by the Unified Development Ordinance that was in effect at the time of approval on April 10, 2007. Therefore, this request has been reviewed under those regulations.

- Total required: 217

## Parking

The former UDO regulations at the time of approval, there was a provision for Day Time/Night Time Assignments which stated:

*One-half the required parking spaces for churches, theaters, or assembly halls whose peak attendance is at night or on Sundays may be assigned to a use which will be closed at night or Sundays.*





## 2030 Comprehensive Plan

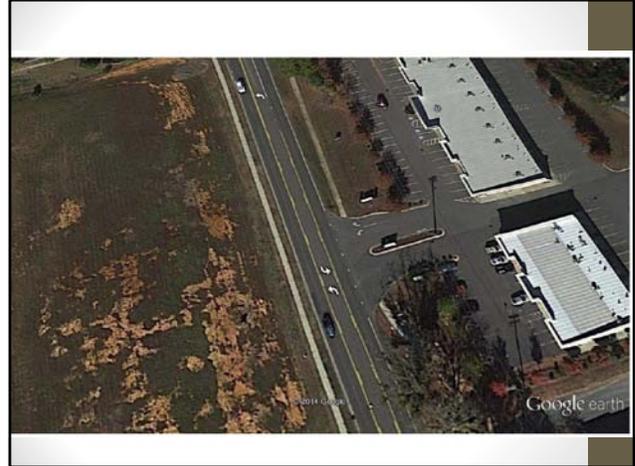
- **Commercial / Retail**
- **Providence Road Corridor**

## Staff Recommendation

- The CUP amendment plan meets the requirements of the UDO that were in effect at the time of approval.
  - Parking
  - Landscaping
  - Buffering
- The church use does not meet the conditions of the original CUP, which only allowed office uses that were permitted in the OIS (Office, Institutional and Specialty) zoning district, however the applicant proposes to change the conditions to allow church use.
- The church use does not meet the recommendation of the 2030 Comprehensive Plan Future Land Use map, however the Town of Waxhaw has initiated an update to this plan.

## Staff Recommendation

- A condition on the original CUP plan stated that buildings could not be combined or enlarged. The applicant proposes to remove this condition. The amended plan is more consistent with the earlier phases since it was shown as future development on previous plans.
- Staff recommends approval of the proposed CUP amendment.
  - Staff recommends the church use implement special traffic measures such as hiring an off-duty policer to direct traffic during services and functions to ensure traffic flow is maintained on Highway 16.



## Findings of Fact

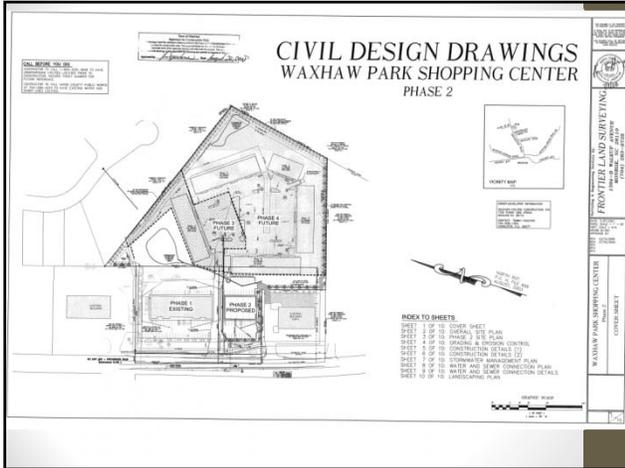
In approving an application for a conditional use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.

The Board of Commissioners shall issue a conditional use permit if it has evaluated an application and determined that:

- That the use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located.
- That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.
- That the Conditional Use meets all required conditions and specifications; and
- That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Waxhaw and its environs.

### CONDITIONAL USE PERMIT (CUP) CONDITIONS:

1. ALL LANDSCAPING WILL BE PROVIDED PER THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO).
2. ALL LIGHTING FOR THE SITE WILL BE PROVIDED PER THE REQUIREMENTS OF THE UDO.
3. ALL STORMWATER MANAGEMENT FACILITIES, FEATURES AND STRUCTURES SHALL BE DESIGNED AND INSTALLED PER THE REQUIREMENTS OF THE UDO AND OTHER AGENCIES WITH JURISDICTION.
4. ALL AIR CONDITIONING UNITS SHALL BE SCREENED WITH LANDSCAPING EXCEPT FOR THE AC UNITS THAT ARE VISIBLE FROM THE RESIDENTIAL DEVELOPMENT, WHICH SHALL BE SCREENED WITH SOLID WALLS AND CONSTRUCTED WITH BUILDING MATERIALS AND COLORS CONSISTENT WITH THOSE MATERIALS AND COLORS USED ON THE PRINCIPAL BUILDINGS.
5. THE STORMWATER MANAGEMENT PONDS SHALL BE FENCED WITH THE SAME FENCING MATERIAL USED ON THE PONDS ASSOCIATED WITH THE EXISTING WAXHAW PARK DEVELOPMENT.
6. THIS SITE IS APPROVED FOR OIS USES FOR OFFICE ONLY AS AN APPROVED USE BY RIGHT AND CHURCHES.
7. CONSTRUCTION SHALL BE IN SUBSTANTIAL COMPLIANCE WITH SITE PLAN AND RENDERINGS.
8. BUILDINGS SHALL BE ALL BRICK WITH STONE ACCENTS.
10. LIGHTING PLAN AND LANDSCAPING PLAN SHALL BE APPROVED BY TOWN PLANNING STAFF.
11. GRASS/VEGETATION SHALL BE PLANTED IN AREAS CLEARED AND NOT PROMPTLY USED FOR IMPROVEMENT (DEVELOPMENT).
12. ALL SIGNAGE SHALL BE APPROVED SEPARATELY BY THE ZONING ADMINISTRATOR.
13. THE ZONING ADMINISTRATOR HAS WAIVED THE LOADING SPACE REQUIREMENT PER SECTION 12.9.C OF THE 2007 UDO.





## **VII. New Business**

- C. Discussion & Possible Appointment of 2015 CRTPO Delegate & Alternate  
Presenter: [Greg Mahar](#)

### **Information**

The MOU identifies the Mayor as the default delegate, but allows her to appoint another elected official as the delegate. The following paperwork is required: Statement of Economic Interest (SEI) and Real Estate Disclosure Form (RED). The 2015 submittal window opens on January 1.

### **Board Action**

- Possible appointment of the 2015 CRTPO Delegate & Alternate

## Melody Shuler

---

**From:** Greg Mahar  
**Sent:** Saturday, December 20, 2014 5:49 PM  
**To:** Melody Shuler  
**Subject:** Fwd: 2015 CRTPO Delegates & Alternates and Ethics Information

Melody,

We need to get this on the next agenda for BOC action.

Thanks,  
Greg

Greg Mahar, CFM  
Interim Town Manager  
Director of Planning & Community Development  
Town of Waxhaw, NC  
316 N. Church Street  
P.O. Box 617  
Waxhaw, NC 28173  
(704) 843-2195 ext. 232 Office  
[www.waxhaw.com](http://www.waxhaw.com)  
Follow us on Facebook and Twitter

Sent from my iPad

Begin forwarded message:

**From:** "Cook, Robert" <[rwcook@ci.charlotte.nc.us](mailto:rwcook@ci.charlotte.nc.us)>  
**Date:** December 5, 2014 at 10:49:45 AM CST  
**To:** "Pleasant, Danny" <[dpleasant@ci.charlotte.nc.us](mailto:dpleasant@ci.charlotte.nc.us)>, "Steinman, Norman" <[nsteinman@ci.charlotte.nc.us](mailto:nsteinman@ci.charlotte.nc.us)>, "Herron, Wayne" <[wherron@cornelius.org](mailto:wherron@cornelius.org)>, "Andrew Grant" <[Agrant@cornelius.org](mailto:Agrant@cornelius.org)> <[Agrant@cornelius.org](mailto:Agrant@cornelius.org)>, "Johnson, Travis" <[tjohnson@townofdavidson.org](mailto:tjohnson@townofdavidson.org)>, "Humphries, Ed" <[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)>, "[bcoxe@huntersville.org](mailto:bcoxe@huntersville.org)" <[bcoxe@huntersville.org](mailto:bcoxe@huntersville.org)>, "Scott Kaufhold" <[sjk@engineering.indiantrail.org](mailto:sjk@engineering.indiantrail.org)> <[sjk@engineering.indiantrail.org](mailto:sjk@engineering.indiantrail.org)>, "[ajm@engineering.indiantrail.org](mailto:ajm@engineering.indiantrail.org)" <[ajm@engineering.indiantrail.org](mailto:ajm@engineering.indiantrail.org)>, "Ventresca, Andrew" <[andrew.ventresca@co.iredell.nc.us](mailto:andrew.ventresca@co.iredell.nc.us)>, "Todd, Matthew" <[mtodd@co.iredell.nc.us](mailto:mtodd@co.iredell.nc.us)>, "Shubert, Fern" <[manager@marshville.org](mailto:manager@marshville.org)>, "Lisa Thompson" <[lisathompson@marvinnc.org](mailto:lisathompson@marvinnc.org)>, "Cook, Donna" <[donnacook@marvinnc.org](mailto:donnacook@marvinnc.org)>, "Ralph Messera" <[rmessera@matthewsnc.gov](mailto:rmessera@matthewsnc.gov)> <[rmessera@matthewsnc.gov](mailto:rmessera@matthewsnc.gov)>, "Brooks, Vicky" <[msvickybrooks@aol.com](mailto:msvickybrooks@aol.com)>, "Anderson, Kelsie" <[kanderson@ci.moorestville.nc.us](mailto:kanderson@ci.moorestville.nc.us)>, "Kraft, Allison" <[akraft@ci.moorestville.nc.us](mailto:akraft@ci.moorestville.nc.us)>, "Ashley, Sherry" <[sashley@statesvillenc.net](mailto:sashley@statesvillenc.net)>, "Martin, Erika" <[emartin@townoftroutman.org](mailto:emartin@townoftroutman.org)>, "Lesch, Joseph" <[joseph.lesch@co.union.nc.us](mailto:joseph.lesch@co.union.nc.us)>, Greg Mahar <[gmahar@waxhaw.com](mailto:gmahar@waxhaw.com)>, "Niland, Patrick" <[admin@wingatenc.com](mailto:admin@wingatenc.com)>, "Hair, Lynne" <[lhair@admin.stallingsnc.org](mailto:lhair@admin.stallingsnc.org)>, "[jloyd@monroenc.org](mailto:jloyd@monroenc.org)" <[jloyd@monroenc.org](mailto:jloyd@monroenc.org)>, "[ceasterly@admin.stallingsnc.org](mailto:ceasterly@admin.stallingsnc.org)" <[ceasterly@admin.stallingsnc.org](mailto:ceasterly@admin.stallingsnc.org)>, "[tmorgan@pinevilledsl.net](mailto:tmorgan@pinevilledsl.net)" <[tmorgan@pinevilledsl.net](mailto:tmorgan@pinevilledsl.net)>, "[jhoard@admin.minthill.com](mailto:jhoard@admin.minthill.com)" <[jhoard@admin.minthill.com](mailto:jhoard@admin.minthill.com)>, "[Istiwinter@monroenc.org](mailto:Istiwinter@monroenc.org)" <[Istiwinter@monroenc.org](mailto:Istiwinter@monroenc.org)>, "David Nelson"

([dnelson@matthewsnc.gov](mailto:dnelson@matthewsnc.gov))" <[dnelson@matthewsnc.gov](mailto:dnelson@matthewsnc.gov)>, "Green, Megan" <[Megan.Green@mecklenburgcountync.gov](mailto:Megan.Green@mecklenburgcountync.gov)>, "[jbarton@townofweddington.org](mailto:jbarton@townofweddington.org)" <[jbarton@townofweddington.org](mailto:jbarton@townofweddington.org)>, "Amy McCollum ([amccollum@townofweddington.com](mailto:amccollum@townofweddington.com))" <[amccollum@townofweddington.com](mailto:amccollum@townofweddington.com)>, "Duston, Bill ([planner@wesleychapelnc.com](mailto:planner@wesleychapelnc.com))" <[planner@wesleychapelnc.com](mailto:planner@wesleychapelnc.com)>

Cc: "Burke, Neil" <[nburke@ci.charlotte.nc.us](mailto:nburke@ci.charlotte.nc.us)>

**Subject: 2015 CRTPO Delegates & Alternates and Ethics Information**

TCC Members:

It is important that CRTPO receive notification as soon as possible regarding your jurisdiction's 2015 MPO delegate and alternate. Please work with your city/town/county manager to identify who will represent your community. Recall that the MOU identifies the Chief Elected Official as the default delegate, but allows him/her to appoint another elected official. MPO delegates and alternates must be elected officials\* from your governing body.

The following information is required: name, title, mailing address, e-mail address and telephone number. Providing the information via e-mail is acceptable.

### **Ethics Information**

The requirements of the State Government Ethics Act makes the timely naming of 2015 delegates and alternates very important. Please work with whomever your Chief Elected Official appoints to ensure they complete the necessary paperwork (Statement of Economic Interest (SEI) and Real Estate Disclosure Form (RED)) as soon as possible. The 2015 submittal window opens on January 1. Delegates and alternates who have not submitted the necessary forms will not be able to participate in MPO meetings until they have done so and received verification from the Ethics Commission.

Listed below are important ethics-related links. 2014 delegates and alternates have received this information, however, if your jurisdiction will have new CRTPO representatives in 2015, please pass this information on to them.

- This link provides the forms that are required, along with instructions how to obtain an NCID. Obtaining an NCID is a required first step in the process. [SEI and RED forms, and instructions on how to obtain an NCID](#)

- Ethics Commission Webinar  
Video archive of the webinar  
<http://new.livestream.com/NC-DOT/events/3630954>

Presentations (and other resources)  
<https://connect.ncdot.gov/projects/planning/Pages/MPO-RPO.aspx>

*\*Exceptions: The NCBOT and MTC representatives.*

-----  
**Robert W. Cook, AICP**

Secretary

Charlotte Regional Transportation Planning Organization  
600 E. 4th Street

Charlotte, North Carolina 28202

704-336-8643 | 704-336-5123 (fax)



## **VII. New Business**

- D. Discussion & Possible Action pertaining to Gray Byrum Road Right of Way Acquisition Including Potential Condemnation  
Presenter: [Chaplin Spencer](#)

### **Information**

A request was received from Richard Garner, on behalf of WSLD Cureton VI, LLC (WSLD), which is required to construct and install off-site improvements at the intersection of Providence Road and Gray Byrum Road, provided that the Right-of-Way required for the improvements can be acquired. WSLD has diligently pursued the acquisition of the Right-of-Way from Mr. David Francis and Mr. Walter Pfister, the property owners, and despite its reasonable and good faith efforts to do so, WSLD has been unable to acquire the Right-of-Way from the property owners. WSLD respectfully and formally requests that the Town acquire the Right-of-Way for the improvements pursuant to the terms of the attached Amendment.

### **Board Action**

- Possible Action pertaining to Gray Byrum Road Right of Way Acquisition Including Potential Condemnation



January 6, 2015

VIA EMAIL ([GMAHAR@WAXHAW.COM](mailto:GMAHAR@WAXHAW.COM))

Mr. Greg Mahar  
Director of Planning and Community Development  
Town of Waxhaw  
P.O. Box 617  
Waxhaw, North Carolina 28173

RE: Acquisition of Right-of-Way for the Off-Site Transportation Improvements Relating to the Cureton Single-Family Development

Dear Greg:

As you are aware, pursuant to the approved minor amendment to the conditional use permit for Cureton Residential (the "Amendment"), a copy of which is enclosed herein, WSLD Cureton VI, L.L.C. ("WSLD") is required to construct and install certain off-site transportation improvements at the intersection of Providence Road and Gray Byrum Road (the "Improvements"), provided that the right-of-way required for the Improvements (the "Right-of-Way") can be acquired. The Improvements are more particularly described in paragraph 2 of the Amendment.

Since February of 2014, WSLD has diligently pursued the acquisition of the Right-of-Way from Mr. David Francis and Mr. Walter Pfister, the property owners, and despite its reasonable and good faith efforts to do so, WSLD has been unable to acquire the Right-of-Way from the property owners. Additionally, pursuant to paragraph 8 of the Amendment, I contacted, on behalf of WSLD, the North Carolina Department of Transportation ("NCDOT") and requested that the Improvements be included in an NCDOT project. Unfortunately, NCDOT would not agree to include the Improvements in an NCDOT project.

You and I have previously discussed on several occasions WSLD's efforts to acquire the Right-of-Way, and I recently advised you that WSLD, pursuant to paragraph 11 of the Amendment, would be requesting the Town of Waxhaw (the "Town") to obtain the Right-of-Way by purchasing the same or through eminent domain proceedings as a result of WSLD's inability to acquire the Right-of-Way.

---

9101 Southern Pine Boulevard, Suite 210  
Charlotte, North Carolina 28273

(704) 525-5998

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

[garner@landeavor.com](mailto:garner@landeavor.com)

Pursuant to this letter, WSLD respectfully and formally requests that the Town acquire the Right-of-Way for the Improvements pursuant to the terms of the Amendment. I understand that this request will need to be considered and acted upon by the Town of Waxhaw Board of Commissioners at one of its meetings. In the event that the Town of Waxhaw Board of Commissioners elects to obtain the Right-of-Way, then WSLD and the Town shall enter into a separate agreement regarding this matter pursuant to paragraph 12 of the Amendment.

Greg, as always, I appreciate your assistance, and please let me know if you have any questions or comments about this matter. Additionally, please let me know the date of the meeting at which the Town of Waxhaw Board of Commissioners will consider this request.

Sincerely,



Richard A. Garner  
*Senior Vice President*

cc: Ms. Lori Oakley, Town of Waxhaw (via email, [loakley@waxhaw.com](mailto:loakley@waxhaw.com))  
Mr. Chaplin Spencer, Town of Waxhaw Attorney (via email, [chaplinspencer@spencerfirm.com](mailto:chaplinspencer@spencerfirm.com))

# TOWN OF WAXHAW

PLANNING AND COMMUNITY DEVELOPMENT  
P.O. Box 617  
316 N. Church St. Waxhaw, NC 28173  
Telephone (704) 843-2195 • Fax (704) 243-3276  
Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.



www.waxhaw.com

January 9, 2014

DELIVERED VIA ELECTRONIC E-MAIL

Mr. Matt Gross  
WSLD Cureton VI, L.L.C.

RE: Approval of Minor Amendment to the Conditional Use Permit for Cureton Residential

Dear Mr. Gross:

In accordance with Section 14.8 of the Waxhaw Unified Development Ordinance (the "UDO") and pursuant to my authority as the Waxhaw Zoning Administrator, I hereby approve the following amendment to the Conditional Use Permit for the Cureton single family residential development (the "Cureton CUP") that was issued on September 9, 2002 by the Town of Waxhaw Board of Commissioners, and the terms of this letter are incorporated into the Cureton CUP.

1. WSLD Cureton VI, L.L.C. ("WSLD") is completing the development of certain lots within the Cureton single family residential development and is the successor to certain rights and obligations of the original developer.

2. Subject to the terms of this letter, WSLD shall, in accordance with both the Town of Waxhaw and NCDOT approvals, standards and policies, complete the design, construction and installation of the improvements set out in subparagraphs (a), (b) and (c) below to the intersection of Providence Road (NC 16) and Gray Byrum Road by December 31, 2014.

(a) A northbound left-turn lane on Providence Road (NC 16) with 150 feet of storage and appropriate tapers;

(b) A southbound right-turn lane on Providence Road (NC 16) with 100 feet of storage and appropriate tapers; and

(c) An eastbound left-turn lane on Gray Byrum Road with 250 feet of storage and appropriate tapers to the extent that such improvement has not already been installed.

3. Subject to the terms of this letter, WSLD shall complete the design and installation of the mast arm poles and of the signalization to facilitate signal installation at the intersection of Providence Road (NC 16) and Gray Byrum Road by the later of December 31, 2014 or that date

which is one hundred and eighty (180) days after the date on which the installation of the signal is warranted by NCDOT (the "Traffic Signal").

The transportation improvements described above in paragraphs 2 and 3 are hereinafter collectively referred to as the "Transportation Improvements."

4. No later than February 14, 2014, WSLD shall, in accordance with Section 18.4.1 of the UDO, deposit with the Town of Waxhaw (the "Town") a surety bond to secure its obligation to design, construct and install the Transportation Improvements (the "Bond"). The Bond shall be made payable to the Town and shall be in an amount equal to 1.25 times the total cost of designing, constructing and installing the Transportation Improvements, including the cost of acquiring the right of way necessary to construct and install the Transportation Improvements. WSLD shall provide to the Town the estimated total cost of designing, constructing and installing the Transportation Improvements, including the cost to acquire the necessary right of way, and the Town's engineer shall verify and agree to such amount. A fee, in accordance with the Town's fee schedule, shall be paid by WSLD to cover the costs associated with such review. WSLD shall remain obligated to fund all amounts needed to design, construct and install the Transportation Improvements (including the cost of acquiring the right of way), even if greater than the amount of the Bond.

5. The form of the Bond must be approved in advance by the Zoning Administrator and the Town's attorney.

6. The Transportation Improvements shall be deemed to have been completed when the Town and/or the State inspector(s) issue(s) a certificate of completion or such other certification as is typically issued for Town and/or State roads.

7. Within thirty (30) days of the acceptance of the Transportation Improvements by NCDOT, the Town shall return the Bond to WSLD.

8. In the event that WSLD is unable to obtain the right of way necessary to construct and install the Transportation Improvements after exerting reasonable and good faith efforts to do so, WSLD shall contact NCDOT and request that the Transportation Improvements be included in an NCDOT project. If NCDOT agrees to include the Transportation Improvements in an NCDOT project, then WSLD will fund all costs associated with such improvements, including design, permitting and construction costs and the cost to acquire right of way.

9. In the event that the Transportation Improvements are included in an NCDOT project, then the date set out above by which such Transportation Improvements must be completed shall not apply, and the completion of the Transportation Improvements and the completion date shall be controlled by NCDOT.

10. In the event that the Transportation Improvements are included in an NCDOT project, WSLD shall provide to the Town proof that funding for the Transportation Improvements is adequately secured, which may include copies of NCDOT bonds, letters of credit or cash payment. The Town shall determine in its reasonable discretion whether proof of adequate security has been provided by WSLD. The Bond deposited with the Town by WSLD pursuant to paragraph 4 above shall be returned to WSLD within thirty (30) days of the date on which proof

of adequate security is furnished to the Town by WSLD. WSLD shall be deemed to have satisfied its obligations with respect to the Transportation Improvements upon the furnishing of proof of adequate security for the funding of the Transportation Improvements.

11. In the event that WSLD is unable to obtain the right of way necessary to construct and install the Transportation Improvements after exerting reasonable and good faith efforts to do so, and NCDOT does not include such improvements in an NCDOT project, then WSLD shall request the Town to obtain the required right of way by purchasing the same or through eminent domain proceedings pursuant to paragraph 12 below. If the Town elects to obtain the required right of way, then the date by which the Transportation Improvements must be completed by WSLD shall be six (6) months from the date that the Town acquires and provides the required right of way for the Transportation Improvements. Within thirty (30) days of the acceptance by NCDOT of the Transportation Improvements by WSLD, the Town shall return the Bond to WSLD.

12. In the event that the Town purchases any required right of way, WSLD shall reimburse the Town for the purchase price and any expenses related thereto. WSLD shall reimburse the Town for the purchase price and any expenses related thereto no later than the date on which the closing of the relevant acquisition occurs.

In the event that the Town acquires any required right of way through eminent domain proceedings, WSLD shall reimburse the Town for any award of just compensation and/or damages (as determined through settlement or verdict), including interest, that the Town is required to pay, and for appraisal fees, attorney's fees and other costs and expenses incurred by the Town in connection therewith. WSLD and the Town shall enter into a separate agreement regarding their respective obligations under this paragraph 12 with respect to eminent domain proceedings that is consistent with the terms hereof. WSLD shall provide to the Town cash in an amount equal to the appraised value of the right of way to be acquired (the "Cash Deposit"), which Cash Deposit shall be deposited by the Town with the Clerk of Court upon the commencement of the eminent domain proceedings. WSLD shall also furnish to the Town a bond, letter of credit or cash in an amount equal to 50 percent of the appraised value of the right of way to be acquired to secure WSLD's obligation to reimburse the Town as described in this paragraph 12 (the "Reimbursement Security"). The Cash Deposit and the Reimbursement Security shall be deposited with the Town no later than fifteen (15) days after the Town Board of Commissioners' final approval of the commencement of the eminent domain proceedings. The Reimbursement Security shall be returned to WSLD upon the satisfaction of its reimbursement obligations.

13. If the Town elects not to obtain the required right of way for the Transportation Improvements, then WSLD shall pay to the Town a sum equal to 1.25 times the total cost of designing, constructing and installing the Transportation Improvements, excluding the cost of acquiring the right of way necessary to construct and install the Transportation Improvements (the "Transportation Improvements Payment"), and the Town shall complete those portions of the Transportation Improvements within the existing right-of-way in accordance with a schedule established by the Town. Upon the payment of the Transportation Improvements Payment, WSLD shall be deemed to have satisfied its obligations with respect to the Transportation Improvements. Within thirty (30) days of the payment of the Transportation Improvements Payment to the Town, the Town shall return the Bond to WSLD.

Please confirm the Agreement of WSLD to the terms and provisions of this minor amendment to the Cureton CUP by executing a copy of this letter and returning it to me.

TOWN OF WAXHAW, NORTH CAROLINA

*Lori Oakley*

Lori Oakley  
Planning and Zoning Administrator

**CONSENTED TO AND AGREED:**

WSLD/CURETON VI, L.L.C.

By:   
Its: Matthew R. Gross  
Date: Vice President



## **VII. New Business**

- E. Discussion & Possible Approval of Skate Park & David G. Barnes Park Security Enhancements  
Presenter: [Natalie Jackson](#)

### **Information**

A request was received by Natalie Jackson, Parks & Recreation Director, for security enhancements to the Skate Park and David G. Barnes Park. Five bids were received, but Sonitrol was the unanimous recommendation of Director Jackson and Police Chief Eiss. The total cost of the Sonitrol system installation is quoted at \$12,882 with a Cloud Service Fee of \$3,050 and Priority Advantage Fee of \$1,024, which covers two parks. The Town of Waxhaw will need to invest approximately \$5,500 to launch the project. The initial cost of this project is estimated at \$22,456. Once installed, operating costs are estimated at \$339.50 per month.

### **Board Action**

- Possible approval the Skate Park & David G. Barnes security enhancement contract to Sonitrol in an amount not to exceed \$22,456 for initial costs and the operating costs of \$339.50 per month.



## TOWN OF WAXHAW

P.O. Box 6  
3620 Providence Rd South Waxhaw, N.C 28173  
Telephone (704) 843-2195 Fax (704) 843-2196  
www.waxhaw.com

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Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

**MAYOR**  
DAUNE GARDNER

**TOWN COMMISSIONERS**  
MICHAEL STEWART (MAYOR PRO TEM)  
PAUL FITZGERALD  
JOHN HUNT  
STEVE MAHER  
JAMES WARNER

**INTERIM TOWN MANAGER**  
GREG MAHAR

**TOWN CLERK**  
MELODY SHULER

January 5, 2015

Madam Mayor and Town Commissioners,

As a matter of public safety, first and foremost, it is with great pleasure that I submit this proposal for the installation of video cameras in both the David G. Barnes Children's Park and Sk8 Park. As you know, our first priority is the welfare of our citizens. Our ability to carry out our duties depends upon the efficient and effective utilization of both human and physical resources. Technology, in particular, amplifies our ability to be at the right place...at the right time...with the right answer to a given situation. Along with greater responsiveness, comes greater consistency and the behavioral conditions we seek in the public environment. As the Town of Waxhaw Parks & Recreation footprint increases, so too will our need to evaluate and mitigate the inherent challenges found in a park system. This proposal begins with the end in mind.

In response to your call for solutions, our staff has worked to formulate a game plan to respond to challenges in both parks mentioned above. Beyond that, the plan aims to create a quality experience for families. Video surveillance is a key portion of the plan and the focus of this memorandum. Our team consisted of the Chief of Police, Director of Public Services, Interim Town Manager, and Director of Parks & Recreation. Our IT Manager and additional staff advisors played a key role in this plan as well.

A total of five companies provided proposals for camera systems. Some provided revisions to original submissions as well. After much discussion and review, Sonitrol was chosen for the following, stand-out, reasons.

- Active Remote Verification Surveillance
- Software Intelligence
- Reduction of False Alarms

- Less Need for Forensics

- Expertise/Professionalism/Comprehensive Service
- Option to Activate Third Party Monitoring Service
- Use of the Cloud
- 90 Day Guarantee
- Cost Reasonable to What Is Received
- Clear Consensus among Directors/Chief of Police
- Best Case Made for Product and Services

The Sonitrol system fits with the future, using technology recognized by police departments throughout the country, many of whom rely upon such technology to be where they cannot be. The need to extend our reach will become very clear as we invest significant dollars into high-quality parks.

Regarding the companies and options not selected, I would like to first and foremost recognize their time and effort. There are many great companies and products on the market. Below the list of companies is yet another list that contains a summary of reasons that competitors were not selected. The list does not imply that each non-selectee possessed all or even most of the factors outlined. Once again, we had GREAT candidates. The companies that provided quotes were:

- Tyco
- Sonitrol
- Wildfire
- Double Radius
- PTI

Rationale for Non-Selection:

- Pricing
- Minimum Purchase Requirements
- Less Comprehensive Approach to Stated Needs
- Camera Capabilities
- Question of Sustainability of Efforts over Course of Growth
- Lack of Team Consensus Regarding Choice

Staff leadership has determined that there is a need for high quality surveillance facilitated by an expert third party who can maintain our needs as a high priority. These characteristics form a common standard in the Parks & Recreation community. Sonitrol was the unanimous recommendation of Directors and the Chief of Police. The total cost of the Sonitrol system installation is quoted at \$12,882 with a Cloud Service Fee of \$3,050 and Priority Advantage Fee of \$1,024. Please remember that this amount covers two parks. The Town of Waxhaw will need to invest approximately \$5,500 to launch the project. The cost covers equipment that allows us to tap into the Waxhaw network, boring, conduit and more. Summing all aspects of installation,

Town infrastructure, enrollment in the Priority Advantage program, and first year of Cloud Service, the initial cost of this project is estimated at \$22,456. Once installed, operating costs are estimated at \$339.50 per month.

It is important to note that the Town Attorney has determined that the Town of Waxhaw will not lose its municipal immunity with regard to the placement of cameras in the Sk8 Park. The statute, paraphrased, states that a skate park cannot be supervised on a regular basis if the municipality wishes to keep their immunity. Our Town Attorney has determined that cameras do not equate to supervision. The Town will use cameras as a means to periodically review safety conditions or become alerted to situations via the analytic capabilities of the camera. Camera usage will also assist the Town in ascertaining the source of vandalism and determine adherence to park rules. Should Sonitrol's 24/7 monitoring service be activated at a future date, the Town will be required to seek additional liability insurance which will increase insurance premiums by approximately \$1,400 per year. Without 24/7 monitoring by Sonitrol, the Town's immunity remains intact and the North Carolina League of Municipalities will not increase premiums.

In closing, we believe that cameras are not the sole solution to challenges within any park. Our holistic game-plan includes community dialogue, customized recreation programming, park improvements, youth involvement, incentive programming, ordinance modifications and more. I am excited to appear before the Board of Commissioners, in the near future, to further discuss the park improvement element of the overall plan. Until then, I respectfully ask for approval of the camera project and related tree removal as proposed in this letter and slide presentation provided at the January 13, 2015 Board of Commissioners meeting.

Sincerely,



Natalie L.K. Jackson  
Director of Parks & Recreation



**SONITROL**<sup>®</sup>  
VERIFIED ELECTRONIC SECURITY

SONITROL SECURITY SERVICES, INC.

August 27, 2014

**REVISED PROPOSAL  
December 18, 2014**

The Town of Waxhaw  
Post Office Box 6  
317 N. Broome Street  
Waxhaw NC 28173

**RE: Skate Park SonaVision<sup>®</sup> System**

Thank you for allowing Sonitrol the opportunity to provide a security analysis and consultation for the Town of Waxhaw's Skate Park located off Broome Street.

After several site visit and after a thorough discussion and walk through with you and our manufacturing partner CheckVideo, we are prepared to make the following recommendations to enhance the overall security of Waxhaw's Park providing the Town's assets and most importantly, its employees and stakeholders an additional sense of well-being while on the Park premises.

Today, Cities and Towns face significant security challenges and liability while being pushed to provide additional services to the tax payers. With over fifty years of government, commercial, industrial, institutional and high risk retailer experience, Sonitrol is uniquely adept at being able to provide the highest level of system integration, monitoring and service response to our local customers. Additionally, service is the keystone of Sonitrol's entire offering, which is why we encourage you to take a tour of our local monitoring facility on Billy Graham Parkway, meeting my fellow security associates within our operation who will ultimately be providing your personalized security program to you.

A little background and history of Sonitrol:

**The Sonitrol<sup>®</sup> Security System  
Early Detection & Verification = Asset & Life Protection**

In 1964, the original Sonitrol Sound Security System was invented by an Anderson, Indiana electrical engineer along with a police officer who added his input and perspective on how alarm systems should work. Today Sonitrol remains the only electronic security company to provide a service whereby the system is actually able to detect burglars and vandals prior to actually gaining entry into the secured area. Once detected, a signal is sent to the Sonitrol operator verifying the live audio disturbance and if warranted, dispatching the police. As the crime progresses, the Sonitrol operator continually updates the police department providing a faster and more intelligent response to the building's security. Should the disturbance be non-threatening to the actual security of the building, the Sonitrol operator remotely re-arms the system from the Sonitrol monitoring station, thereby allowing our customers to sleep throughout the night, keeping our customers comfortably secure in their homes while keeping the business off the Police Department's False Alarm "black list".

In 1992, Sonitrol invented the first intrusion alarm system to interface directly and transparently with it's proprietary door access control system. In doing so, we became the first remote managed access control system in the industry. Today, that type of service is referred to as a "Software As A Service" (SAAS) or from the consumer's point of view, "cloud" services. We call it MySonitrol.

In 1993, the Sonitrol's Sound Security System received its listing from Underwriters' Laboratories, Inc. (UL) as the first and only audio detection and verification based alarm system of its kind allowing Sonitrol to certificate and secure high risk retailers like Jewelers, Furriers and Banks.

In 1995, Sonitrol took early detection and verification technology to another level by being the only national security company to utilize cameras to remotely monitor scenes from a customer's location as a means of detection and verification. Dubbed SonaVision<sup>®</sup> Sonitrol is now the largest national electronic security company in the United States to install and provide remote video monitoring from one of its 35 central stations. Our first SonaVision customer here in the Charlotte region was Mecklenburg County Park & Recreation's Col. Beatty Park installed in 1996.

Founded in 1974, Sonitrol of the Carolinas secures over 5,000 customers, majority being commercially based security systems, and many have been customers for multiple decades. We provide services to over 100 sites for the City of

Charlotte and Mecklenburg County and many other municipalities including Catawba, Gaston, Guildford, Durham and Wake Counties.

50 years and over 174,000 documented on-scene arrests, Sonitrol is synonymous with early detection, police credibility and the highest documented arrest rate of any security system in the United States.

### **But Why Invest in Verified Technology?**

There are police departments in the North and South Carolina region considering a verification response policy whereby they will NOT respond to an electronic alarm system unless the system can either electronically verify an actual burglary is in progress (electronically audio or video verified) or a runner response verifies that a break-in is actually in progress. Thirty municipalities throughout the United States have a verification response policy and more are strongly considering it. How does this affect you? Bottom line – anything you invest in today should be useful and reliable regardless of the policies and ordinances that may be enacted in the future.

### **VIDEO SURVEILLANCE SYSTEMS**

There are two types of video surveillance systems used today:

- **Passive Surveillance:** The most common is a system that passively records activity on a Video Recorder hard drive via cameras strategically placed throughout a "secured area". This type of system is best when used for forensic purposes to review an event after the fact. Cameras by themselves offer a visual deterrence to criminal behavior but are not the end all as we know by watching the evening news. Regardless of the manufacturer, these types of systems have the ability for Waxhaw management to remotely log into the system to verify activity via, computer, smart phone or most tablets.
- **Active Remote Verification Surveillance:** The other type of system which Sonitrol has been leading the charge and pioneered is Active Real-Time Verification Monitoring or as we call it, SonaVision<sup>®</sup>. This type of system uses the same passive system as mentioned above but integrates software intelligence into the system to only send specific information to you and our monitoring station during certain times of the day. This system uses analytics which is capable of ignoring tree movement, animals (dogs, cats and deer) heavy weather, etc. while sending specific information that might be deemed a threat, i.e. a human or car movement beyond certain parameters set by Waxhaw and Sonitrol. These types of systems can not only be monitored remotely by Sonitrol but also monitored and observed remotely by Waxhaw PD and their officers providing additional eyes to secure the premises. The active Remote Verification Surveillance System is the system we are discussing today.

### **Why Sonitrol?**

- Sonitrol is *the* last and *only* remaining installing and monitoring station actually located in Charlotte with all listings by Underwriters' Laboratories, Inc. (UL) including Central Station Burglary, Mercantile, Bank and Protective Signaling for Burglar and Fire Alarm Systems. This assures our customers of the highest standards in safety, security and reliability certified regularly by independent outside not-for-profit agency.
- Sonitrol is one of the largest privately held monitoring and service organization in both Carolinas and is listed as one of the top 100 security alarm companies based on revenue in United States in SDM, a security trade magazine.
- Sonitrol was the first and only national and local company to commercially utilize sound detection and verification technologies of intruders with its unique Sonitrol Sound Security<sup>®</sup> System and was the first national security company in 1972 to computerize a central station monitoring facility. Sonitrol pioneered integrated access control with its Advantage Access<sup>®</sup> which electronically and transparently integrates access control with its intruder systems. Today, Sonitrol is leading the technology front with Sonavision<sup>®</sup>, a central station monitored remote video detection and verification service.

- Operated with its own local central station in Charlotte since 1974, we have been under the same management and ownership for over thirty years. Local service with local ownership of company and monitoring station means a higher level of service to our customers. Sonitrol Security Services is innovative in our thinking but hardly stodgy towards our reputation and past accomplishments.
- We treat our customers as customers (not accounts) and we unabashedly herald ourselves as *the* leader in integrated security services in the Carolinas security marketplace. We employ over fifty full-time Sonitrol Associates throughout both states.
- Our sole mission is to "exceed our customer's expectations", providing service to over 5,000 monitored *customers*, through our six Service Centers throughout both Carolinas.
- Any of our security services can be integrated into a single, easy to use system that is monitored and serviced by highly trained professionals. Sonitrol's modular approach to system design gives you everything you need now, and allows for easy expansion in the future.

The name Sonitrol means:

- Leading edge systems, services and technologies
- Integrated systems for ease of use by the end-user – systems just work
- Ability to grow and expand the system as your needs grow
- Fast and informed police response who are informed on every dispatch and arrive prepared
- Low number of false alarms means higher response by law enforcement
- Premise activity verified by Sonitrol's unique video detection and verification technology
- Highest documented arrest rate in the security (alarm) industry
- Company-wide Commitment to Service
- Locally owned – internationally known
- 50 years of proven technology and customer service

Our Local Service Centers are in six major Carolina markets: Charlotte/Gastonia, the Triad, the Triangle, Upstate, Columbia and Charleston, SC – all monitored and dispatched from our state-of-the-art multi-million dollar UL Listed Sonitrol Regional Monitoring Station on Billy Graham Parkway in Charlotte.

We invite you to visit our monitoring station and see for yourself why Sonitrol is markedly different and why regional monitoring is important to your safety, security, service and ultimately peace of mind.

As discussed, this is a work in progress and there should be considerably more discussion and tweaking required, but the thoughts, proposal and quotation should get the conversation moving forward. Thank you for considering Sonitrol as your security partner. I look forward to meeting you again to discuss the proposal with the Waxhaw Management team.

Regards



William J. Price  
President/CEO

## Concept differences between Video Security (Analytics) and Video Surveillance

### Question

What is the main difference between the **Video Security Analytics** from **Conventional Video Surveillance** incorporating motion detectors, embedded now in the majority of network cameras and encoders?

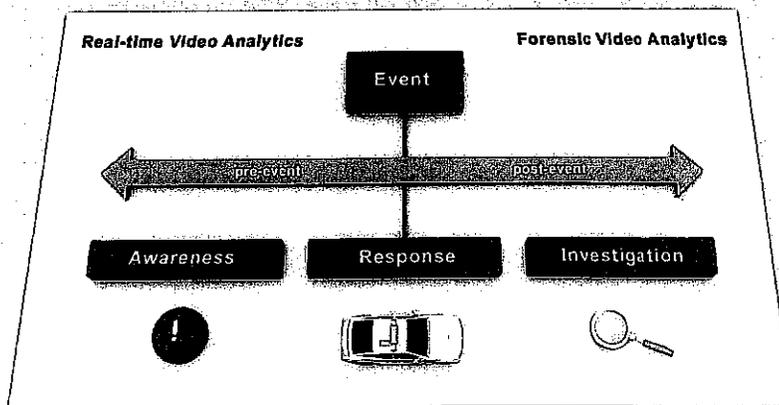
### Answer

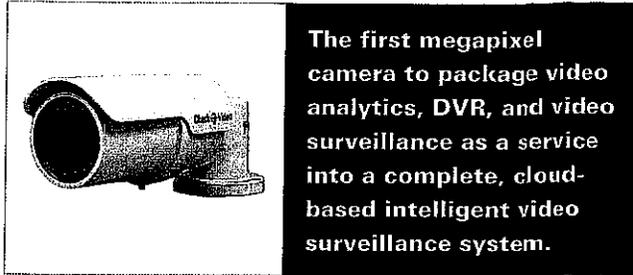
Conventional motion detection are of limited use to most pre-event video applications typically because the human eye in particular and brain in general are not able to adequately process visual information for longer than a few minutes at a time and these systems are subjected to a high number of "false positives". Such a detector has no concept of "object", "trajectory", "attributes of the object," "forbidden situation" and are best used for post event forensic analysis. For example motion detection, generally detected through pixelation changes, generates a signal simply of "movement" or "no movement" regardless of the nature of this movement. More than 99% of movements in the field of view of the outer chamber is not of interest to the user. Motion activated video surveillance are typically and most effectively used to set the recording of a DVR/NVR into a faster rate of recording while movement is present as well as setting alarm alerts (real-time or post) of events for use in forensic viewing. Motion activated Video Surveillance system also help conserve storage space and band width if used over a network. Most of these systems require expensive head-end equipment on premises and have a "shelf" life of the recording equipment of five years or less due to the nature of hard drives being in constant use to record activity. Failure rates of hard drives are typically higher once outside of the manufacturer's warranty, typically three years or less.

Conversely, objectives of the perimeter surveillance in public places, recognizing situations as they are happening in real-time and intelligent search suggests the use of **Analytics** based on a fundamentally more complex hardware and software technologies and algorithms. Video Analytics provides at least 1000 times more computing operations than a conventional motion activated video system and can use both on-premises recording equipment (DVR/NVR) and more recently, cloud based systems requiring a reduced amount of on premises head-end equipment. With Analytics, recording can be based on what is important for further use forensically. **Video Security Analytics**, in contrast to an ordinary **Conventional Video Surveillance** utilizing motion activated video system, allows you to:

1. Avoid false alarms and majority of false positives caused by the environment (lighting change in the motion of clouds, the movement of shadows of trees, glare, rain, snow, insects), and as a result of camera shake.
2. Take into account the three-dimensional model of the scene and scale objects. For example, video analytics will be accompanied by a small figure in the background, and large object in the foreground. With this object in the foreground will not disintegrate into many small objects. This is important for the formation of exactly one event for each object.
3. Specify exact areas (forbidden zone) and times of importance i.e. being able to alert the viewer at a certain time of day or night of an exception rather than a general rule. The converse of real-time exception reporting is "post mortem" viewing decreasing catch opportunity and increasing the overall cost of ownership.
4. Classify (identify) a person's behavior based on certain rules. Rules can be applied to the direction, the residence time in the area i.e. loitering and the emergence of a new object next to the trajectory (a left object), etc.

**It is important to note that the total cost of ownership increases proportionally to the frequency of false positives due to labor costs of operators, transmission and storage of unnecessary data.** In contrast to the professional video analytics, conventional motion detector does not allow to significantly reduce cost of ownership while protecting perimeters or a "safe city".





## SONITROL® SONAVISION VIDEO SURVEILLANCE SYSTEM

### SONAVISION/CHECKVIDEO ANALYTIC VIDEO SURVEILLANCE SYSTEM:

1. Sonitrol to install One (1) Ruggedized Outdoor Mobile Sentry Unit with Solar Panel Assembly on customer supplied and installed wood telephone or metal poles at the Church Street pole site. Includes power supply, 3G/4G Router & Antenna and IP Switch
2. Sonitrol to install, mount and program Seven (7) CheckVideo High Definition Outdoor Bullet Cameras with built-in analytics and 7-day DVRs (at 1080p, 20 days+ at 720p) and IR illuminators as part of the cameras. Cameras to be installed on customer supplied and installed wooden telephone or metal poles as per design attached
3. The Town of Waxhaw will be responsible for providing, at it's cost, any and all required permits, any and all required trenching and/or boring, two open plastic conduits from various areas and pull strings at its cost in addition to the three (3) installed wooden telephone or metal poles, 110 volts AC electrical needs, three (3) surveillance poles, Cat5e cabling between the pole areas and the Meeting Place, two (2) gigabit-switches at two pole locations, connectivity of high speed Ethernet (1 megabyte up minimally) with access to the internet, any or all tree removal, trimming and limbing-up of existing trees. Radio transceiver data plan (Verizon, AT&T or Sprint) service will be required for paragraph #1 at Waxhaw's costs.
4. CheckVideo Software As A Service (SAAS) Cloud included
5. Waxhaw PD to provide 24/7 monitoring of the aforementioned seven (7) cameras
6. One Year Warranty Parts, 90 Days Labor included if Sonitrol's Priority Advantage is declined

**Total Installation Fee: \$12,882.00 plus tax**

**Cloud Service Fee: \$3,050.00<sup>1</sup> (ANNUAL Fee includes SAAS)**

**Priority Advantage Service Fee: \$1,204.00\* (ANNUAL Fee – See below)**

#### \*SONITROL'S PRIORITY ADVANTAGE:

- **5 year parts & labor warranty** on ALL SONITROL INSTALLED VIDEO SURVEILLANCE EQUIPMENT during normal business hours from date of installation as part of the Annual Service Fee. Client abuse, vandalism, misuse, acts of Nature damage, including damage by surges and lightning, are not included.
- **Sonitrol's Loaner/Replacement program** included as part of the Sonitrol Annual Service fee. If Sonitrol has to send defective equipment back to the repair center for any reason, Sonitrol will provide, at no additional charge, a similar or like loaner until repaired equipment returns from the factory. All labor and trip charges are included as part of the service fee during normal business hours.
- **90 Day Customer Satisfaction Guarantee** if for any reason, the Town of Waxhaw is unhappy or dissatisfied with the performance of the SonaVision system and Sonitrol is not able to correct said deficiencies to the satisfaction of the Town of Waxhaw, Sonitrol will refund 90% of the initial installation investment fee to the Town of Waxhaw and any remaining unused Annual Service Fee, pro-rated accordingly.

#### OPTIONAL SERVICES - SONAVISION® REMOTE VIDEO MONITORING BY SONITROL:

1. Based on a preliminary design as stated, Sonitrol will provide, as part of an additional service to Waxhaw, remote video monitoring of seven (7) cameras from 23:00 to 07:00 - 7 days a week, 52 weeks a year. **Additional Annual Service Fee to the above: \$4,785.00**

<sup>1</sup> Monthly Data fee from Verizon/Sprint/AT&T is not included – customer to provide the data plan that best meets their needs and price point



# Site Plan. Waxhaw Park





Since 1889

# Sk8 Park & David G. Barnes Park Camera Installation

Parks & Recreation Department

Natalie Jackson

January 13, 2015

# Agenda

- Park Challenges
- The Camera...An Important Tool
- Game Plan
- Camera Project Proposal
- Conclusion

# Park Challenges

- Criminal Activity After Hours
- Adherence to Park Rules
- Disagreement Between Citizens/Municipality on Facilitation
- Littering
- General Safety
- Loitering

The Team: Citizens  
Waxhaw PD  
Public Services Director  
Town Manager  
Parks & Recreation Director  
IT Manager

# The Camera...An Important Tool

- **Improve Public Safety**
  - Faster & Purposeful Response During/After Hours
    - Less Need for Forensic Approach & Related Cost of Wages
  - Identification of Safety Concerns
  - Remote Monitoring Capabilities
- Increase Quality of Maintenance
- Create Greater Consistency
- Assist with Accountability
- Enhance Capabilities of Limited Staff
- Focus on Individual Without Penalizing Group

# Game Plan

- In Addition to Cameras...
  - Recreation Programming
    - Education/Mentoring/Sk8 Jams/Specified Usage Hours
  - Sk8 Park Improvements
    - Surface/Landscaping/Fencing/Tree Debris/Signage
  - Ongoing Public Dialogue/Involvement
    - Youth Involvement
      - Incentive Programming
  - Concentration on the Family
  - Sk8 Pass if Needed
  - Ordinance Proposals

# Camera Project Proposal

- Sonitrol
  - Active Remote Verification Surveillance
    - More Efficient Use of Personnel = Cost Effective
  - System Fits with the Future
  - The Cloud
  - 3<sup>rd</sup> Party Monitoring Option
  - Loaner/Replacement Program
  - Cameras Can Be Moved As Park Evolves
  - Expertise/Professionalism/Comprehensive Service
  - Enhancement to The Meeting Place Network
  - No Additional Monthly Data Plan Required
  - 90 Day Guarantee

**NOTE:** This proposal covers two parks.

# Camera Project Proposal

- Sonitrol Project Fee = \$12,882
  - Installation
  - Mobile Sentry Unit/Solar Panel
  - 7 Check Video High Definition Outdoor Bullet Cameras w/ Analytics & DVRs
  - Check Video Software As a Service (SAAS)
  - Priority Advantage Service
    - 5 yr parts/labor
    - Loaner/Replacement Program
    - 90 Day Satisfaction Guarantee
- Cloud Service Fee: \$3,050
- Priority Advantage Fee: \$1,024
- Funding
  - Parks & Recreation Budget Re-allocation

**For Two Parks:**

Total Sonitrol Fee: \$16,956

Town Project Cost Estimate: \$5,500

**Total Project Cost Estimate:** \$22,456

Annual Operating Cost Estimate: \$4,074

\*\*\*\$339.50 per month\*\*\*

**WAXHAW**

Since 1889

# Camera Project Proposal

Tree Removal Required



# Conclusion

- Park Challenges
- The Camera...An Important Tool
- Game Plan
- Camera Project Proposal
- Conclusion: Request for Approval to Install Cameras/Tree Removal

WildFire Camera Networks  
 8809 Lenox Pointe Drive, Suite C  
 Charlotte, NC 28273  
 Phone: 704-705-2622  
 Fax: 704-973-9431  
 Email: info@wildfireconnections.com



**Price Quote - Purchase Agreement**

To: **Waxhaw Police Department**  
 703 W South Main St  
 Waxhaw, NC 28173  
 Attn: Chief M T Eiss

Quotation #: 090403  
 Date: 9/29/2014  
 Re: **City-Wide Wireless Camera Network**  
 Offered Under WPI Program

Purchase Order #	Sales Rep	Terms	Proposed Installation Date
	Pendergraph	60% @ PO; 20% @ Notice of Readiness to Ship; 20% @ Installation & Acceptance	See Below

QTY	ITEM #	UNITS	DESCRIPTION	UNIT PRICE	TOTAL	
1	WildFire Network		Wireless Digital IR 1.3 megapixel, Pan/Tilt/Zoom "Patrolling" Cameras (6)	26,931.00	26,931.00	
			WildFire 5.0 Network Video Recorder (NVR) @ 3620 Providence Rd S WPD office (WPI-Program)			
			Wireless Infrastructure across the city including Central Relay Point (WPI Program), backhauls and extensions for connectivity to the NVR			
			Camera Software Licenses (6)			
1		ea	Installation Labor	2,813.00	2,813.00	
					Taxable Amount	26,931.00
					Non-Taxable Services	2,813.00
					Subtotal	29,744.00
					Taxes 6.75%	1,817.84
					Shipping	
					Balance Due	31,561.84

**This Price Quote assumes the customer will purchase the WildFire wireless system or network outright**

**Under the WPI (WildFire-Provided Infrastructure) Program, WildFire provides the Customer the free use of an NVR and the Central Relay Point. Both are owned, maintained & expanded by WildFire at no expense to Customer, with a minimum initial order of 5 WildFire wireless PTZ cameras.**

**The system purchase price shown (including taxes) requires a 60% progress payment to WildFire with the order. The 20% second progress payment is required upon notice equipment is ready for immediate shipment to customer. The 20% balance is payable after the completion and acceptance by customer of the system installation.**

System installation will start within 15 business days from the date of confirmation the customer has completed their site-preparation responsibilities listed below:

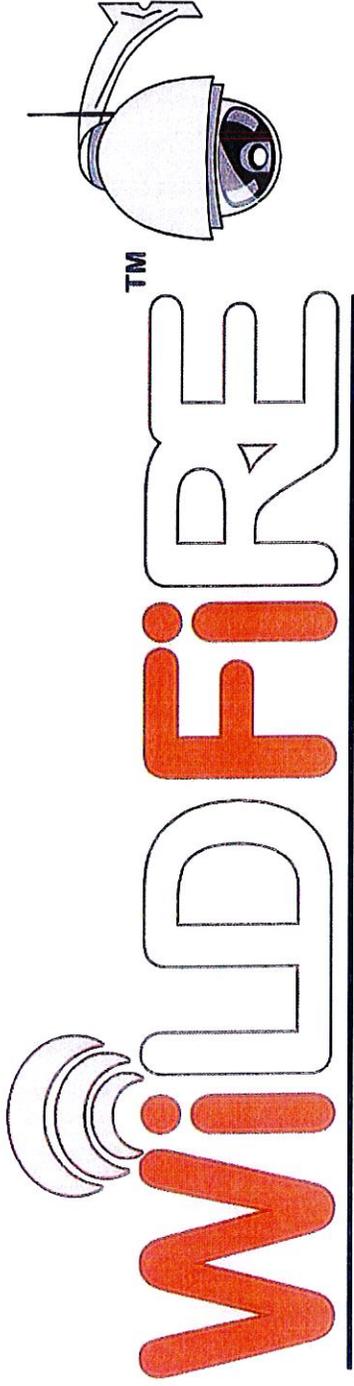
This Price Quote is valid for 30 days

The turnkey system price quoted herein is for the products and services specified above, subject to the following terms and conditions:

- Customer provides 110V electrical supply to all camera, NVR and wireless radio locations
- Customer provides attachment rights to any tank, tower, building or poles required for the installation
- Customer provides any climbers, lifts or new poles needed for the installation or all subsequent service work
- Customer provides dedicated internet bandwidth with a separate, dedicated static IP address (e.g. DSL) for their particular application
- WildFire's Limited Warranty includes 1 Year on equipment & 90 days on installation labor (excluding Acts-of-God, electrical or vandalism)
- Any additional labor charged at the rate of \$125 per hour
- Any existing customer-owned equipment converted to the WildFire System is not covered by this Warranty
- If WildFire uses any customer-provided fiber optics for connectivity within the wireless network provided, that portion will not be covered by WildFire's Limited Warranty
- After the first year, optional upgrades in software and firmware may be acquired at an annual rate of \$98 per camera
- WildFire's standard DVR/NVR has 10 days of video storage. Additional storage may be purchased.
- Unless additional wireless relay points are specified, all prices quoted herein assume each WildFire wireless product can be added directly into the customer's existing wireless network (meaning with "one hop")
- Upon WildFire receiving the customer's tax exempt certificate, taxes will not be charged.
- WildFire provides a high-speed internet connection to the NVR as part of a \$299/month Management Fee to the Customer (billable quarterly in advance). This circuit gives the Customer Remote-Viewing access to their cameras and WildFire's NOC 24/7 access to provide wireless network monitoring services

To accept this Price Quote, please sign and return along with the initial progress payment (if invoice for progress payment required, please request).





**Camera Networks**

***City-Wide Wireless Camera Network***

**Proposal for**

**Waxhaw Police Department**

# WildFire is.....

a national **wireless data networking** company ...specializing in designing, building & managing:

- **City-wide & County-wide** wireless video surveillance camera networks for local government agencies.....police, sheriff, emergency management and public housing
- Property-wide **wireless video camera & “Free WiFi”** systems for parks, apartments, campuses, airports, marinas, commercial centers and other widespread venues

# Wireless Network Applications

*WildFire* builds Wireless IP Data Networks that deliver the following Applications:

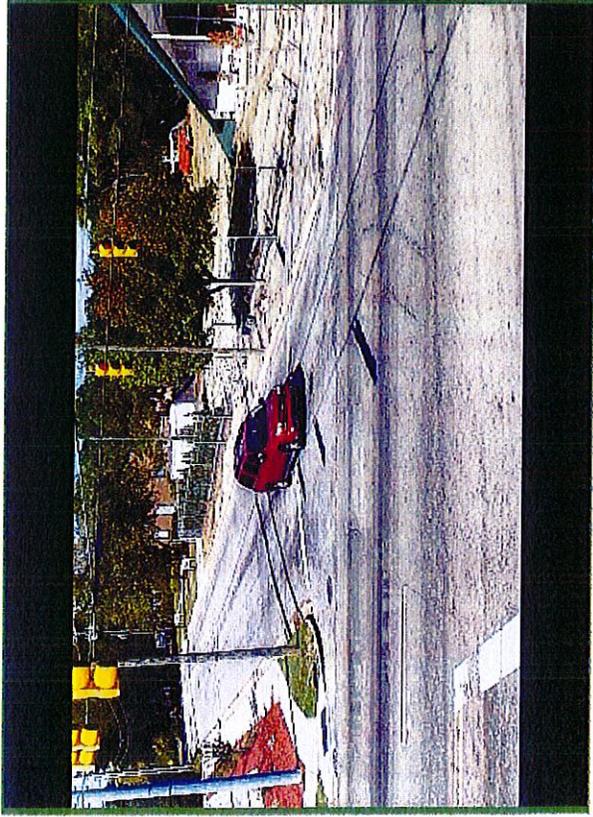
- ❑ **Wireless cameras** – IP-based, Pan/Tilt/Zoom (PTZ) & Megapixel surveillance cameras (remotely-controllable)
- ❑ **Network Video Recorder (NVR)**, with WildFire VMS software centralized @ management office ...
- ❑ **“Police Hotspots”** enable officers from in-car laptops & hand-held devices to view, playback & manually remote-control any WildFire wireless camera or NVR @ **30 (fps)**
- ❑ **911 Video Call Boxes** wirelessly connect call box and PTZ camera to 911 operator via two-way audio and high-quality video (@ 30 fps)
- ❑ **Video Command-Posts** - establishes a high-speed WiFi perimeter for in-car laptops to remotely-control wireless PTZ cameras inside schools or banks during a stand-off

# Why is 30 fps Important?

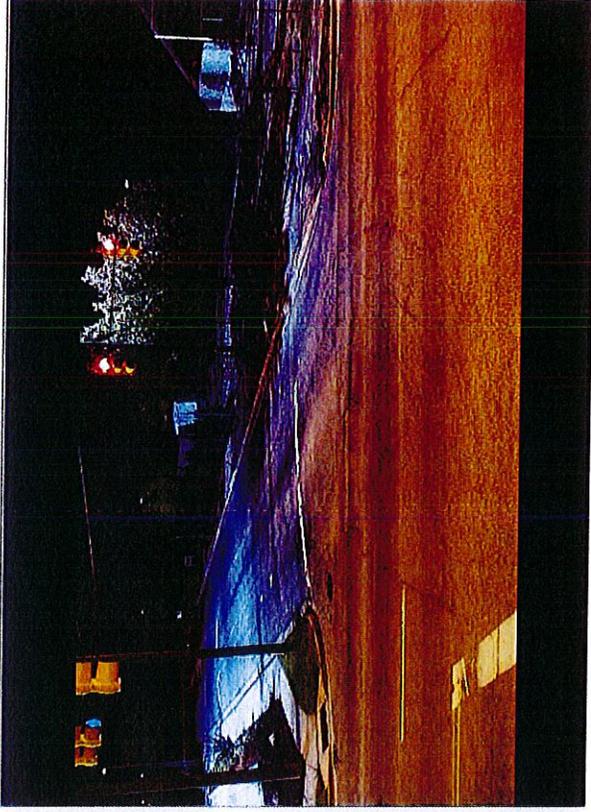
30 frames per second (fps) is what produces standard **full-motion, full-screen** video-quality

- ❑ **Fact:** The problem with new IP-based video surveillance cameras is they cannot consistently achieve 30 fps video-quality when monitored, recorded or remotely controlled **over public internet connections**
- ❑ **Solution:** WildFire's engineers custom-design and turnkey-build all their **property-wide wireless camera systems** as private IP data networks that deliver “police-quality” digital video monitoring and video recordings @ 30 fps. This engineering standard also enables **instant manual remote-control** of all wireless PTZ cameras from monitoring stations and handheld devices.

# Sample Low-Light Camera Capabilities



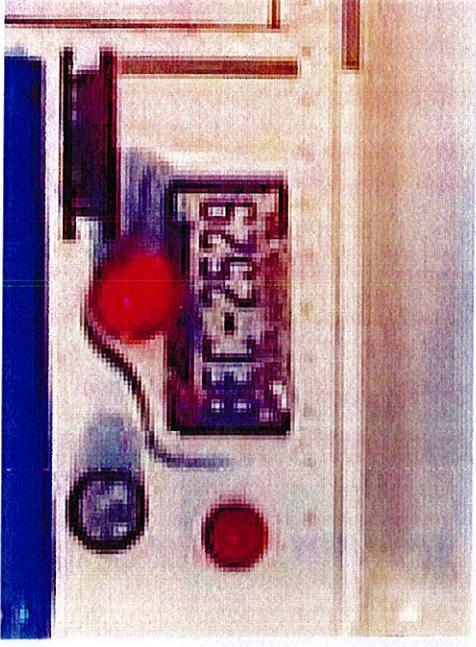
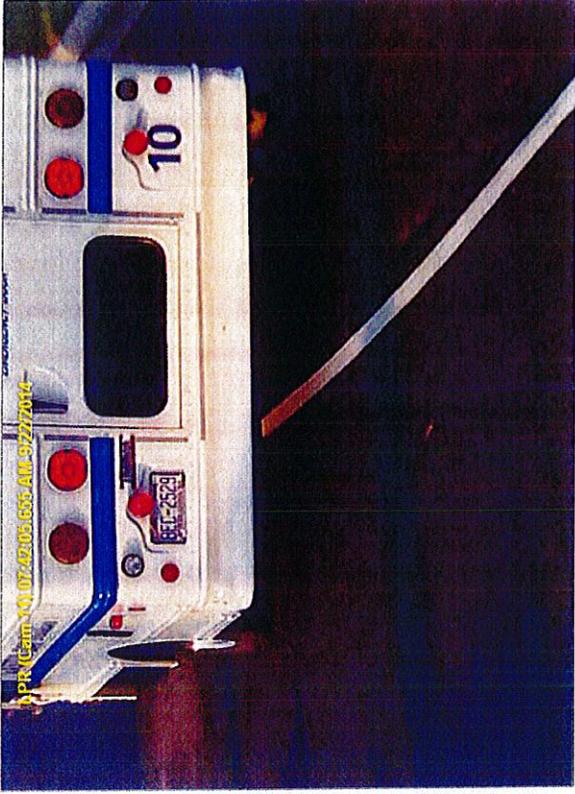
Fixed camera: just after 12PM



Fixed camera: 2AM

 **WILDFIRE™ 5.0**

# Sample Camera Capabilities



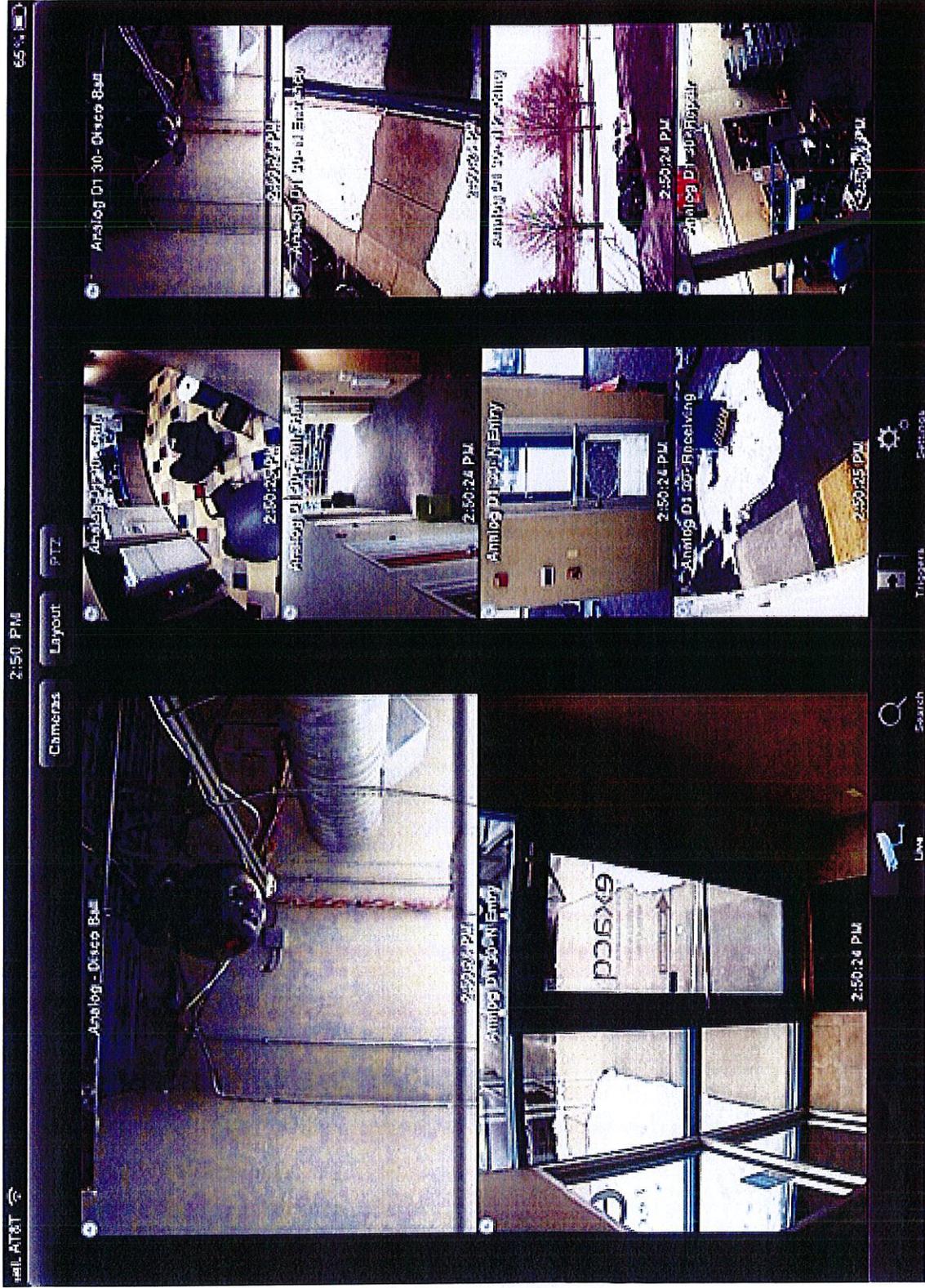
License Plate Reader

 **WILDFIRE™ 5.0**

# Sample NVR Monitoring Screen



# Sample iPad Monitoring Screen



# Police Hotspots



*Private, secure high-speed wireless coverage areas available around WildFire cameras, or at independent locations across the wireless network, giving officers instant access to view, playback or manually control WildFire cameras from anywhere on the network on their in-car laptops or other portable devices*

# Our Recommendations

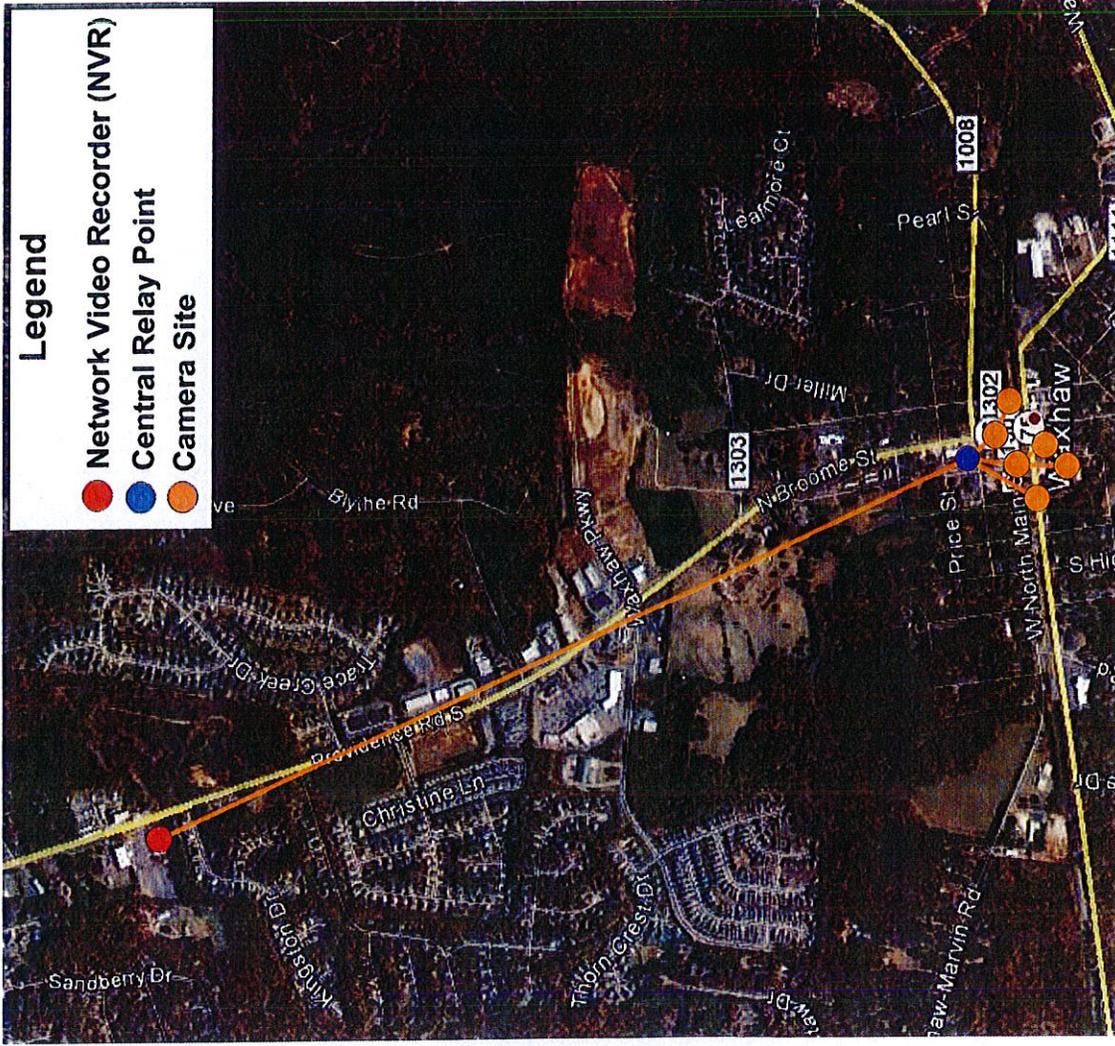
*WildFire* wireless engineers have designed a **city-wide wireless video camera network** for the Cary Police Department. We will initially deploy six (6) IP-based, digital wireless Pan/Tilt/Zoom (PTZ) video surveillance cameras (as shown in the following slides) that will be wirelessly connected back to a single **Network Video Recorder (NVR)** located at the Waxhaw Police Department at 3620 Providence Rd S. These digital recordings offer advanced features like “watermarking,” which certifies that all your video recordings are tamper-proof, assuring they will be legally admissible evidence in a court of law.

The wireless infrastructure required for the city to connect these initial *WildFire* wireless cameras and all future wireless cameras to the centralized NVR includes utilizing a Central Relay Point with wireless backhubs, extensions and infrastructure for connectivity to the NVR. This wireless infrastructure will serve as the core of the wireless data network that will eventually grow across the city to support all wireless cameras added in the future.

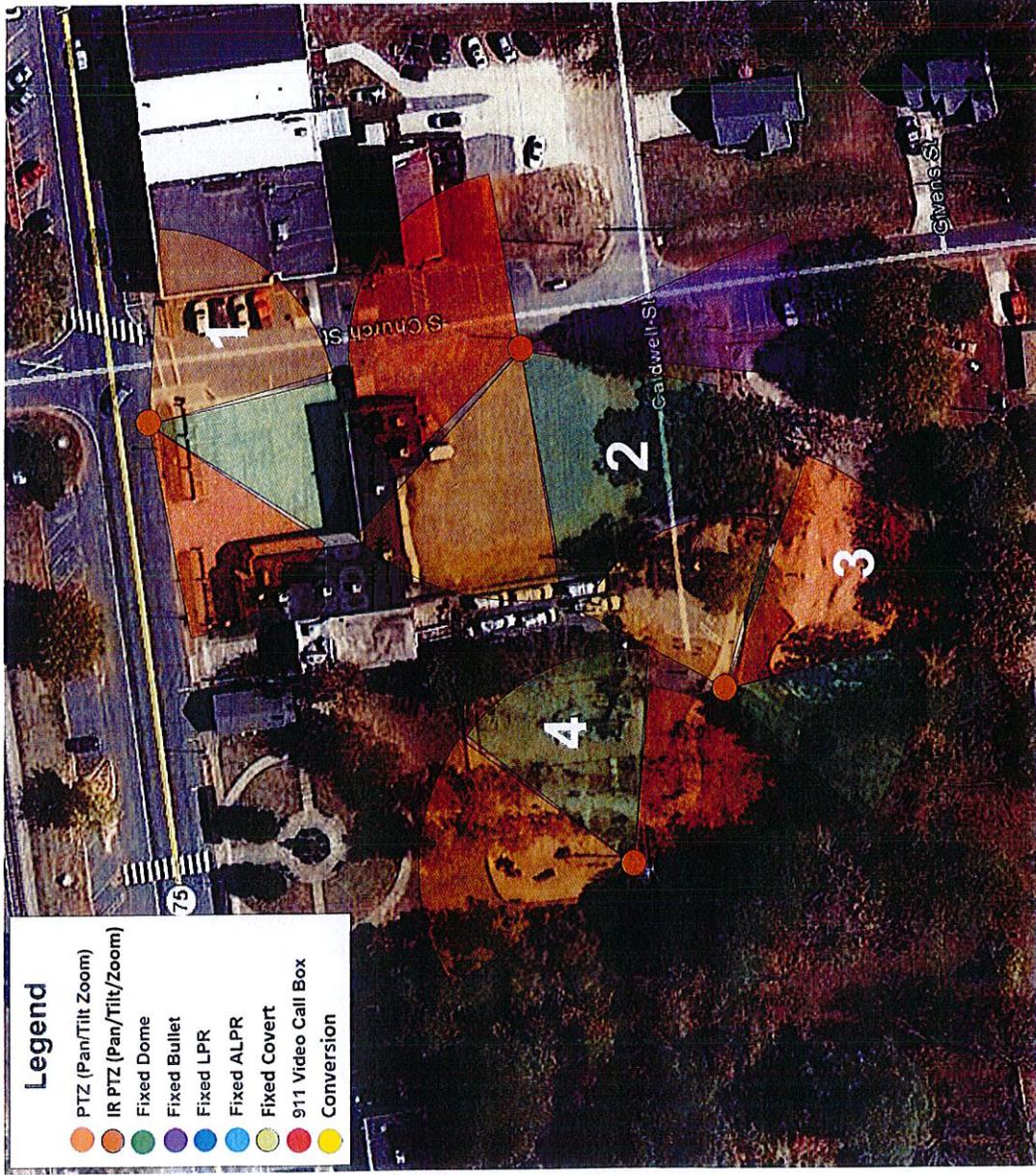
“**Police Hotspots**” will be deployed at the CPD Parking Area at 120 Wilkinson Avenue and at the intersection of Walker Street and East Chatham Street that will enable the local police to utilize their in-car laptops and mobile wireless devices to monitor live video, playback recordings from the NVR and manually remote-control any wireless PTZ camera from anywhere on the city-wide camera network. (see following slides for network layout).

The Waxhaw Police Department is eligible for the **WildFire WPI Program** (see details on a later slide).

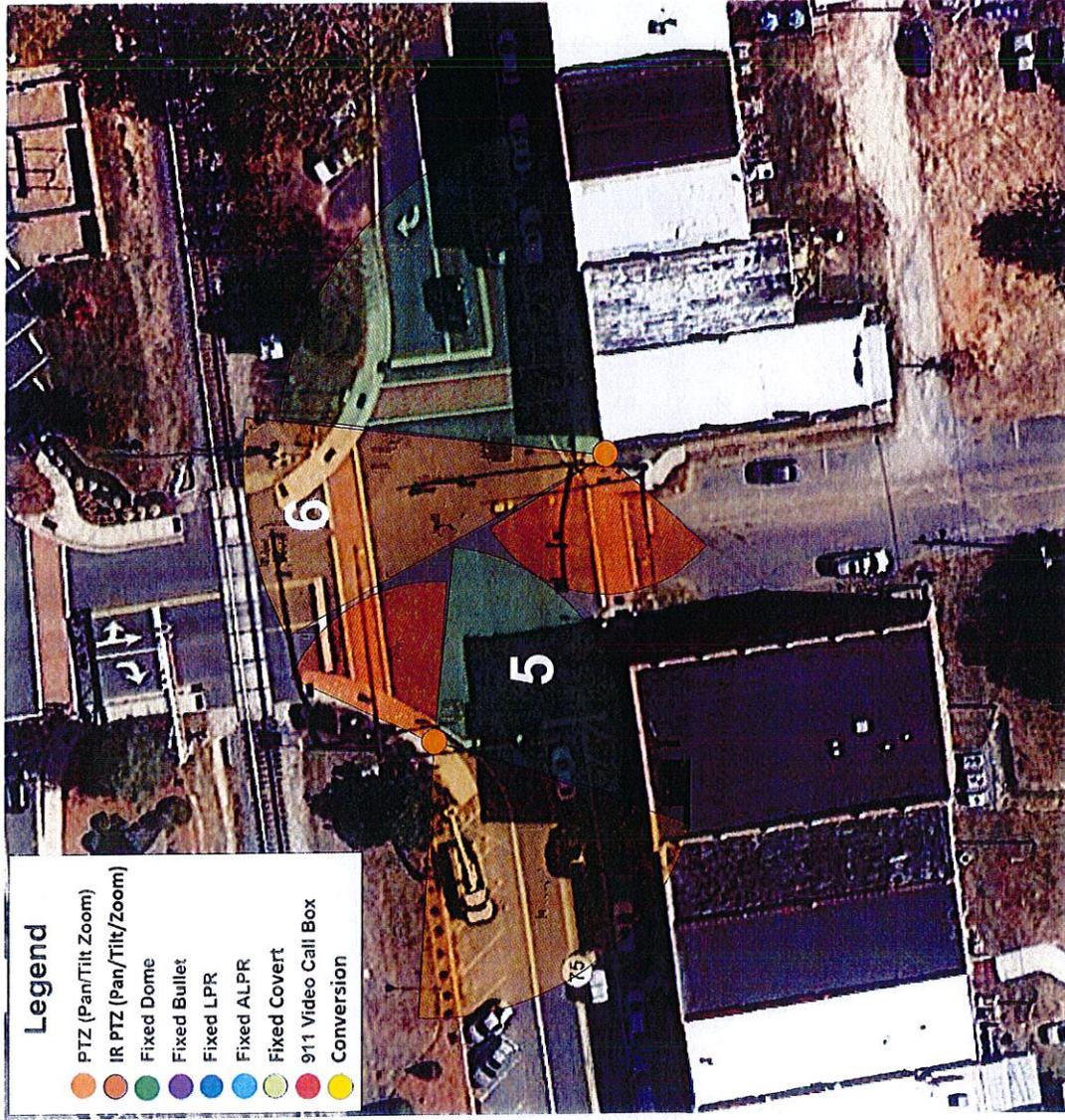
# City-Wide Wireless Camera Network Layout



# David G. Barnes Park Camera Views



# West South Main Street Camera View



# Pricing

## Our turnkey Installed Price\* includes:

- Digital IP-based Pan/Tilt/Zoom (PTZ) 1.3 Megapixel IR "Patrolling" Camera (6)
- Network Video Recorder (NVR) located at the Waxhaw PD office
- Wireless Infrastructure across the city for system connections including a Central Relay Point (WPI Program), WPD, aggregate relays, backhauls, extensions and infrastructure for connectivity to the NVR at the WPD
- Camera Software Licenses (6)
- Installation Labor

**Purchase Price .....\$29,744, plus taxes\***

\* Customer will provide 110V electrical outlets at all camera, NVR and relay locations, any poles, climbers or lifts as needed and permission for installation of cameras and radios on buildings and other structures as required. See separate Price Quote-Purchase Agreement for all sale terms & conditions.

# WPI Program

WPI stands for *WildFire-Provided Infrastructure...* this WildFire program provides the following “**basic infrastructure**” to the local government free of charge:

- ❑ The centralized **Network Video Recorder (NVR)**, including all VMS software for NVR & all officer clients.
- ❑ WildFire owns, maintains and expands the NVR and does all software upgrades at no cost to the local government. The NVR includes ten (10) days of video storage capacity, also at no cost.
- ❑ WildFire builds & maintains **Central Relay Point** at no cost
- ❑ The local private-sector is encouraged to buy their own WildFire wireless cameras to join the city-wide or county-wide wireless network
- ❑ Local government provides the “vertical real-estate” (water tanks, towers, buildings, etc.) required to build their WildFire city-wide or county-wide wireless camera network
- ❑ To qualify, the minimum initial purchase commitment is only five (5) WildFire wireless cameras.

# Pricing – Management Fee

The Monthly Management Fee of \$299/month includes the following:

- WildFire will provide from a local Internet Service Provider (ISP) a separate, **dedicated high-speed internet access connection** into your centralized Network Video Recorder (NVR), located at your designated site.
- This circuit will meet all of WildFire's required specifications, such as having a static IP address and enough bandwidth, to enable your onsite Network Video Recorder (NVR) to serve multiple purposes.
- One purpose of this circuit is to enable **remote-viewing** of all cameras, or selected individual cameras, and for the **remote playback** of video recordings on the NVR over the public internet (only by customer authorized parties).
- Also, all Pan/Tilt/Zoom (PTZ) cameras and certain types of fixed cameras can be **manually remote-controlled** over the public internet over this circuit, again only by authorized parties.
- To execute all the customer remote-access features mentioned above, WildFire provides all of the required Video Management System (VMS) **software clients** to the customer, and their IT staff for deployment, at no extra charge.
- WildFire, from its centralized **Network Operations Center (NOC)**, also utilizes this circuit to monitor the operation of all devices on your wireless camera network on a 24/7 basis. When service outages occur, WildFire opens a trouble ticket and proceeds to remotely restore the customer's service from the NOC. If an onsite visit is required, the NOC will dispatch a local technician to assist in the restoration of service.
- The **WildFire Help Desk** is also open and available to customers for questions and assistance from Monday-Friday, 9am to 5pm.



WildFire Camera Networks  
 8809 Lenox Pointe Drive, Suite C  
 Charlotte, NC 28273  
 Phone: 704-705-2622  
 Fax: 704-973-9431  
 Email: info@wildfireconnections.com



**Price Quote - Purchase Agreement**

To: **Waxhaw Police Department**  
 703 W South Main St  
 Waxhaw, NC 28173  
 Attn: Chief M T Eiss

Quotation #: 090403  
 Date: 9/15/2014  
 Re: **City-Wide Wireless Camera Network**  
 Offered under the WPI Program  
 Athletic Field, West on Kensington

Purchase Order #	Sales Rep	Terms	Proposed Installation Date
	Pendergraph	60% @ PO; 20% @ Notice of Readiness to Ship; 20% @ Installation & Acceptance	See Below

QTY	ITEM #	UNITS	DESCRIPTION	UNIT PRICE	TOTAL
1	WildFire Network		Wireless Digital 1.3 megapixel, Pan/Tilt/Zoom "Patrolling" Cameras (2) located @ the Athletic Field west on Kensington that are wirelessly connected to the existing WildFire 5.0 Network Video Recorder (NVR) @ the Waxhaw PD on 703 W South Main St (WPI Program)	8,190.00	8,190.00
			Wireless Infrastructure across the city including backhauls and extensions for connectivity to the NVR		
			Camera Software Licenses (2)		
1		ea	Installation Labor	1,125.00	1,125.00
1	WPI Program	ea	WildFire provides to Customer at no-cost (see details below)		
				Taxable Amount	8,190.00
				Non-Taxable Services	1,125.00
				Subtotal	9,315.00
				Taxes 6.75%	552.83
				Shipping	
				Balance Due	9,867.83

**This Price Quote assumes the customer will purchase the WildFire wireless system or network outright**

**Under the WPI (WildFire-Provided Infrastructure) Program, WildFire provides the Customer the free use of an NVR and the Central Relay Point. Both are owned, maintained & expanded by WildFire at no expense to Customer, with a minimum initial order of 5 WildFire wireless PTZ cameras.**

**The system purchase price shown (including taxes) requires a 60% progress payment to WildFire with the order. The 20% second progress payment is required upon notice equipment is ready for immediate shipment to customer. The 20% balance is payable after the completion and acceptance by customer of the system installation.**

System installation will start within 15 business days from the date of confirmation the customer has completed their site-preparation responsibilities listed below:

This Price Quote is valid for 30 days

The turnkey system price quoted herein is for the products and services specified above, subject to the following terms and conditions:

- Customer provides 110V electrical supply to all camera, NVR and wireless radio locations
- Customer provides attachment rights to any tank, tower, building or poles required for the installation
- Customer provides any climbers, lifts or new poles needed for the installation or all subsequent service work
- Customer provides dedicated internet bandwidth with a separate, dedicated static IP address (e.g. DSL) for their particular application
- WildFire's Limited Warranty includes 1 Year on equipment & 90 days on installation labor (excluding Acts-of-God, electrical or vandalism)
- Any additional labor charged at the rate of \$125 per hour
- Any existing customer-owned equipment converted to the WildFire System is not covered by this Warranty
- If WildFire uses any customer-provided fiber optics for connectivity within the wireless network provided, that portion will not be covered by WildFire's Limited Warranty
- After the first year, optional upgrades in software and firmware may be acquired at an annual rate of \$98 per camera
- WildFire's standard DVR/NVR has 10 days of video storage. Additional storage may be purchased.
- Unless additional wireless relay points are specified, all prices quoted herein assume each WildFire wireless product can be added directly into the customer's existing wireless network (meaning with "one hop")
- Upon WildFire receiving the customer's tax exempt certificate, taxes will not be charged.

To accept this Price Quote, please sign and return along with the initial progress payment (if invoice for progress payment required, please request).

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Proposal for  
Town of Waxhaw  
316 N.Church Street  
Waxhaw, NC 28173  
08/06/2014**

This Tyco Integrated Security Proposal (the "Proposal") contains Tyco proprietary and business confidential information and may not be shared with third parties without the prior written consent of Tyco. Tyco's provision of the equipment, systems, and/or services described in this Proposal is expressly conditioned upon Company's acceptance of the terms and conditions of the standard Tyco Integrated Security Sales Agreement posted on [www.tycois.com](http://www.tycois.com). The system design and specified equipment are subject to final approval by your local fire department or other authority having jurisdiction. This Proposal is valid for a period of sixty (60) days from the above date and any deletions or additions to this Proposal may result in changes to the pricing and/or terms and conditions.

**Inquiries regarding this proposal may be directed to:**

Mark Brambier  
Tyco Integrated Security  
Phone #: 7045874952  
Cell Phone #: 7042180694  
Email: [mbrambier@tyco.com](mailto:mbrambier@tyco.com)



Town of Waxhaw  
316 N. Church Street  
Waxhaw, NC 28173  
Estimate Name: Waxhaw Skate Park CCTV

DATE 08/06/2014

DEAR Mahar Greg:

Thank you for allowing Tyco Integrated Security (Tyco) the opportunity to provide Town of Waxhaw with our proposal for Waxhaw Skate Park CCTV.

As an industry leader, Tyco's desire is to bring experience, industry insight and value to our customers by providing solutions that deliver lasting results while help keeping risk to a minimum. Your business is our business and helping to reduce your losses while improving operations means Tyco is consistently evaluating your issues and needs.

Tyco provides integrated security solutions to businesses like yours throughout the world. In North America, Tyco maintains over 200 full-service brick and mortar offices, staffed by more than 10,000 company-trained employees, including over 3,700 service personnel. With unparalleled presence across the U.S., Tyco service and installation teams are specially trained and focused on our technology offerings.

We are proud of our history, financial strength and depth and breadth of services we offer and I look forward to discussing our proposal with you and showing you why Tyco is the premier leader in the electronic security industry.

I offer you my personal commitment to help ensure Tyco meets your business needs.

Sincerely,

Mark Brambier  
Commercial Business Solutions

**License Information:** AL Alabama Electronic Security Board of Licensure, 7956 Vaughn Rd., Montgomery 36116, (334) 264-9388; AK 256239, 5520 Lake Otis Pkwy., Anchorage, AK 99507; AR E0055, Regulated by Arkansas Bd. of Private Investigators & Private Security Agencies, #1 State Police Plaza Dr., Little Rock 72209, (501) 618-8600; AZ ROC109396-C12; ROC109402-L67; CA ACO4227, PPO12949, 707408; alarm company operators are licensed and regulated by the Bureau of Security & Investigative Services, Dept. of Consumer Affairs, Sacramento, CA 95814; DC 39703010; FL EF0001121, -0950, -1123, -0478, EF20000341, -0413, EG0000164; GA LVA205374, -205386, -002833, -001438, -003379, -004452, -205572, LU001160; HI C27996; IL 127-000364; MA 45-C; MI A-0639, 3601202182 - 4182 Pier North Dr. Ste. D, Flint, MI 48504; MN TS00021; NC 846-CSA-Alarm Systems Licensing Bd., 1631 Midtown Pl., Ste.104, Raleigh, 27609 (919) 875-3611; NM 056126; NV 0040091, 1338; NY 12000025576, Licensed by NYS Dept. of State; OH 16782, 50-18-1052; 50-57-1034; 53-89-1329; 53-31-1582; 50-50-1019; 50-48-1032; 50-25-1050; 50-76-1025; OK 00067; OR 59944; PA Pennsylvania Home Improvement Contractor Registration Number: PA10083; RI AFC0126; 18004; TN ACC-216, -241, -255, -773, -173, -937, -294, -748, -511, -934, -1227; TX B00536-140 Heimer Rd. Ste. 100, San Antonio, TX 78232 - Texas Private Security Bureau, 5805 N. Lamar Blvd., Austin 78752; UT 297869-6501; VA 11-1878; 11-1879; 11-3247; 11-3635; 11-3863; Alarm Security Contracting 2701-035978A exp. 01/31; WA ECO6 ADTSESI03205, 11824 N Creek Pkwy. #105, Bothell, WA 98011; WV 014142. MS 15005633

Additional information is available at [www.tycois.com](http://www.tycois.com) or by calling 1-800-2TYCOIS. FL: EF0001121.

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**TYCO INTEGRATED SECURITY CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION**

Page 2 of 7



Town of Waxhaw  
316 N.Church Street  
Waxhaw, NC 28173  
Estimate Name: Waxhaw Skate Park CCTV

## PAYMENT OPTIONS

### Tyco-Owned Option

Allows you to reduce the up-front cash requirements needed to install new security system and, at the same time, keep your monthly cost low.

**Installation Investment Package: \$ 5000.00**  
**Total Monthly Payment Including Preferred Services: \$ 627.54/month**

### Outright Sale Option

Provides your business with ownership of the electronic security equipment upon purchase.

**Installation Investment Package: \$21157.99**  
**Total Monthly Payment Including Preferred Services: \$ 252.56/month**

\*Loans are made by an independent entity to qualified Tyco customers and are subject to completion of a credit application. Please contact your Tyco sales representative for further details. All terms subject to credit approval and availability, and are subject to change without notice. Certain restrictions may apply. Cannot be combined with any other financing offer.

## SCOPE OF WORK FOR Town of Waxhaw

This proposal presented by Tyco is being provided at the request of Town of Waxhaw to successfully meet the specifications of the Waxhaw Skate Park CCTV Project at the 316 N.Church Street, , Waxhaw, NC 28173 location.

We propose to install and maintain a Video system which will consist of the following:

1. System Operation:
  - IP Camera system for an open air park.
  - NVR and Head in will be in Building at front of park.
  - Open air skate park with a small building and bathrooms at front of park.
  - Installing IP cameras to cover park and parking lot.
  - Head in will be in the small building near bathrooms.
  - Camera's to be viewed off site.
  - All cameras to be 2MPX Cameras with the exception of camera #2 (bathrooms) to be a 1MPX camera.
2. Programming Info:
  - Customer will view cameras from off-site internet.
3. Site Conditions:
  - Camera Description below:
  - Camera Body/Lens Layout Details**
  - #1 -**  
HD1080P/8MM/100'DTO/73'HFV/26PPF -  
Strap to metal Pole Mount
  - #2 -**  
HD720 /5MM/40'DTO/39'HFV/33PPF -  
Mount to building
  - #3 -**  
HD1080P/6MM/65'DTO/63'HFV/30PPF -  
Wood Pole
  - #4 -**  
HD1080P/6MM/65'DTO/63'HFV/30PPF -  
Wood Pole
  - #5 -**  
HD1080P/9MM/140'DTO/83'HFV/26PPF -  
Wood Pole
  - #6 -**  
HD1080P/9MM/140'DTO/83'HFV/23PPF -  
Wood Pole

**TYCO INTEGRATED SECURITY CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION**

Page 4 of 7

**#7 -**  
HD1080P/9MM/80'DTO/52'HFV/37PPF -  
Wood Pole

**#8 -**  
HD1080P/9MM/80'DTO/52'HFV/37PPF -  
Wood Pole

4. Customer Expectations:

All cameras to be mounted at 15Ft off ground.  
Customer wants to allow certain people to view cameras from off site.

5. Customer Responsibilities / Tyco Exclusions:

This is a 24/7 open air park.  
Customer will be able to view live and recorded video from off site locations.  
**Customer to provide Boom Lift for Tyco installers for camera installation.**  
**Customer to provide any and all underground and up pole piping needed.**

**Up Pole Pipe to be metal to provide the best protection of wires from vandalism.**  
**Customer to provide any electrical needed to power Cameras, NVR and Monitor in Activity Building and/or on poles if needed.**

**Cameras #3, 4, & 5 need to have one pole installed.**

**Purchase and installation of said pole is responsibility of Customer.**

**Line of site for cameras may be hindered by tree height. Any trees needing trimming for proper camera view is responsibility of customer.**



**BILL OF MATERIALS FOR Town of Waxhaw**

**Waxhaw Skate Park CCTV System**

QTY	PRODUCT CODE	DESCRIPTION	LOCATION
1	Profile Codes	Profile Codes	
1	10	Transmission - None	
1	10	Account Management - None	
1	10	Guard Response and Training - None	
1	60	Closed Circuit Television PROVIDED	
1	76	Maintenance Quality Service Plan and 1 Video Inspection PROVIDED	
1	INTEVO-ADV-3TB	INTEVO Hardware Platform: EntraPass CE Software & IP Video for up to 32 IP cameras, 3TB HDD	
1	INTEVO-ADV-SSA	INTEVO SSA 1 YEAR	
1	NSI Product	Keyboard and mouse. Rep to pick up locally.	
1	NS2503-24P/2C Lenel	24-PORT FAST ETHERNET POE-24AF/11AT MANAGED SWITCH WITH 2 GIGABIT TP/SFP COMBO	
1	ADCi600-D021	Illustra 600 Outdoor HD 720p mini,TDN,WDR, 3-9mm varifocal,IR,VR, PoE,heater,white,clear bubble	
1	ADCiM6WALLWK	Illustra 600 wall mount indoor outdoor white adapter Kit	
7	ADCi610-D021	Illustra 610 Outdoor HD 1080p minid,TDN,WDR,3-9mm varifocal,IR, VR, PoE,heater,white,clear bubble	
7	ADLOMARM	DOVE MT LOOKOUT WALL ARM	
7	ADCi6DPCAPOW	illustra 600/610 Dome pendant cap Outdoor,white	
7	ADCDMPOLE	Discover Pole Mount Adapter for ADCDMWALL - White	
3	POE302-EX	GIGABIT ETHERNET POEPLUS (AT 303W) EXTENDER	
1	NSI Product	Misc. Material	
1	Programming	Programming	
1	Install Training	Install Training	

TYCO INTEGRATED SECURITY CONFIDENTIAL AND PROPRIETARY BUSINESS INFORMATION



Town of Waxhaw  
316 N.Church Street  
Waxhaw, NC 28173  
Estimate Name: Waxhaw Skate Park CCTV

**NOTES:**

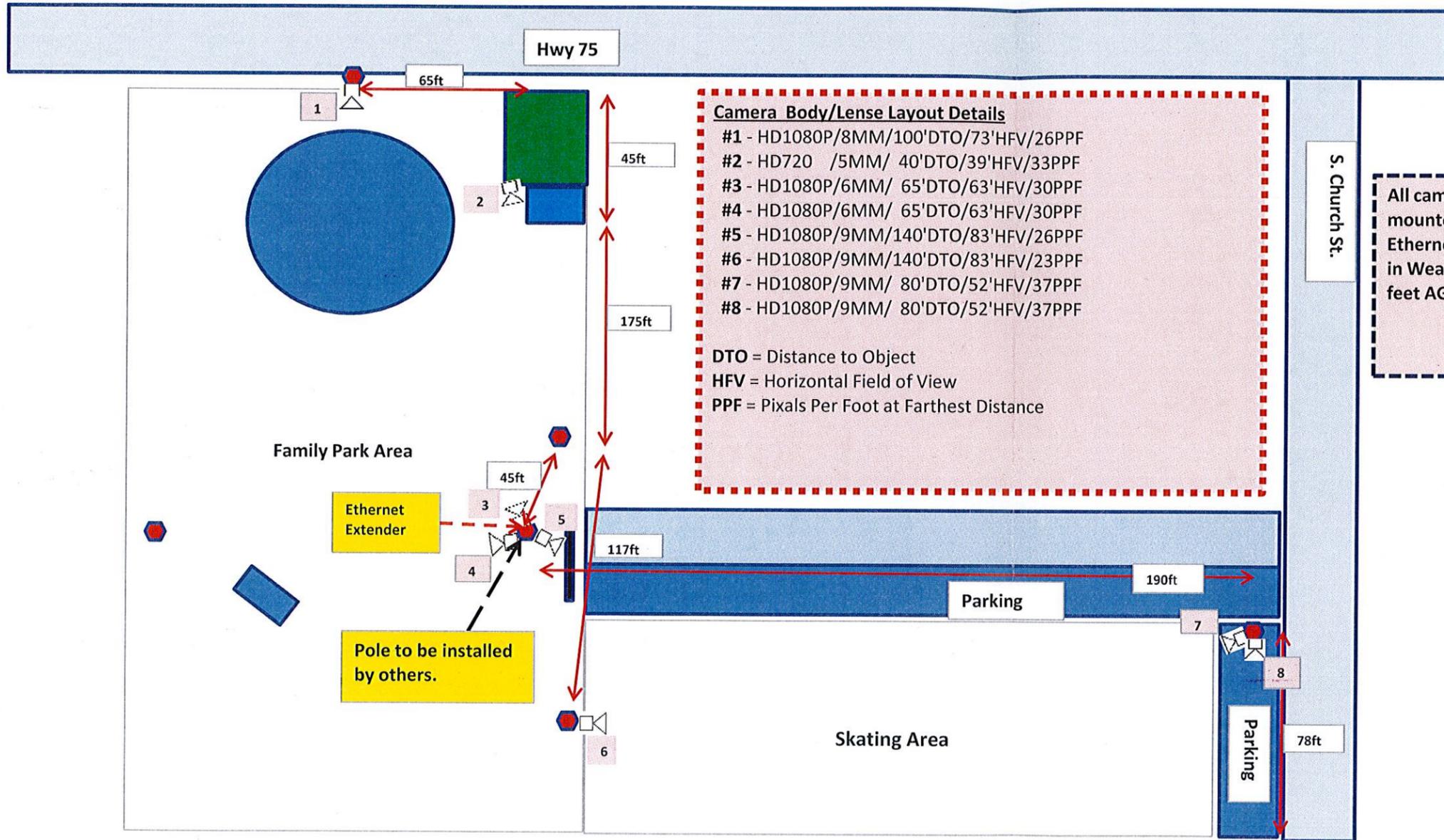
**Internet Requirements:**

Each camera requires approximately 2meg of internet connection.  
The highest consumption of internet usage will be when all 8 cameras are being viewed at the same time.

16 users are able to log in simultaneously without loading ExacqVision software on viewing computers.

NVR will be connected via hardwire connection on Head In location.





**Camera Body/Lense Layout Details**

- #1 - HD1080P/8MM/100'DTO/73'HFV/26PPF
- #2 - HD720 /5MM/ 40'DTO/39'HFV/33PPF
- #3 - HD1080P/6MM/ 65'DTO/63'HFV/30PPF
- #4 - HD1080P/6MM/ 65'DTO/63'HFV/30PPF
- #5 - HD1080P/9MM/140'DTO/83'HFV/26PPF
- #6 - HD1080P/9MM/140'DTO/83'HFV/23PPF
- #7 - HD1080P/9MM/ 80'DTO/52'HFV/37PPF
- #8 - HD1080P/9MM/ 80'DTO/52'HFV/37PPF

DTO = Distance to Object  
 HFV = Horizontal Field of View  
 PPF = Pixals Per Foot at Farthest Distance

All cameras and devices to be mounted a minimum of 12 feet AG. Ethernet Extender to be mounted in Weather Proof Box minimum 12 feet AG.



# Quote

Date	Quote #
10/24/2014	173304

## DoubleRadius, Inc.

2022 Van Buren Ave  
 Indian Trail NC 28079  
 US  
 704-927-6100

<b>Bill To</b>	<b>Ship To</b>
Town of Waxhaw PO Box 6 Waxhaw NC 28173 United States	Technology Manager 317 North Broome St Waxhaw NC 28173 United States

<b>Expires</b>
11/23/2014

Item	Quantity	Description	Unit Price	Extended
0625-001	4	Axis Communications Compact and outdoor-ready HDTV camera for day and night surveillance, IP66-rated, varifocal 2.8-9.8 mm P-iris lens . Remote 3.5 x optical zoom and focus. Automatic IR cut filter. Multiple, individually configurable H.264 and Motion JPEG streams; max 5 MP resolution at 12.5 fps. Video motion detection, active tampering alarm, corridor format and WDR – Dynamic Contrast. I/O ports, microSD/SDHC memory card slot for edge storage. OptimizedIR, a power-efficient LED technology with adaptable angle of IR illumination up to 15 meters (50 feet). Integrated bracket for easy mounting on wall and ceiling. Power over Ethernet. Operating conditions -30 °C to 50 °C (-22 °F to 122 °F).	799.00	3,196.00
0509-001	3	Axis Communications Outdoor, IP66 and NEMA 4X-rated, 1080p HDTV camera with 18x optical zoom, auto focus and day/night mode. Integrated IR LED illumination. Multiple, individually configurable H.264 and Motion JPEG streams; max HDTV 1080p resolution at 25/30 fps. WDR- dynamic contrast. Video motion detection and active tampering alarm. Two way audio and I/O with multi-connector cable (not included). microSD/MicroSDHC memory card slot for optional local video storage. Operation in -40°C to +50°C. Powered by PoE (IEEE 802-3af), 8-28 V DC or 20-24 V AC. Includes a removable sunshield, integrated wall/ceiling mount. Power supply or midspan not included.	1,399.00	4,197.00
Shireen	1	Shireen's high quality outdoor shielded FTP (Foil Twisted Pair) CAT5e cable. It features 4 twisted pairs of 24 AWG wire with Aluminum Foil Shielding and Drain Wire. Excellent for use in all outdoor applications of networking, data transfer and phone lines.	160.00	160.00
TC-CON	1	Mfg P/N: DC-1021 Ubiquiti Tough Cable Connectors 100pc. Mfg P/N: TC-CON	49.00	49.00

Save your cash!! No money down and no payments for 3 months. Finance this for \$517.43 per month for 3 years. Ask your DoubleRadius Representative for more info.



# Quote

## DoubleRadius, Inc.

2022 Van Buren Ave  
 Indian Trail NC 28079  
 US  
 704-927-6100

Date	Quote #
10/24/2014	173304

Item	Quantity	Description	Unit Price	Extended
EXAC EVIP-01	7	**Made In China** EXAC EVIP-01 : License F/Camera C942468	125.00	875.00
SERVICE-MAIN UB-AM	7	MFN P/N : EXAC EVIP-01 Camera Instalation	250.00	1,750.00
	5	Ubiquiti Universal Arm Bracket. Designed for wall or poles, UB-AM provides a versatile and robust solution for mounting all of your devices. Mfg P/N: UB-AM	9.95	49.75
NBE-M5-19(US)	5	***Made In China*** The new NanoBeam M has a compact, all-in-one design with uniform beam width, efficient footprint and a faster processor. The NanoBeam can be easily mounted in a variety of ways thanks to the innovative mechanical design.	89.00	445.00
NB121005-100 5023-121	4	12x10x5 Inch 120 VAC Weatherproof Enclosure NEMA 4x	165.00	660.00
	7	Axis Communications PoE midspan for PTZ dome- and fixed outdoor cameras. IEEE802.3af compliant (max. 15W) at 12/24V DC input. IEEE802.3at compliant (max. 30W) at 12V DC input. Temp spec: -20 °C to 65 °C (-4 °F to 149 °F).	99.00	693.00
TS-5-POE	1	TOUGHSwitch PoE. Cost effective 5-port Gigabit switch with 24V PoE support for each port. It is ideal for powering Ubiquiti airMAX, UniFi, and airVision devices.	95.00	95.00
SERVICE-MAIN	5	Wireless and enclosure installation.	100.00	500.00
SERVICE-MAIN	1	Server Software set up.	1,000.00	1,000.00
UPS Ground	1		0.00	0.00

Subtotal	13,669.75
Tax (NC_UNION CO 6.75%)	703.33
Total	\$14,373.08



Google earth



< Axis Q1765-LE

○ Axis P1427-LE



8301 University Executive Park Drive, Suite 105  
Charlotte, NC 28262  
TEL: 704-363-8162 FAX: 704-549-9542

City of Waxhaw - Main Street Parks  
Nick Bahnweg  
215 W. South Main Street  
Waxhaw, NC 28173

Attention: Nick Bahnweg

Thank you again for giving Pathway Technologies, Inc. the opportunity to present our system designed to meet your security needs for the organization. I appreciate your interest in Pathway Technologies and look forward to helping you secure this location.

After looking at the layout of this facility, design specifications and talking with you about your expectations, I have put together the following thoughts for your consideration as we begin to examine this project. As you may know, not all security integrators are the same. Pathway Technologies provides an investigative approach to understanding your needs. We look not just at the current situation, but the long term objectives of your organization before providing a comprehensive package that provides optimal service for our clients. We structure programs that will offer solutions to issues of the highest priority while keeping our eye on the constraints such as budgets.

Pathway Technologies, Inc. (PTI) is a physical security and communications technology company specializing in the design, installation and maintenance of IP centric security solutions. We provide a comprehensive, beginning to end package that includes network transport system and cabling, to video surveillance, access control, fire detection and intrusion detection solutions. We are committed to providing superior, comprehensive services for our clients' physical security and networking needs. Our services address all stages of the life cycle solution: Design, Implementation, and Support. As such, PTI seeks customer relationships where it can add significant value through a partnering approach.

I look forward to working with you on this project and will welcome any questions you may have regarding security for your location.

Respectfully submitted by:

**Jeff DeMeo**  
Account Executive

Pathway Technologies, Inc.  
8301 University Executive Park Drive, Suite 105  
Charlotte, NC 28262  
704-363-8162  
jdemeo@pathwaytech.com

8301 University Executive Park Drive, Suite 105  
Charlotte, NC 28262  
TEL: 704-363-8162 FAX: 704-549-9542

# PROPOSAL

**Proposal date:** October 8, 2014  
**Proposal number:**  
**Customer ID:**  
**Valid until:** November 7, 2014

**PROJECT:** *City of Waxhaw - Main Street Parks*

**PREPARED FOR:** *City of Waxhaw - Main Street Parks*  
215 W. South Main Street  
Waxhaw, NC 28173  
Nick Bahnweg

**SCOPE OF WORK**

Pathway Technologies, Inc. (PTI) will provide and install a 7 IP network camera surveillance system within the outdoor W. South Main Street park per attached drawings as discussed.

This system will consist of a NUUO video management platform and seven 2 MP IP outdoor cameras with Wide Dynamic Range Pro, 30 meters IR and smart focus. The cameras will cover the skatepark, two playgrounds, common area (off main street), bathrooms and parking lots per the attached drawings. The cameras used are designed for the outdoor environment with changing lighting dynamics (extreme brightness and darkness) and weather. The system is scalable for future video system deployments throughout the city and can be unified into one management dashboard.

This system includes full service maintenance for one year. Additional annual service agreement available upon request.

6 cameras will be mounted on 4 poles throughout the park and 1 camera will be mounted on the building at the bathrooms. All power to the cameras will be via PoE. Customer will provide & install all poles for cameras to be mounted on and trenching from the main building (where the network/server is) to the pole/camera locations. Customer will also provide & install the necessary conduit to these locations with pull string.

Pathway Technologies, Inc will provide, install and program the NUUO software onto the clients existing server. The customer will provide all necessary hardware for the server including the hard drive for recording. Pathway will also provide 4 hours of user training on viewing & managing the management software.

PTI will provide lift for this project.

**EXCLUSIONS**

- All 110VAC power outlets are to be within five feet of power supply and server locations and will be supplied by customer
- All IP addresses, network drops, POE switches, patch panels, ports, rack space and UPS power for server to be provided by customer
- Any and all pathways, sleeves, raceways, trenching, conduit and boxes will be provided by customer.
- Installation to occur during normal business hours (M-F, 7AM - 4PM). Any work required outside normal business hours will require additional charges.
- Any existing hardware / cabling that is to be utilized is assumed to be the correct type & in working condition. If this is not the case, additional charges could be required.
- Any system drawings / riser diagrams required to be provided by Pathway Technologies, Inc. can be done at an additional costs if not included in the scope of work

**NOTES**

- Terms NET 30
- All equipment and labor carry a one year warranty from date of completion
- Option service agreement may extend coverage up to five years

---

**Total Price**..... \$ **19,734.89**

**Tax Exempt Certificate needed**

---

Respectfully submitted by:  
**Jeff DeMeo**  
Account Executive

**Accepted by:**  
City of Waxhaw - Main Street Parks

Pathway Technologies, Inc.  
8301 University Executive Park Drive, Suite 105  
Charlotte, NC 28262  
704-363-8162  
jdemeo@pathwaytech.com

---

Print Customer Name

---

Customer Signature

---

Date

# EQUIPMENT LIST

**Proposal date:** October 8, 2014  
**Proposal number:**  
**Customer ID:**  
**Valid until:** November 7, 2014

**PROJECT:** *City of Waxhaw - Main Street Parks*

**PREPARED FOR:** *City of Waxhaw - Main Street Parks*  
215 W. South Main Street  
Waxhaw, NC 28173  
Nick Bahnweg

<u>QUANTITY</u>	<u>DESCRIPTION</u>
7	2MP Outdoor Camera w/WDR & Smart IR/30 meters
6	Pole Mounting Adapter
7	IP Surveillance Software License
4	CAT5 Direct Burial 500'
7	PoE Surge Protector
1	Outdoor Enclosure
2	PoE Extenders
1	8 Port PoE Managed Switch w/2 ssd 1 Gig

## Terms And Conditions

1. Parties: The parties to this agreement ("Agreement") are Pathway Technologies, Inc. or "Company", a North Carolina corporation, and the Customer as defined by that entity identified in the signature block of this Agreement.
2. Equipment. The systems, other equipment and accessories specified on Company's proposal and in Customer's purchase orders which are accepted subsequently by Company, including additions, replacements and replacement parts are referred collectively as the "Equipment".
3. Acceptance. This Agreement will be binding on Company only if Company accepts it, as evidenced only by the signature of an authorized representative of Company. Company will not be deemed to have accepted this Agreement unless: (a) Company has received from Customer any down payment, (b) Company's credit evaluation of Customer is satisfactory and (c) this Agreement does not contain any mathematical error or unauthorized price or change. With Company's authorization, Customer may order additional Equipment through submission of its purchase orders. The provisions of this Agreement will govern the purchase of all Equipment under such purchase orders.
4. Taxes and Fees. Customer will pay when due all taxes, including sales, use, privilege, excise, personal property, value added and other taxes, but not federal or state income or franchise taxes imposed on Company, and all other governmental charges, assessments, fees and any related interest or penalties imposed with respect to the Equipment or the transactions contemplated by this Agreement. If Customer fails to pay any such amount when due, Company may elect to pay it and Customer will promptly reimburse Company for such payment, together with interest from the date paid at the Overdue Rate (as defined in Section 12). If Company is required to obtain any local permit or license to enable it to install the Equipment at Customer's sites, Customer will reimburse Company for any related fees or charges.
5. Obligations; Late Charges. Customer will pay Company or any assignee of Company (an "Assignee") the purchase price for the Equipment, the installation, maintenance and any other charges set forth on the face of this Agreement or any applicable purchase order. All such payments and other obligations in connection with this Agreement or any such purchase order are referred to collectively as the "Obligations". Customer will make all payments to Company or any Assignee at such address as Company or such Assignee designates in writing. Company or its Assignee shall invoice Customer for all Equipment, installation, maintenance and other charges, and payment shall be due Net30 days after date of invoice. For "Equipment Only" orders, equipment charges shall be invoiced upon shipment from the designated shipping point. For "Installation Projects", equipment charges shall be invoiced upon receipt at Company's local staging area and installation charges shall be invoiced progressively (if applicable, Retention of \_\_\_ % until completion of the project). For "Installation only", installation charges shall be invoiced progressively. Maintenance charges shall be billed in advance in installments as specified on the face of this Agreement and installation charges shall be invoiced upon completion of identifiable milestones or as specified on the face of this Agreement. If Company or any Assignee does not receive any payment within 10 days after its due date, Customer will pay a late charge of 1.25% per month or 15% per annum or the maximum amount permitted by law on such payment. Any such late charges, if assessed, will be part of the Obligations.
6. Security Interest. In order to secure payment and performance of all Obligations and any other current or future obligations of Customer to Company in connection with any other agreement between them, Customer grants to Company and any Assignee a continuing security interest in the Equipment, all other similar equipment provided by Company in the possession or control of Customer, and all proceeds thereof, including insurance proceeds (collectively, the "Collateral"). This security interest will terminate only on the discharge in full of all the Obligations and all such other obligations of Customer to Company.
7. Transportation; Risk of Loss; Insurance. All orders will be shipped F.O.B. Company's designated shipping point. All orders will be shipped directly to Customer or to a staging area designated by Company. Customer will pay all expenses, including insurance, for handling and transporting the Equipment from and to the designated shipping point and/or the designated staging area for any reason. Customer will bear all risk of loss or damage to, or theft of, the Equipment once it has left the designated shipping point. Until the Obligations are paid in full, Customer will, at its expense, keep the Equipment insured under policies issued by reputable insurance companies for all risk commercial property coverage based on full insurable value. Customer will provide evidence of such insurance to Company or any Assignee, on request. If the Equipment suffers a casualty covered by insurance, Customer will apply all insurance proceeds to pay the Obligations, but will remain liable for any Obligations remaining unpaid.
8. Training; Use of the Equipment. Customer will permit Company to train its personnel in the proper use of the Equipment on or prior to installation, and Customer will provide training for its new personnel. Customer will use the Equipment only in accordance with Company's specifications and instructions.
9. Power Requirements. Customer shall provide electrical power and telephone lines for the Equipment in accordance with Company's specifications.
10. Supplies. All supplies, components and replacement parts used in conjunction with the Equipment, which are not furnished by Company, must meet Company specifications. Company will not be liable for any loss, damage or injury to the Equipment, Customer, its employees or agents or any other person caused by the use of non-conforming supplies, components or replacement parts. Company will not be required to make any adjustment, replacement or repair under any applicable warranty or maintenance service if Customer uses non-conforming supplies, components or replacement parts in conjunction with the Equipment.
11. Maintenance Service. Customer shall not cause modifications to be made, or accessories, attachments, features or devices to be added to the Maintained Equipment without the prior written approval of Company. Upon mutual agreement, Company shall perform modifications to the Maintained Equipment and Company shall adjust the Maintenance accordingly.
12. Warranties; Limitation of Liability. Company warrants that the Equipment will be free from defects in materials and workmanship on delivery or, if Company installs the Equipment, on installation. Company's sole obligation under this warranty will be to repair or replace broken or defective Equipment as necessary to return the Equipment to normal operating order, at no charge for parts for the first twelve (12) months and no charge for labor for the first twelve (12) months following the earlier of substantial completion and/or acceptance by the customer.

EXCEPT AS SET FORTH IN THIS SECTION 12, COMPANY DISCLAIMS ANY WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT OR ITS OPERATION, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR USE. If Company or its employees, agents or franchisees fail for any reason to provide maintenance service or make faulty repairs or adjustments, or damage any equipment, whether or not caused by negligence, Company's sole liability to customer will be to make any repair, adjustment or replacement necessary to return such equipment to normal operating order. In no event will company or its employees, agents or franchisees be responsible for failure to provide service due to causes beyond their control. No failure to provide maintenance service will release customer from any obligations. Company and its employees, agents and franchisees will in no event be liable for any incidental, consequential or other direct or indirect damages suffered by customer, any of its employees, agents or any other person arising out of or in connection with the use or performance of the equipment, even if they have been advised of the possibility of such damages. Company neither assumes nor authorizes any employee, agent or franchisee to assume for company any other liability in connection with the sale or use of the equipment.

Customer agrees that any liability of Company or its employees, agents or franchisees due to any failure of the Equipment or any other act or omission of Company or any of its employees, agents or franchisees in the design, installation, maintenance or service of the Equipment will be limited exclusively to a sum equal to the purchase price of the Equipment involved, as liquidated damages and not as a penalty. Further, Customer will hold harmless and indemnify Company and its officers, directors, employees, agents and franchisees against any loss, liability or expense (including reasonable attorneys' fees and disbursements) in excess of the amount provided above as liquidated damages on account of any such failure, act or omission. Customer agrees to obtain and maintain liability insurance from financially sound and reputable insurance companies against malpractice and other liabilities and risks of a character usually insured against by healthcare facilities such as Customer with adequate and prudent minimum limits of liability.

13. Default. Customer will be in default if, while any Obligations are outstanding, (a) Customer fails to pay when due any Obligations or any amount due under any other agreement with Company, or if any insurance required to be maintained by Customer lapses, and such failure continues for 10 days, (b) Customer fails to observe or perform any other covenant of this Agreement or any such other agreement and such failure continues for 20 days after written notice thereof to Customer, (c) any levy, seizure or attachment of the Equipment occurs, (d) Customer becomes insolvent or makes an assignment for the benefit of creditors, or any insolvency, bankruptcy, reorganization or similar proceedings by or against Customer are instituted, or a receiver, trustee or liquidator of Customer or a substantial part of its assets is appointed, with or without Customer's consent, or (e) Customer ceases to do business.

If Customer is in default, Company may, in its sole discretion, without further notice, exercise one or more of the following remedies: (i) declare all unpaid Obligations immediately due and payable, (ii) terminate this Agreement or any applicable purchase order as to any Equipment, (iii) with or without notice or legal process, enter any premises in which the Collateral may be located and take possession or remove it, without any liability for doing so, (iv) cause Customer to return the Collateral promptly to Company, (v) use, hold, sell, lease or otherwise dispose of any or all of the Collateral, in whole or in part, free and clear of any rights of Customer, at public auction or private sale or lease, and have the right to bid and purchase at such sale, (vi) enforce Customer's performance of the Obligations or recover damages for the breach thereof and (vii) exercise any and all rights and remedies available to Company under law, including those of a secured creditor under the Uniform Commercial Code.

In addition, Company will, at its election, be entitled to recover immediately as liquidated damages for loss of a bargain, and not as penalty, an amount equal to the sum of (1) all Obligations then due but unpaid, plus (2) an amount equal to (A) the difference between (i) all remaining Obligations not then due and (ii) the costs which Company would have incurred in the performance of its obligations hereunder after the default, if the default had not occurred, all as reasonably determined by Company, (B) discounted to present value as of the date of default at the rate of 7%. Customer agrees that such liquidated damages are reasonable and appropriate, as Company markets similar equipment in the ordinary course of its business and maintains substantial inventories to meet customer needs. Customer will pay Company on demand (i) any deficiency in the payment of any Obligations remaining after Company's exercise of any of its rights and remedies and (ii) all expenses incurred by Company in connection with the enforcement of this Agreement, the collection, removal, repossession, holding, preparation for sale and disposition of the Collateral, paying or settling liens and claims against the Collateral and other similar activities, including the maximum attorneys' fees permitted by law. All such expenses will be part of the Obligations. At Company's request, Customer will assemble the Collateral and make it available to Company at a place designated by Company. Obligations that are not paid when due (including those which have been accelerated) and the liquidated damages provided above will bear interest at the lower of 20% per annum or the maximum rate allowed by law (the "Overdue Rate") from the date due, or in the case of liquidated damages, from the date of Customer's default, until paid.

14. Confidentiality. Customer will not disclose or permit disclosure of any information or data related to any of the Equipment without the prior written consent of Company or use or permit the use of such information or data to compete with Company in any manner.

15. Additional Agreements of Customer. Until the Obligations are paid in full: (a) Customer will not, without Company's prior written consent, (i) assign, transfer, pledge or otherwise encumber any Equipment or this Agreement or any interest herein, or lease, sublease or relinquish possession or control of the Equipment, (ii) make or cause to be made any alteration, attachment or repair to the Equipment other than by Company or (iii) remove the Equipment from the installed location; (b) the Equipment at all times will remain personal property and Customer will not cause or permit any Equipment to become permanently affixed to any real property and; (c) Customer will comply with all laws and regulations applicable to the possession or use of the Equipment and will use the Equipment in the regular course of its business in a careful and proper manner. The provisions of this Section 16 will also apply to any Collateral, which is not Equipment.

Customer represents and warrants that any site at which the Equipment is to be installed is free of asbestos and any other hazardous or toxic substances. If any such substance exists at any site, Company will not be required to install or service the Equipment at such site and Company may arrange, at Customer's expense, for the Equipment to be installed and serviced by persons qualified to handle such substances.

16. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of North Carolina applicable to agreements made and fully to be performed in such state, without giving effect to conflicts of laws principles, it being agreed that this Agreement bears a reasonable relation to such laws. Company and Customer submit to the personal jurisdiction of the state and federal courts of the State of North Carolina and agree that such courts will have jurisdiction over them, with venue in Wake County, in connection with any matter arising out of this Agreement and that service of process may be made by registered or certified mail, return receipt requested, to the last known address of the party being served. Process may also be served by any other legal means and Company may bring an action with respect to any such matter in another jurisdiction.

17. Miscellaneous. If the Equipment contains computer programs, this Agreement is subject to the additional provisions of the Software License Addendum attached to this Agreement. This Agreement and such Addendum, if applicable, constitute the entire agreement between Company and Customer with respect to their subject matter, and no representation, statement, term or condition not set forth herein will bind Company. Except with respect to terms set forth in a subsequent customer purchase order regarding delivery dates, quantities and prices which have been agreed to by Company, this Agreement will supersede and will not be modified by any such purchase order or any other document, without Company's written agreement. No provision of this Agreement may be changed, waived, discharged or terminated, except by an instrument in writing executed by the party against which enforcement is sought. All notices or other communications must be in writing and will be deemed to have been given when mailed, postage prepaid, by registered or certified mail, addressed to Company or Customer, at its address set forth on the face of this Agreement, or such other address as is properly designated by notice. If a court of competent jurisdiction declares any provision of this Agreement illegal or unenforceable, it will be ineffective only to the extent of such illegality or unenforceability, without affecting the validity and enforceability of the other provisions. The headings in this Agreement are inserted for convenience of reference only and will not be used in the interpretation of this Agreement.

CUSTOMER ACCEPTANCE. By its initialing below, Customer acknowledges that it understands, agrees to, and will abide by this Agreement and these Terms and Conditions. It is further understood that payment for all equipment and installation charges are due upon receipt of invoice. Equipment will be invoiced upon shipment from the designated shipping point and installation charges will be invoiced as the job progresses. The Customer's agent signing this Agreement also certifies that he or she has the legal authority to do so and commit the Customer for all obligations required of the Customer, and further acknowledges that the Company is hereby authorized to perform the work as specified.

Pathway Technologies, Inc.

8400 Six Forks Road  
Suite 202  
Raleigh, NC 27615

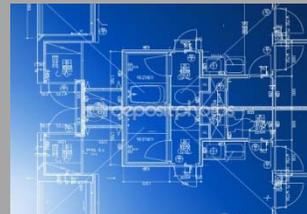
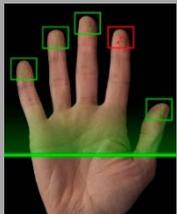
# Exclusively prepared for: Waxhaw Skate Park

Waxhaw Skate Park

Video Surveillance

Presented by: Jeff DeMeo

October 8, 2014



# Waxhaw Skate Park

Designed by: Jeff DeMeo  
Date: October 8, 2014



CAMERA

TRENCH AND CONDUIT



SERVER



POLE NEEDED



EXISTING POLE

Video Surveillance



# Bullet Network Camera IP8365H/65EH

2MP • WDR Pro • 30M IR • Smart IR •  
3DNR • Smart Focus System • IP67

VIVOTEK IP8365H/65EH are professional outdoor bullet network cameras offering up to 60 fps @ 2-Megapixel resolution with superb image quality.

Featuring the Wide Dynamic Range Technology WDR Pro, it provides improved visibility in the extremely dark & light environment. Combined with 3D Noise Reduction Technology, which enables the IP8365H/65EH to capture clear, polished video under low-light conditions and reduce bandwidth from sensor noise, users can identify an increased level of image details in pretty bright as well as dark environments.

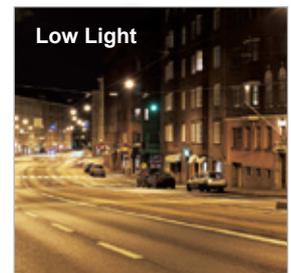
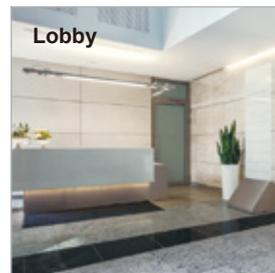
Additionally, as a professional day/night camera, IP8365H/65EH adopt a Smart IR technology which prevents overexposure and provides noise reduction to adjust the IR lighting intensity instantaneously based on the changes of light in the ambient environment.

To provide top-notch image quality, IP8365H/65EH also come with a P-iris lens, which controls the iris with extreme precision with its built-in stepper motor. By using software controls, the lens maintains the iris opening at an optimal level at all times, resulting in superior sharpness and depth of field as well as image quality. Furthermore, for installers, properly adjusting the focus of a megapixel network camera can be difficult due to the level of image detail. Therefore, IP8365H/65EH are also designed with VIVOTEK's Smart Focus System to make installation and adjustment easier by using remote focus and zoom adjustment.

The camera's IP67-rated housing is designed to protect the camera body from being immersed in the water, even against the immersion at the depth of at least 1m. Additionally, the wide temperature range further enhances the IP8365EH performance and reliability in extremely cold and hot weather.

## Features

- 2-Megapixel CMOS Sensor
- 30 fps @ 1920x1080
- 60 fps @ 1920x1080 (one-stream mode only)
- Motorized P-iris Lens
- Removable IR-cut Filter for Day & Night Function
- Built-in IR Illuminators, Effective up to 30 Meters
- Smart IR Technology to Avoid Overexposure
- 3D Noise Reduction for Low-light Conditions
- WDR Pro (100dB) to Provide Improved Visibility in Extremely Bright or Dark Environments
- Smart Focus System for Remote and Precise Focus Adjustment
- Two-way Audio
- Weather-proof IP67-rated Housing



## Technical Specifications

Model	IP8365H/65EH	<b>Alarm and Event</b>	
<b>System Information</b>		Alarm Triggers	Video motion detection, manual trigger, digital input, periodical trigger, system boot, recording notification, camera tampering detection
CPU	Multimedia SoC (System-on-Chip)	Alarm Events	Event notification using digital output, HTTP, SMTP, FTP and NAS server File upload via HTTP, SMTP, FTP and NAS server
Flash	256 MB	<b>General</b>	
RAM	384 MB	Smart Focus System	Remote focus
<b>Camera Features</b>		Connectors	RJ-45 for Network/PoE connection Audio input/output AV output AC 24V power input DC 12V power input Digital input*1 Digital output*1
Image Sensor	1/2.8" Progressive CMOS	LED Indicator	System power and status indicator
Maximum Resolution	1920x1080 (2MP)	Power Input	DC12V/AC24V IEEE 802.3af PoE
Lens Type	Vari-focal, Remote Focus	Power Consumption	IP8365H: DC Max. 11 W AC Max. 24.4 W PoE Max. 11 W IP8365EH: DC Max. 30 W (Heater on), 8 W (Heater off) AC Max. 30 W (Heater on), 8.8 W (Heater off) PoE Max. 11 W (Heater off)
Focal Length	f = 3 ~ 9 mm	Dimensions	Ø: 91mm x 221mm
Aperture	F1.2 ~ F2.3	Weight	Body only Net: 1,314g (IP8365EH), 1,270g (IP8365H) With stand and sunshield Net: 1,911g (IP8365EH), 1,867g (IP8365H)
Auto-iris	P-Iris	Casing	Weather-proof IP67-rated housing
Field of View	39° ~ 89° (Horizontal) 22° ~ 49° (Vertical) 44° ~ 103° (Diagonal)	Safety Certifications	CE, LVD, FCC Class A, VCCI, C-Tick, UL
Shutter Time	1/5 sec. to 1/10,000 sec.	Operating Temperature	IP8365H: Starting Temperature: -10°C ~ 50°C (14°F ~ 122°F) Working Temperature: -20°C ~ 50°C (-4°F ~ 122°F) IP8365EH: Starting Temperature: -40°C ~ 50°C (-40°F ~ 122°F) (PoE: -10°C ~ 50°C) Working Temperature: -50°C ~ 50°C (-58°F ~ 122°F)
WDR Technology	WDR Pro	Warranty	24 months
Day/Night	Removable IR-cut filter for day & night function Smart IR Technology to avoid overexposure	<b>System Requirements</b>	
Minimum Illumination	0.11 Lux @ F1.2 (Color) 0.001 Lux @ F1.2 (B/W)	Operating System	Microsoft Windows 8/7/Vista/XP/2000
Pan/tilt/zoom Functionalities	ePTZ: 48x digital zoom (4x on IE plug-in, 12x built in)	Web Browser	Mozilla Firefox 7~10 (streaming only) Internet Explorer 7/8/9/10
IR Illuminators	Built-in IR illuminators, effective up to 30 meters IR LED*4, with Smart IR Technology	Other Players	VLC: 1.1.11 or above Quicktime: 7 or above
On-board Storage	SD/SDHC/SDXC card slot	<b>Included Accessories</b>	
<b>Video</b>		CD	User's manual, quick installation guide, Installation Wizard 2, ST7501 32-channel recording software
Compression	H.264, MJPEG	Others	Quick installation guide, warranty card, sun shield, wall mount bracket, waterproof RJ45 Ethernet enclosure, alignment sticker, desiccant bag, waterproof connector
Maximum Frame Rate	30 fps @ 1920x1080 60 fps @ 1920x1080 (one-stream mode only) In both compression modes	<b>Dimensions</b>	
Maximum Streams	2 simultaneous streams		
S/N Ratio	62dB		
Dynamic Range	100dB		
Video Streaming	Adjustable resolution, quality and bitrate		
Image Settings	Time stamp, text overlay, flip & mirror configurable brightness, contrast, saturation, sharpness, white balance, exposure control, gain, backlight compensation, privacy masks, scheduled profile settings, 3D Noise Reduction, EIS, Video Rotation		
<b>Audio</b>			
Audio Capability	Two-way audio (full duplex)		
Compression	AAC, G.711, G.726		
Interface	External microphone input Audio output		
<b>Network</b>			
Users	Live viewing for up to 10 clients		
Protocols	IPv4, IPv6, TCP/IP, HTTP, HTTPS, UPnP, RTSP/RTP/RTCP, IGMP, SMTP, FTP, DHCP, NTP, DNS, DDNS, PPPoE, CoS, QoS, SNMP, 802.1X, UDP, ICMP		
Interface	10Base-T/100 BaseTX Ethernet (RJ-45)		
ONVIF	Supported, specification available at <a href="http://www.onvif.org">www.onvif.org</a>		
<b>Intelligent Video</b>			
Video Motion Detection	Triple-window video motion detection		

## Compatible Accessories

### Mounting Kits



**AM-311**  
Pole Mount Adaptor



**AM-411**  
Corner Mount Adaptor

### PoE Kits



**POE-IJ-1748NDN**  
PoE injector, 802.3af compliant

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Ver 1.2



## **VII. New Business**

- F. Introduction & Discussion of Town Board Rules of Procedure  
Presenter: [Steve Maher](#)

### **Information**

Review and recommend changes to the Town Board Rules of Procedure, which will be adopted at a later date.

### **Board Action**

- No action at this time

# TOWN OF WAXHAW

## RULES OF PROCEDURE

### Preamble

THESE RULES OF PROCEDURE were designed for use by the Waxhaw Board of Commissioners based upon A. Fleming Bell, II: *Suggested Rules of Procedure for a City Council, 3d ed., 2000*. They incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of *Robert's Rules of Order Newly Revised* (hereinafter referred to as *RONR*). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for a small governing board.

The Board of Commissioners including the Mayor (hereafter referred to as the Board) in developing, approving and following these rules and procedures agree that they will recognize and following with these principles in mind:

1. The Board must act as a body.
2. The Board will recognize and respect the public trust and will represent the Town in an ethical manner for both public and private matters.
3. The Board will communicate with each other, the public and staff in a civil manner.
4. The Board will respect and follow the rule of law. No one elected officials can represent the entire Board without the Board express consent.
5. The Board should proceed in the most efficient manner possible.
6. The Board must act by at least a majority.
7. Every member must have an equal opportunity to participate in decision making.
8. The Board's rules of procedure must be followed consistently.
9. The Board's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Many of the rules suggested here reflect the provisions of the North Carolina city council meeting procedure statutes, Chapter 160A, Article 5, Parts 1-3, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 160A-68 to -81) and the North Carolina open meetings law, G.S. Chapter 143, Article 33C (G.S. 143-318.9 to 143-318.18).

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# Rules of Procedure

## Rule 1. Regular Meetings

The Board shall meet at least monthly for the purposes of conducting town business. At its first December meeting the Board shall adopt a meeting schedule for the upcoming year. The Board may revise this schedule as appropriate. Contained in the meeting schedule will be the date, time and location of the meetings. A copy of the Board's current meeting schedule shall be filed with the Town Clerk.

## Rule 2. Special, Emergency, and Recessed Meetings

**(a) Special Meetings.** The Mayor, the Mayor Pro Tem, or any two members of the Board may at any time call a special board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Special meetings include formal meetings with an established agenda along with work sessions, committee meetings, retreats, or other informal meetings of the Board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the Mayor and each board member or left at his or her usual dwelling place; (2) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting location; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. As used in these Rules, delivery shall include email or facsimile. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the Board shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its date, time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting location; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled and to the Mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner.

**(b) Emergency Meetings.** Emergency meetings of the Board may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Board.

(1) The Mayor, the Mayor Pro Tem, or any two members of the Board may at any time call an emergency board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each board member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the Mayor and all members of the

Board are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Board complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the Mayor and the Board members and shall be given at the expense of the party notified.

(c) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed or adjourned session of a properly called regular, special, or emergency meeting.

### **Rule 3. Organizational Meeting**

On the date and at the time of the first regular meeting in December following a general election in which board members are elected, unless an earlier date is set by the incumbent Board, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the Board shall elect a Mayor Pro Tem. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

If the Organizational Meeting is held on the first regular meeting in December, prior to qualifying newly elected members, the outgoing Board may resolve old business ready for action.

### **Rule 4. Agenda**

#### **(a) Preparation and Dissemination of Proposed Agenda for Regular Meetings**

1. The Town Manager in conjunction with the Town Clerk and the designated Town Board member shall prepare the proposed agenda for each meeting based upon information submitted at least eight (8) days prior to the regular meeting. Documents associated with a particular meeting (staff reports, minutes, maps, etc.) must be submitted electronically in a format determined by the Town staff to the Town Manager's Office by 5:00 p.m. at least seven (7) days prior to the scheduled meeting.
2. Staff: All staff initiated items (including items from Town boards) must be approved by the department director in order to be placed on a Board agenda. The Town

Manager or designee specifies each item for consent agenda or discussion.

3. Town Board Members:
  - a. Board Member Reports. Board members serve as liaisons to various Town of Waxhaw and outside organizations. Any Board member who wants to provide a report about a program in which he/she has participated should advise the Town Clerk to add this to the agenda. It is the requesting Board member's responsibility to prepare a concise report and provide this report to the Town Clerk by the agenda deadline. At the meeting the presider will ask the Board member who prepared the report if there is any new information to add that is not in the report. The Board will have an opportunity to ask questions about the report. No action/vote is necessary to accept, receive or approve the report.
  - b. Board Member Initiated Agenda Items: The Board values initiatives and ideas from its members and also respects the time and resources required by staff in preparing staff reports. To balance these objectives, Board member initiated requests will be handled in the following manner.
    - i. The Board member making the request will email the Town Clerk with details about the requested agenda item. Staff will assist the Town Clerk in determining the appropriate agenda on which to place this request.
    - ii. There will not be a staff report/recommendation at the meeting when this item first appears on the agenda. The Board member who made the request will verbally explain the request.
    - iii. At the meeting when the item first appears on the agenda, the Board may take one of the following actions:
      1. Discuss the issue and take action at the meeting if no information is required from staff and if Board does not seek public input,
      2. Refer the request to a future Board meeting, at which time a staff report with staff recommendation will be prepared, or
      3. Decide *not* to pursue the Board initiated request.
4. Entities that are affiliated with the Town, those which the Town pays membership dues, or those with which we have a regional partnership (such as the Union County Public School System, other Union County municipalities, Economic Development Commission, etc.):
  - a. Reports: The purpose of outside reports being on an agenda is to advise the Board of activities. If these entities request to make reports to the Board, they will work with the Town Clerk, who will identify the appropriate Board meeting. The entity will provide an electronic report in a format specified by Staff, including an executive summary in time to meet the agenda deadline. At the meeting the presider will ask the organization's representative if there is any new information to add that is not in the report. The Board will have an opportunity to ask questions about the report. No action/vote is necessary to accept, receive or approve the report.

- b. Action Items: If the entity affiliated with the Town requests Board action then they will work with the Town Clerk, who will determine the appropriate agenda on which to include the request. The entity representative will be responsible for providing necessary documentation by the deadline and presenting at the meeting.
5. The Clerk will email the final draft agenda to the Board members prior to placing it on the Website.
  6. The Clerk will post the final agenda including all associated reports, with the exception of draft minutes to be approved, on the Website by 5 p.m. on Wednesday, the week before the meeting. No further changes will be made to the agenda once it has been posted on the Website.
  7. Draft minutes to be approved on a Town Board agenda will be emailed to Board members and staff the Friday prior to the Board meeting at which they are scheduled to be approved. Board members and staff will provide the Clerk any suggested changes to these minutes by the following Monday at 5 p.m. The clerk will post these draft minutes to the prior to the Board meeting and will link them to the Board meeting agenda. The Board will approve with any additional changes at the meeting.
  8. Items may come up after the agenda is posted to the Website, an applicant may want to remove an item from a particular agenda, and an agenda item may no longer necessary. Any item that falls into these categories will be communicated to the Town Clerk, who will show it at the end of the Website agenda as possible “addendum” to the Board meeting agenda; the associated staff report and information will be linked to the item if time permits prior to the meeting. If time does not permit, then a written or verbal report will be provided to the Board at the meeting. The Board will consider modifying the agenda to include these “addendum” items at the beginning of the meeting when they adopt the agenda.

**(b) Preparation and Dissemination for Special, Recessed and Emergency Meetings**

1. Special Meetings

These meetings are typically scheduled when items arise that would normally go to a regular Board meeting, but due to timing issues, a meeting needs to be scheduled to conduct this business before the next scheduled regular meeting. The public notice for a special meeting may serve as the agenda. The Board may not add items to the agenda of a special meeting. It is not necessary for the Board to officially adopt the agenda.

Work sessions and retreats are special meetings that are recognized to be more informal and they allow the Town Board to spend time on one or more issues in an informal setting to discuss them in more detail. The Town Manager or designee prepares work session and retreat agendas. It is not necessary for the Board to officially adopt the agenda. The public notice for these meetings may serve as the agenda.

2. Recessed and Emergency Meetings

An agenda will not be prepared for recessed or emergency meetings. The

public notice for an emergency meeting may serve as the agenda.

**(c) Adoption of Agenda at Regular Meetings.** As its first order of business at each regular meeting, the Board shall discuss any proposed revisions to the agenda and adopt an agenda for the meeting. The Board may by majority vote add items that have come up since the agenda was posted to the Website, delete items from the agenda for which action is no longer required, or postpone items to a future meeting.

**(d) Consent Agenda at Regular Meetings.** The Board may designate a part of the regular meeting agenda as the "Consent Agenda." Items shall be placed on the consent agenda by those preparing the proposed agenda if they are believed to be non-controversial and routine. Any Board member may remove an item from the consent agenda and place it on the regular agenda for discussion. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

**(e) Open Meetings Requirements.** The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. The Board may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda are sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on are available for public inspection at the meeting.

#### **Rule 5. Public Address to the Board**

(a) Any individual or group who wishes to address the Board (not including the public comment section below) shall make a request to be on the agenda to the Town Clerk a minimum of ten calendar days before the meeting. However, the Board shall determine at the meeting whether it will hear the individual or group.

(b) At least one time per month, the Board will provide a period for public comment. Any individual or group wishing to make a comment under the Board's public comments section may do so without making a request through the Town Clerk. Speakers are limited to three (3) minutes or less and the entire public comment portion of the agenda is limited to fifteen (15) minutes unless waived by a majority vote of the Board. The Board does not take action on public comment but they may refer the matter to Staff for follow up.

(c) The Board may also allow public comment on specific agenda items.

(d) All comments should be civil in nature and speak to the issue at hand. Speakers should address their comments to the Board and not the audience. The Board may impose reasonable restrictions on public comments including time restrictions and designated spokespersons for groups having similar positions.

(e) Speakers will provide contact information to the Town Clerk prior to speaking and clearly state their names. Speakers may provide ten (10) copies of any handout materials to the Clerk for distribution to the Board and for the public record.

## **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business and rules for each agenda topic for each regular meeting follow. By general consent of the Board, items may be considered out of order.

### A. Commencement

1. Call to Order - The presider will always begin the meeting at the appointed time with a quorum present.
2. Ceremonial Opening (pledge, moment of silence etc.)
3. Adoption of Agenda

### B. Public Comments

### C. Consent Agenda

D. Recognitions and Reports: Recognitions shall include recognition of staff or the public for special accomplishments or achievements and presentation of proclamations that are requested to be presented at a Board meeting. Staff recognitions shall be recommended by the department director and approved by the Town Manager or designee. The Town Clerk shall schedule proclamation presentations at Board meetings as requested.

### E. Public Hearings

F. Discussion Items. Any issue that does not qualify for consent will be placed on the discussion items (old business and new business) portion of the agenda. Any item pulled from the consent agenda will be discussed during this part of the meeting unless the Town Board directs to discuss it at another time during the meeting.

### G. Closed Session

### J. Adjournment

## **Rule 7. Mayor to Preside over Meetings**

The Mayor shall preside at all meetings of the Board but shall have the right to vote only in the case of a tie. In order to address the Board, a member must be recognized by the Mayor and the Mayor shall insure that all Board members have equal opportunity to be heard.

The Mayor or other presiding officer shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond the Board agreed time limits and/or reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other Board members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To insure that meetings proceed in an orderly and time efficient manner;
- (e) To call a brief recess at any time;
- (f) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Board upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

### **Rule 8. Mayor Pro Tempore**

At the organizational meeting, the Board shall elect from among its members a Mayor Pro Tem to serve at the Board's pleasure. A board member who serves as Mayor Pro Tem shall be entitled to vote on all matters and shall be considered a board member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Board may confer on the Mayor Pro Tem any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Board may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tem. When a mayor declares that he or she is no longer incapacitated, and a majority of the Board concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and Mayor Pro Tem are absent from a meeting, the Board may elect from among its members a temporary chairman to preside at the meeting.

### **Rule 9. When the Presiding Officer Is in Active Debate**

If the Mayor, Mayor Pro Tem or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another board member to preside over the debate. The Mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

**Comment:** Good leadership depends, to a certain extent, on not taking sides during a debate but insuring that a fair process occurs in which all members of the Board have a part in its discussion and decision. This rule is designed to insure even-handed treatment to both sides during a debate.

### **Rule 10. Action by the Board**

The Board shall proceed by motion, except as otherwise provided for in Rule 31. Any member may make a motion except for the Mayor. General discussion of the agenda item may precede the making of a motion.

**Comment:** This rule is consistent with Board practice of discussion prior to a motion and is different than standard parliamentary practice where a motion must be on the floor before a board may proceed with discussion or action. Rule 31 specifies that the Board is to make appointments using an election method, rather than by motion, in order to allow all board members to express their preferences. This method applies both to internal board appointments and to appointments to other bodies. Traditionally, if a nonvoting mayor wishes to have a motion made, instead of making it personally, he or she states, "The Chair will entertain a motion that . . ."

### **Rule 11. Second Not Required**

A motion shall not require a second.

### **Rule 12. One Motion at a Time**

A member may make only one motion at a time. If a second or alternative motion is offered, the Board must consider and resolve the original motion first.

### **Rule 13. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

**Comment:** This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. The term *substantive motion* is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 18. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 18.

### **Rule 14. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

**Comment:** In a few instances, these rules and North Carolina law requires a vote equal to

two-thirds of the entire membership of the Board for adoption of a particular motion.

### **Rule 15. Voting by Written Ballot**

The Board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed. Votes shall be done at the meeting and in public.

### **Rule 16. Debate**

The Mayor or presiding officer shall state the motion and then open the floor to debate on it. The Mayor or presiding officer shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

### **Rule 17. Ratification of Actions**

To the extent permitted by law, the Board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

### **Rule 18. Procedural Motions**

**(a) Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

#### **Comment:**

Procedural motions are frequently used to “act upon” a substantive motion by amending it, delaying consideration of it, and so forth. They are in order while substantive motions are pending as well as at other times. In addition, as in *RONR*, several procedural motions can be entertained in succession without necessarily disposing of the previous procedural

motion. The order of priority establishes which procedural motion yields to which—that is, which procedural motion may be made and considered while another one is pending. The procedural motions are summarized in table form in the appendix. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

**(b) Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of the Board’s consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

**Comment:** This motion differs from the *RONR* motion to adjourn in several respects. The *RONR* motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies that the motion is in order only when consideration of a pending matter has concluded.

If the Board wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the Board use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter. Another adjournment option is to recess or adjourn the meeting to reconvene at a specified time and place, in accord with Rule 2(c).

**Motion 3. To Take a Brief Recess.**

**Comment:** This motion, which allows the Board to pause briefly in its proceedings. To avoid confusing this motion with the motion “to recess to a time and place certain,” which is a form of the motion to adjourn under these rules and in North Carolina practice [see Rule 18(b), Motion 2 above]. Under these rules, the Mayor also has the power to call a brief recess at any time [see Rule 7(d)].

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The Board may not suspend provisions of the rules that state requirements imposed by law on the Board. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the Board, excluding the Mayor and vacant seats.

**Motion 6. To Go into Closed Session.**

**Comment:** The requirements for this motion are found in Rule 26 and the comments thereto.

**Motion 7. To Leave Closed Session.**

**Comment:** The requirements for this motion are found in Rule 26.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires one hundred (100) calendar days thereafter (or if specified, the time set forth in the motion) unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

**Comment:** This motion allows the Board temporarily to defer consideration of a proposal. A motion that has been deferred dies if it is not taken up by the Board (via a motion to revive consideration, Rule 18(b), Motion 14) within a specified number of days of the vote to defer consideration. Note the restriction on making a new motion with the same effect while a motion remains deferred.

This motion should be distinguished from the motion to postpone to a certain time or day (Rule 18, Motion 11). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Board action (approval of a motion to revive consideration) is required, however, before the Board may again consider a substantive motion of which the consideration has been deferred under this motion.

**Motion 10. Motion to Call for the Vote.** The motion is not in order until there having been at least 10 minutes of debate, and/or every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion

remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

**Comment:** This motion allows the Board to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration (see *Comment* to Rule 18(b), Motion 9). Note the restriction on making a new motion with the same effect while a postponed motion remains pending.

**Motion 12. To Refer a Motion to a Committee or Staff.** The Board may vote to refer a substantive motion to a committee or staff for its study and recommendations. Forty-five (45) days after a substantive motion has been referred to a committee or staff (unless another specific time is set forth in the motion), the introducer of the substantive motion may compel consideration of the measure by the entire Board, whether or not the committee or staff has reported the matter to the Board.

**Motion 13. To Amend.** An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

**Comment:** The restriction on amendments stated in part 13, second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.

The person making the original motion need not approve of any proposed amendments to that motion. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on, the introducer is free under these rules to withdraw it (see Rule 20). If a motion has been withdrawn, the Board members are generally free to make their own separate motions on the same subject.

**Motion 14. To Revive Consideration.** The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time after the day of a vote to defer consideration.

**Comment:** This motion replaces the motion “to take up from the table” in *RONR* and was renamed in order to avoid confusion but may be debated and amended, whereas the motion in *RONR* may not. If the motion to revive consideration is not successful within the specified number of days of the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion.

**Motion 15. To Reconsider.** The Board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

**Comment:** If a member wishes to reverse an action taken at a previous meeting, he or she may generally make a new motion having the opposite effect of the prior action. Note that in some cases reversal may not be possible; for example, where rights have vested because of the original vote, or where a binding contract has already been signed in reliance on that decision. The motion to reconsider is permitted under these rules only when action on a pending matter concludes.

**Motion 16. To Rescind or Repeal.** The Board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Comment:** Each meeting of a board is in many respects a separate legal event. Unless prohibited by law, a board may at a subsequent meeting "undo" action taken at a previous meeting.

The motion to rescind is in order only for those measures adopted by the Board that can legally be repealed or rescinded. It is not intended to suggest that the Board may unilaterally rescind a binding contract, or may repeal an action where a person's rights have already vested.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Board excluding the Mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Board, whichever occurs first.

### **Rule 19. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

**Comment:** Matters that are disposed of at one meeting may be brought up again at a subsequent meeting through a new motion, unless a motion to prevent reintroduction was previously adopted [Rule 18(b), Motion 17]. This motion is in order only for those measures adopted by the Board that can legally be repealed or rescinded.

### **Rule 20. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before the presiding officer puts the motion to a vote.

### **Rule 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest (as defined in North Carolina General Statutes or the Town of Waxhaw's Code of Ethics), official conduct, or in a quasi-judicial matter is voting would violate an affected person's constitutional rights to an impartial decision maker. In all other cases, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

### **Rule 22. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Board.

**Comment:** G.S. 160A-75 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by a two-thirds vote of all the actual membership of the Board, excluding vacant seats and not including the Mayor unless he or she has the right to vote on all questions before the Board. The statute also specifies that an ordinance is deemed to be introduced "on the date the subject matter is first voted on by the Board." A "vote on the subject matter" is any vote pertaining to the ordinance's subject matter (for example, a vote to refer the subject of an ordinance to a committee for further study) is sufficient to satisfy the definition.

### **Rule 23. Adoption of Ordinances and Approval of Contracts**

**(a) Generally.** An affirmative vote equal to a majority of all the members of the Board not excused from voting on the question in issue (including the Mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the Board, excluding vacant seats, and not including the Mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

**Comment:** In certain circumstances, voting requirements are superseded by the more specific provisions (see G.S. 159-17 for budget requirements detailed in Rule 24 and G.S. 160A-76(a) for requirements for franchises, including the requirement of adoption of franchise ordinances at two regular meetings).

**b) Zoning Protest Petitions.** An affirmative vote equal to three-fourths of all the members of the Board shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

## **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any town charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Board by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the Board if it is otherwise prohibited by law from holding such a meeting or session.

**Comment:** This rule is G.S. 159-17 with minor modifications. Since the notice requirements of the Open Meeting Law continue to apply to meetings held to work on the budget ordinance, the only practical effect of the second paragraph of this rule is to eliminate the need for any special notification of board members concerning such meetings. Many boards find it useful procedurally when working on the budget simply to recess or adjourn a single meeting several times until they have finished their work [see Rule 2(c)].

## **Rule 25. Electronic Participation at Meetings**

Board members are allowed to participate electronically at a meeting that has a quorum physically present. Electronic participation is not allowed solely for the convenience of the member or to avoid attending the meeting. Members may only participate electronically three (3) times in any six-month period unless an affirmative vote of two-thirds allows additional electronic participation at a specific meeting. Members unable to physically attend the meeting but wishing to participate electronically should notify the Town Manager and Town Clerk at least a week in advance of the regular scheduled meeting and as soon as practical upon receipt of a special called meeting notice to facilitate any communication equipment. Notwithstanding the foregoing, board members participating electronically must use simultaneous/synchronous communication and are not allowed to (i) participate without audio (which prohibits e-mail, text messaging or similar means); or (ii) participate in a quasi-judicial hearing. In addition, electronic participation in a closed session shall only be allowed when the member participating electronically confirms he or she is alone and can hear and be heard by all the other members.

## **Rule 26. Closed Sessions**

The Board may hold closed sessions as provided by law. The Board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. Closed session discussions must be treated with confidentiality to protect and not frustrate the purpose of the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Board shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

**Comment:** The requirements for this motion are found in G.S. 143-318.11(c). They include extra requirements for motions based on G.S. 143-318.11(a)(1), and for those motions based on G.S. 143-318.11(a)(3) that concern a closed session where the Board expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11(a)(1), cited in the rule, allows closed sessions “[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of [North Carolina] or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.” Part of G.S. 143-318.11(a)(3), also cited, allows the Board in closed session to “consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.”

## **Rule 27. Quorum**

A majority of the actual membership of the Board plus the Mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. Board members should notify the Town Clerk or Town Manager as soon as possible when they know that they cannot be present.

**Comment:** This is G.S. 160A-74, with the addition of the usual definition of “majority.” Note that the Mayor is counted for quorum purposes regardless of whether he or she has the right to vote on all questions. A quorum is four members of the current Board with no vacancies. All votes by an unexcused member shall be considered as an affirmative vote even though the member is no longer present at the meeting.

## **Rule 28. Public Hearings**

Rules regarding the public hearing may be approved by the Board by a majority vote which should occur no later than the beginning of the public hearing. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be part of a regular or special meeting of the Board. These requirements also apply to hearings conducted by appointed or elected committees of the Board, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Board is present.

The Board delegates to town staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law. Town staff should facilitate the scheduling of zoning and related matters.

At the time appointed for the hearing, the Mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall entertain or make a motion to end the hearing.

## **Rule 29. Quorum at Public Hearings**

A quorum of the Board shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular board

meeting without further advertisement.

**Comment:** G.S. 160A-81 implies that a quorum of board members is necessary for a public hearing by providing that a hearing shall be deferred to the next regular meeting if a quorum is not present at the originally scheduled time. If, however, the Board decided to hold a public hearing that was not required by state law to gather a consensus of public opinion on an issue, it could hold the hearing at several sites, with a few members in attendance at each place. Such a hearing would not be subject to the quorum requirement of G.S. 160A-81. Note also that if a majority of the Board was not present at such a hearing, it would not be subject to the notice, continuation, and other requirements of the open meetings law, unless the Board members conducting the hearing were a majority of an appointed or elected board committee (see Rule 32).

### **Rule 30. Minutes**

Full and accurate minutes of the Board proceedings, including closed sessions, shall be kept. The Board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes. Special workshops and similar gatherings may be recorded on a case by case basis.

Minutes and general accounts of closed sessions shall be sealed upon approval by the Board unless otherwise directed by the Board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

### **Rule 31. Committees and Boards**

**(a) Establishment and Appointment.** The Board may establish and appoint members for such temporary and standing town committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and boards shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the town’s professional staff.

**Comment:** The town board is authorized by G.S. 160A-146 to “create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the city government . . .” subject to certain limitations. Rule 32(b) states requirements of

G.S. 143-318.10(b) and (c) (parts of the open meetings law). In determining if a group is covered by the open meetings law, whether the group is called a commission, authority, or committee is generally not important, nor does it matter who within the town government established the group.

### **Rule 32. Appointments**

The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Board may not consider or fill a vacancy among its own membership except in open session. The Town Clerk shall publicly advertise vacancies upon receipt of a resignation or completion of term and will notify the Board and Town Manager of such vacancies.

A vacancy among the Board shall be filled by the Board within sixty (60) days after the vacancy occurs. The Clerk may request special instructions from the Board to fill a vacancy of the Board and advertise upon receipt of such instructions.

The Mayor shall not have a right to vote on appointments that come before the Board, except to break a tie vote. Rather than proceeding by motion, the Board shall use the following procedure to make appointments to various other boards and offices. The clerk or any appointment committee of the Board shall report on nominations received and reviewed, and make its appointment recommendations, if any. Only persons submitting applications may be considered by the Board. The applicants submitted shall be debated. When the debate ends, the Mayor shall call the roll of the members, and each member shall cast his or her vote, which may be done by ballot.

The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate. Unless otherwise decided by the Board, votes shall be by written ballot in accordance with Rule 15.

**Comment:** The procedure outlined uses nominations, rather than a motion and vote for each individual candidate. A nomination procedure allows all board members an opportunity both to propose and to vote for their preferred candidates. The Board may also require the appointment committee to submit a slate containing as many nominees as there are vacancies to be filled on a particular board. Each board member then votes for or against the slate as presented.

### **Rule 33. Amendment of the Rules**

These rules may be amended at any properly called meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the Board, excluding vacant seats, and not including the Mayor.

### **Rule 34. References**

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board shall refer to the comments of A. Fleming Bell, II: *Suggested Rules of Procedure for a City Council, 3d ed., 2000* and *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

## Appendix

### Permitted Procedural Motions in Order of Precedence<sup>1</sup>

<b>Motion</b>	<b>Vote Required<sup>2</sup></b>	<b>Special Requirements</b>
1. To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
2. To Adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3. To Take a Brief Recess	Majority	None
4. Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
5. To Suspend the Rules	Two-Thirds	The Board may not suspend provisions of the rules that state requirements imposed by law on the Board.
6. To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting.
7. To Leave Closed Session		Majority
8. To Divide a Complex Motion and Consider it by Paragraph	Majority	None
9. To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires <u>100</u> days thereafter unless a motion to revive consideration (Motion 14) is adopted. While a

deferred motion remains pending, a new motion with the same effect cannot be introduced.

**CAUTION:** Do not confuse with Motion 11.

10. Motion for the Previous Question	Majority	Not in order until there have been at least <u>10</u> minutes of debate, and every member has had an opportunity to speak once.
11. To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. <b>CAUTION:</b> Do not confuse with Motion 9.
12. To Refer a Motion to a Committee	Majority	<u>60</u> days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the Board, regardless of whether the committee has reported the matter to the Board.
13. To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c)
14. To Revive Consideration	Majority	In order at any time within <u>100</u> days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the <u>100</u> day period results in expiration of the deferred substantive motion.
15. To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
16. To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
17. To Prevent Reintroduction for [ <u>Six</u> ] Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [ <u>six</u> ] months

or until the next organizational meeting of the Board, whichever occurs first.

---

1. Under these rules all procedural motions are debatable and none requires a second. All may be amended, subject to the stated limitations on motions to amend (Motion 13). Except where indicated otherwise procedural motions may interrupt deliberations on a pending substantive matter.

2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the Board, excluding the Mayor, unless he or she may vote in all cases, and vacant seats.



## VII. New Business

- G. Discussion & Possible Action related to an annexation petition by Petitioner Town of Waxhaw for approximately 18.571 acres located off and including portions of Kensington Drive and adjacent to the Quellin residential subdivision

Presenter: [Chaplin Spencer](#)

### Information

A request was received by Greg Mahar, Interim Town Manager, for an annexation petition of approximately 18.571 acres located off and including portions of Kensington Drive and adjacent to the Quellin residential subdivision.

### Board Action

- Possible action related to an annexation petition by Petitioner Town of Waxhaw for approximately 18.571 acres located off and including portions of Kensington Drive and adjacent to the Quellin residential subdivision. The process is: (i) Approval of Resolution Directing the Clerk to Investigate; (ii) Town Clerk confirms Certificate of Sufficiency; and (iii) Approval of Resolution Fixing Date of Public Hearing.



## **VOLUNTARY ANNEXATION PETITION TO THE TOWN OF WAXHAW, NC**

Date: January 7, 2015

### **To The Waxhaw Board of Commissioners of the Town of Waxhaw, NC:**

We (I) the undersigned owner(s) of real property respectfully request that the area described in Paragraph #2 below be annexed in the Town of Waxhaw, NC.

The area to be annexed is contiguous to the Town of Waxhaw and the boundaries of such territory are as follows:

Beginning at a rebar set on the northern Right of Way of Kensington Drive (formerly Cureton Parkway) being located in the Sandy Ridge Township of Union County, North Carolina said point being located approximately 108' south west from Connellis Point Ave as recorded in Plat I-964 in the Union County Registry, said point also having a North Carolina State Plane Coordinate (NAD83) of North 443178.39, East 1471297.85 and a combined scale factor of 0.99986492 and is the POINT OF BEGINNING of the tract described herein; thence with the northern Right of Way of said road an Arc to the Right having a Radius of 605.59' and a Length of 147.93' and being Chorded by a bearing of N 82°00'03" E and a distance of 147.56' to a rebar set; thence with a bearing of N 89°06'40" E and a distance of 836.02' to a rebar set; thence with a bearing of S 0°05'54" E and a distance of 80.01' to a rebar set; thence with a bearing of S 89°06'40" W and a distance of 465.30' to a rebar set; thence with a bearing of S 44°32'18" W and a distance of 23.91' to a rebar set; thence with a bearing of N 90°00'00" W and a distance of 67.45' to a rebar set; thence with a bearing of N 45°28'59" W and a distance of 22.10' to a rebar set; thence with a bearing of S 89°06'40" W and a distance of 268.54' to a rebar set; thence with an Arc to the Left having a Radius of 525.00' and a Length of 977.17' and being Chorded by a bearing of S 35°47'24" W and a distance of 842.10' to a rebar set; thence with a bearing of S 17°31'52" E and a distance of 235.30' to a rebar set; thence with an Arc to the Right having a Radius of 605.00' and a Length of 869.64' and being Chorded by a bearing of S 23°38'53" W and a distance of 796.68' to a point; thence with a bearing of N 3°12'22" W and a distance of 87.36' to a point (passing a mark set at 43.68'); thence with an Arc to the Left having a Radius of 525.00' and a Length of 38.32' and being Chorded by a bearing of N 59°10'04" E and a distance of 38.31' to a point in Still House Branch; thence with said branch the following 31 calls:

1) N 10°08'56" E 49.51' to a point; 2) N 32°01'34" E 82.55' to a point;  
3) N 8°29'05" E 70.60' to a point; 4) N 20°02'13" E 70.28' to a point;  
5) N 2°44'00" W 51.20' to a point; 6) N 28°22'44" W 21.77' to a point;  
7) N 60°37'53" W 135.85' to a point; 8) N 89°34'02" W 43.66' to a point;  
9) S 73°16'07" W 40.83' to a point; 10) N 35°38'07" W 58.56' to a point;  
11) N 13°08'25" W 62.54' to a point; 12) N 29°03'41" W 46.00' to a point;  
13) N 35°32'46" W 44.70' to a point; 14) N 6°39'40" W 54.16' to a point;  
15) N 9°43'45" E 181.90' to a point; 16) N 27°08'00" W 30.08' to a point;  
17) N 13°51'14" E 29.29' to a point; 18) N 40°37'52" E 26.31' to a point;  
19) N 59°38'03" E 47.35' to a point; 20) N 62°00'09" E 37.11' to a point;  
21) N 47°28'28" E 41.46' to a point; 22) N 20°29'53" E 36.32' to a point;  
23) N 4°13'42" W 39.71' to a point; 24) N 25°00'21" W 37.23' to a point;  
25) N 59°34'04" W 99.57' to a point; 26) N 77°48'38" W 62.56' to a point;  
27) N 29°42'56" W 71.12' to a point; 28) N 28°40'03" W 208.88' to a point;  
29) N 12°12'10" W 118.41' to a point; 30) N 0°13'09" E 51.58' to a point;  
31) N 22°55'34" W 51.04' to a point; thence leaving said branch with a bearing of  
N 89°01'41" E and a distance of 982.51' to the POINT OF BEGINNING (passing  
a rebar set at 25.00) and containing or 18.571 Acres, more or less, as shown on  
survey by Carolina Surveyors, Inc. dated October 1, 2012 and last updated  
December 19, 2014 and being the same property as recorded in Plat Cabinet M,  
Filed 578 of the Union County Registry as shown as Tract 1 on survey by  
Carolina...

We acknowledge that any zoning vested rights acquired pursuant to G. S. 160A-385.1 or G S, 153-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof).

Do you Declare Vested Rights? Yes or  No

Signature of Owner:   
Greg Mahal, Interim Town Manager  
Town of Waxhaw  
P.O. Box 6  
Waxhaw, NC 28173

Tax Parcel Number(s): 06-162-001 (portion of)

Deed/Book Reference: Book 6363, Page 423

FILED  
UNION COUNTY, NC  
CRYSTAL CRUMP  
REGISTER OF DEEDS

FILED Jan 07, 2015  
AT 02:37 pm  
BOOK 06363  
START PAGE 0423  
END PAGE 0426  
INSTRUMENT # 00432  
EXCISE TAX (None)  
KSE

**NORTH CAROLINA NON-WARRANTY DEED**

Excise Tax: \$0.00

Parcel Identifier No. P/O 06-162-001 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Perry, Bundy, Plyler, Long & Cox, LLP (No title search performed or requested)

This instrument was prepared by: Perry, Bundy, Plyler, Long & Cox, LLP

Brief description for the Index: Tract 1, Containing 18.571 Acres, Kensington Drive Property

THIS DEED made this 7 day of January, 2014, by and between

GRANTOR

UNION COUNTY, a Political Subdivision of  
North Carolina

Mailing Address:

500 North Main Street, Room 925  
Monroe NC 28112

GRANTEE

TOWN OF WAXHAW

Mailing Address:

PO Box 6  
Waxhaw NC 28173

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of N/A, Vance Township, Union County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by Deed recorded in Book 351, Page 482.

A map showing the above described property is recorded in Plat Cabinet \_\_\_\_\_, Page \_\_\_\_\_.

All or a portion of the property herein conveyed \_\_\_ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

Grantor makes no warranty, express or implied, as to the title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

ATTEST:

By: Lynn D. West  
Clerk to the Board



By: [Signature]  
County Manager

Date: 1-07-2015

STATE OF NORTH CAROLINA  
COUNTY OF UNION

I certify that Lynn West personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners of Union County, a political subdivision of the State of North Carolina, and that by authority duly given and as the act of Union County, the foregoing instrument was signed in its name by Cynthia A. Coto, its County Manager, sealed with its official seal, and attested by herself as Clerk to the Board of Commissioners.

Date 1-7-2015

[Signature]  
Official Signature of Notary

Michelle K Sullivan  
(Notary's Printed Name, Notary Public)  
My Commission Expires: 1/20/2018

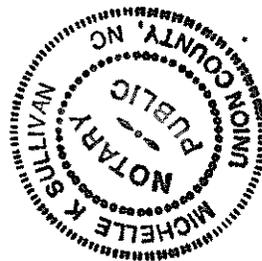


Exhibit A to Deed for 18.571 Acre Tract conveyed by Union County to Town of Waxhaw

BEING all of Tract 1, containing 18.571 acres, as shown on plat entitled A Subdivision of Property on Kensington Drive prepared by Carolina Surveyors, Inc. dated December 19, 2014, said plat being recorded in Plat Cabinet M, File 578, Union County Registry, reference to which is hereby made for a more particular metes and bounds description.

This property is conveyed subject to the right of way for Kensington Drive, the permanent drainage easements as shown on said plat, the Sanitary Sewer Easements and Water Line Easements referred to below, and any other recorded or unrecorded easements or rights of way that may border or cross the subject property. With respect to any easements, Grantor agrees to repair any damage to the property caused by Grantor in the course of constructing, rebuilding, maintaining, altering, upgrading, relocating or repairing such infrastructure by restoring the site, but shall have no obligation to restore or replace any improvements placed upon the easements other than the pavement of Kensington Drive and concrete sidewalks associated with the Drive.

The use of the property outside of the right of way for Kensington Drive shall be restricted to public active or passive green space, greenway, park, recreational, watershed or land preservation purposes, including the right to maintain and make associated improvements thereon. No such uses or improvements shall interfere with the free exercise by Grantor of its rights with respect to the easements reserved by Grantor herein.

Grantor reserves the right to access its remaining property, including the Twelve Mile Creek Water Reclamation Facility, from Kensington Drive.

By executing this deed, Grantor hereby assigns to Grantee its rights under the Temporary Road Construction and Permanent Access Easement Agreement dated February 18, 2003 between Union County and GS Carolina, LLC, recorded in Book 2069, Page 058 of the Union County Registry. Provided, however, Grantor reserves any claim that Grantor may have for breach of the Agreement that is in existence at the time of the recording of this deed.

Reservations:

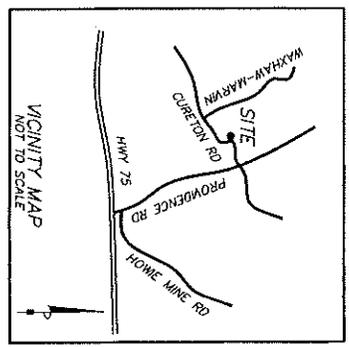
Grantor, Union County, reserves the following easements across the 18.571 acre tract, and the property is conveyed subject to these easements as follows:

- (1) Sanitary Sewer Easements: Those 20' Sanitary Sewer Easements as shown on the above referenced plat, within which are located Sanitary Sewage Collection/ Outfall Lines. Two easements are labeled "20' Sanitary Sewer Easement Reference Not Found," and are not described on any previously recorded plat of Tract 1. There are Sanitary Sewage Collection/ Outfall Lines existing on Tract 1 in the approximate location of these two easements, and Grantor hereby reserves 20' Sanitary Sewer Easements, centered on those existing sewer lines. Another Sanitary Sewer Easement

shown on Tract 1 (within which a Sanitary Sewage Collection/ Outfall Line is also located) is described by a plat recorded in Plat Cabinet F, File 468, Union County Registry, and Grantor hereby reserves the 20' Sanitary Sewer Easement as described on both plats. Grantor also reserves for itself, its employees, agents, contractors, subcontractors and assigns, the right, privilege, and easement to enter upon the land in the area of the Sanitary Sewer Easements for purposes of inspecting, maintaining, excavating, repairing, replacing, improving, enlarging, making alterations, and operating in, upon, across, under and through the land in a proper manner, the Sanitary Sewage Collection/ Outfall Lines, together with the right to transport sewage through the same, together with right to install lines, taps, appliances, manholes, force mains, pump stations, and other apparatus pertaining to operating and maintaining the Sanitary Sewage Collection/ Outfall Lines. Grantor, for itself, its employees, agents, contractors, subcontractors and assigns also reserves the right to enter Grantee's land which shall be confined to streets, road and driveways when they exist at the time entry is necessary and when they are adequate for Grantor's purposes, but when they do not exist or are not adequate, such right to enter shall be over the nearest most practical route or routes to said easement.

- (2) Water Line Easement: There is a 16" Water Distribution Line within the 80' wide Public Right of Way of Kensington Drive, on the North-West side of the Drive. Grantor hereby reserves a 30' foot wide easement, centered on said water line. Grantor also reserves for itself, its employees, agents, contractors, subcontractors and assigns, the right, privilege, and easement to enter upon the land for purposes of inspecting, maintaining, excavating, repairing, replacing, improving, enlarging, making alterations, and operating in, upon, across, under and through the land in a proper manner, the Water Distribution Line, together with the right to transport water through the same, together with right to install lines, taps, appliances and other apparatus pertaining to operating and maintaining the Water Distribution Line. Grantor also reserves for itself, its employees, agents, contractors, subcontractors and assigns the right to enter Grantee's land which shall be confined to streets, road and driveways when they exist at the time entry is necessary and when they are adequate for Grantor's purposes, but when they do not exist or are not adequate, such right to enter shall be over the nearest most practical route or routes to said easement.

This property is being conveyed pursuant to an Interlocal Agreement entered into by the Grantor and Grantee dated December 19, 2014.



1. I, **Richard L. Johnson**, JUNIOR COUNTY PLANNING DIVISION DIRECTOR, CERTIFY THAT THIS PLAT DOES NOT CONTRADICT ANY RECORDING RECORDS OF THIS TOWNSHIP. THE COUNTY HAS NOT REVIEWED THIS PLAT FOR COMPLIANCE WITH APPLICABLE ZONING AND SUBDIVISION REGULATIONS (E.G. STREET STANDARDS). PROPOSED RECORDING SHOULD BE MADE WITHIN 30 DAYS FOR THE PLAT TO BE RECORDED. THIS PLAT DOES NOT MEET APPLICABLE COUNTY STANDARDS. THIS APPROVAL IS GRANTED BY RECORD BEFORE: **12-30-14**

PLANNING DIVISION  
DATE: **12-30-14**

**Richard L. Johnson**  
REVIEW OFFICER OF JUNIOR COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS RECORDING IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

**Richard L. Johnson**  
DATE: **12-30-14**

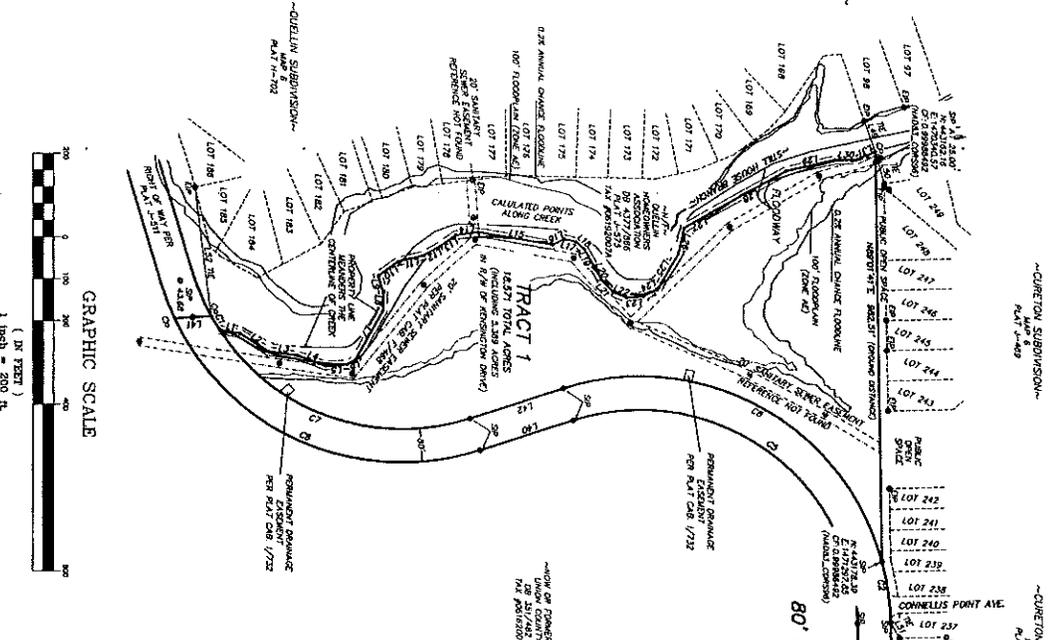
1. HEREBY CERTIFY THAT JUNIOR COUNTY IS THE OWNER OF THE PROPERTY DESCRIBED HEREIN AND THAT JUNIOR COUNTY FREELY AGREES TO THIS PLAT OF SUBDIVISION AND AUTHORIZES THE PUBLIC USE OF THE TOWNHIP DRIVE 80' EXISTING PUBLIC RIGHT OF WAY, AS SHOWN ON THIS PLAT.

**Richard L. Johnson**  
DATE: **12-31-14**

UNION COUNTY  
400 UNION STREET  
MORRIS, NC 28112

N.C. GRID NORTH (NAD83)

- NOTES:
1. IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
  2. PROPERTY ZONES R-10
  3. (STREETS ARE SUBJECT TO AN INTERSECTION FROM THE ZONING BOARD)
  4. DEED REFERENCE OR 251 PG. 452.
  5. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
  6. A PORTION OF THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE FLOOD RESISTANCE RATE HAZ (FIRM NO. 210400001) WITH A DATE OF DEVIATION OF OCTOBER 16, 2004.
  7. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDS OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
  8. AREA COMPUTED BY COORDINATE METHOD.
  9. NO NECS ADJACENT ROAD WITHIN 2000'.
  10. UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO MAKE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
  11. ANY CONSTRUCTION IMPOSED BY THE FLOODING REGULATIONS.



GRAPHIC SCALE  
(IN FEET)  
1 inch = 200 ft.

CURVE I	RADIUS	LENGTH	BEARING	CHORD
C1	525.00	38.37	N89°10'04"E	38.37
C2	605.58	147.93	N82°00'13"E	147.96
C3	515.00	958.56	S35°47'24"W	826.06
C4	815.00	898.04	S21°30'09"W	812.89
C5	525.00	977.17	N43°04'34"E	842.10
C6	525.00	895.94	N21°06'53"E	786.69
C7	625.00	851.05	N19°45'23"E	636.34
C8	575.00	487.09	N69°44'02"E	461.74
C9	575.00	458.81	S83°35'22"W	443.78

LEGEND

- SET IRON PIN
- EXISTING IRON PIN
- CALCULATED POINT
- SMN SURVEY STATION MARKER

LINE TABLE

LINE	BEARING	LENGTH
L1	N12°05'52"E	62.55
L2	N88°22'02"E	22.60
L3	N02°02'11"E	20.28
L4	N02°44'00"W	51.20
L5	N60°17'53"W	135.85
L6	S27°18'07"W	40.83
L7	N55°29'07"W	59.56
L8	N72°42'48"W	46.00
L9	N03°38'20"W	181.90
L10	N27°02'05"W	30.08
L11	N40°17'52"E	26.31
L12	N47°28'28"E	47.35
L13	N20°28'53"E	36.32
L14	N85°12'04"W	96.97
L15	N72°42'48"W	62.55
L16	N12°05'52"E	62.55
L17	N02°02'11"E	20.28
L18	N02°44'00"W	51.20
L19	N60°17'53"W	135.85
L20	S27°18'07"W	40.83
L21	N55°29'07"W	59.56
L22	N72°42'48"W	46.00
L23	N03°38'20"W	181.90
L24	N27°02'05"W	30.08
L25	N40°17'52"E	26.31
L26	N47°28'28"E	47.35
L27	N20°28'53"E	36.32
L28	N85°12'04"W	96.97
L29	N72°42'48"W	62.55
L30	N12°05'52"E	62.55
L31	N02°02'11"E	20.28
L32	N02°44'00"W	51.20
L33	N60°17'53"W	135.85
L34	S27°18'07"W	40.83
L35	N55°29'07"W	59.56
L36	N72°42'48"W	46.00
L37	N03°38'20"W	181.90
L38	N27°02'05"W	30.08
L39	N40°17'52"E	26.31
L40	N47°28'28"E	47.35
L41	N20°28'53"E	36.32
L42	N85°12'04"W	96.97
L43	N72°42'48"W	62.55
L44	N12°05'52"E	62.55
L45	N02°02'11"E	20.28
L46	N02°44'00"W	51.20
L47	N60°17'53"W	135.85
L48	S27°18'07"W	40.83
L49	N55°29'07"W	59.56
L50	N72°42'48"W	46.00
L51	N03°38'20"W	181.90
L52	N27°02'05"W	30.08
L53	N40°17'52"E	26.31
L54	N47°28'28"E	47.35
L55	N20°28'53"E	36.32
L56	N85°12'04"W	96.97

THE PURPOSE OF THIS PLAT IS TO REVEAL EXISTING DRIVE LOCATIONS OF THE SANITARY SEWER MAINS. THE PLAT SUPERSEDES THE PLAT PREVIOUSLY FILED BY PLAT COMMENT NO. 222 OF 1988 AT THE JUNIOR COUNTY REGISTER.

FILED Dec 31 2014 10:07 am  
PLAT SLIDE 00004 - 5978  
JUNIOR COUNTY, NC  
INSTRUMENT 34459  
REGISTERED  
OF RECORD

**Richard L. Johnson**  
DATE: **12-30-14**

1. I, **Richard L. Johnson**, JUNIOR COUNTY PLANNING DIVISION DIRECTOR, CERTIFY THAT THIS PLAT DOES NOT CONTRADICT ANY RECORDING RECORDS OF THIS TOWNSHIP. THE COUNTY HAS NOT REVIEWED THIS PLAT FOR COMPLIANCE WITH APPLICABLE ZONING AND SUBDIVISION REGULATIONS (E.G. STREET STANDARDS). PROPOSED RECORDING SHOULD BE MADE WITHIN 30 DAYS FOR THE PLAT TO BE RECORDED. THIS PLAT DOES NOT MEET APPLICABLE COUNTY STANDARDS. THIS APPROVAL IS GRANTED BY RECORD BEFORE: **12-30-14**

PLANNING DIVISION  
DATE: **12-30-14**

**Richard L. Johnson**  
REVIEW OFFICER OF JUNIOR COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS RECORDING IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

**Richard L. Johnson**  
DATE: **12-30-14**

1. I, **Richard L. Johnson**, JUNIOR COUNTY PLANNING DIVISION DIRECTOR, CERTIFY THAT THIS PLAT DOES NOT CONTRADICT ANY RECORDING RECORDS OF THIS TOWNSHIP. THE COUNTY HAS NOT REVIEWED THIS PLAT FOR COMPLIANCE WITH APPLICABLE ZONING AND SUBDIVISION REGULATIONS (E.G. STREET STANDARDS). PROPOSED RECORDING SHOULD BE MADE WITHIN 30 DAYS FOR THE PLAT TO BE RECORDED. THIS PLAT DOES NOT MEET APPLICABLE COUNTY STANDARDS. THIS APPROVAL IS GRANTED BY RECORD BEFORE: **12-30-14**

PLANNING DIVISION  
DATE: **12-30-14**

**Richard L. Johnson**  
REVIEW OFFICER OF JUNIOR COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS RECORDING IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

**Richard L. Johnson**  
DATE: **12-30-14**

A SUBDIVISION OF PROPERTY ON  
**KENSINGTON DRIVE**  
OWNERS: UNION COUNTY  
TOTAL AREA: 18.571 ACRES  
SANDY ROSE TOWNSHIP, JUNIOR COUNTY, NORTH CAROLINA

CAROLINA SURVEYORS, INC.  
P.O. BOX 287 PIKEVILLE, N.C. 28134 - 0287  
RICHIE T. WHITE, JR., MORRIS & SHELLEY SCOTT - 7800  
CERTIFICATE OF AUTHORIZATION NO. 00121 NC-001



DATE	REVISIONS	SCALE: 1" = 200'
12/19/14	COMMENTS	2012/BAT/CURETON
		2012/C/CURETON
		DRAWN BY: TW
		CHECKED BY: HW
		FIELD WORK: GWRH
		OCTOBER 1, 2012

CRS M File 578

**Adjoining Property Owners:**

Union County  
c/o Public Works  
400 N. Church St.  
Monroe, NC 28112-4804

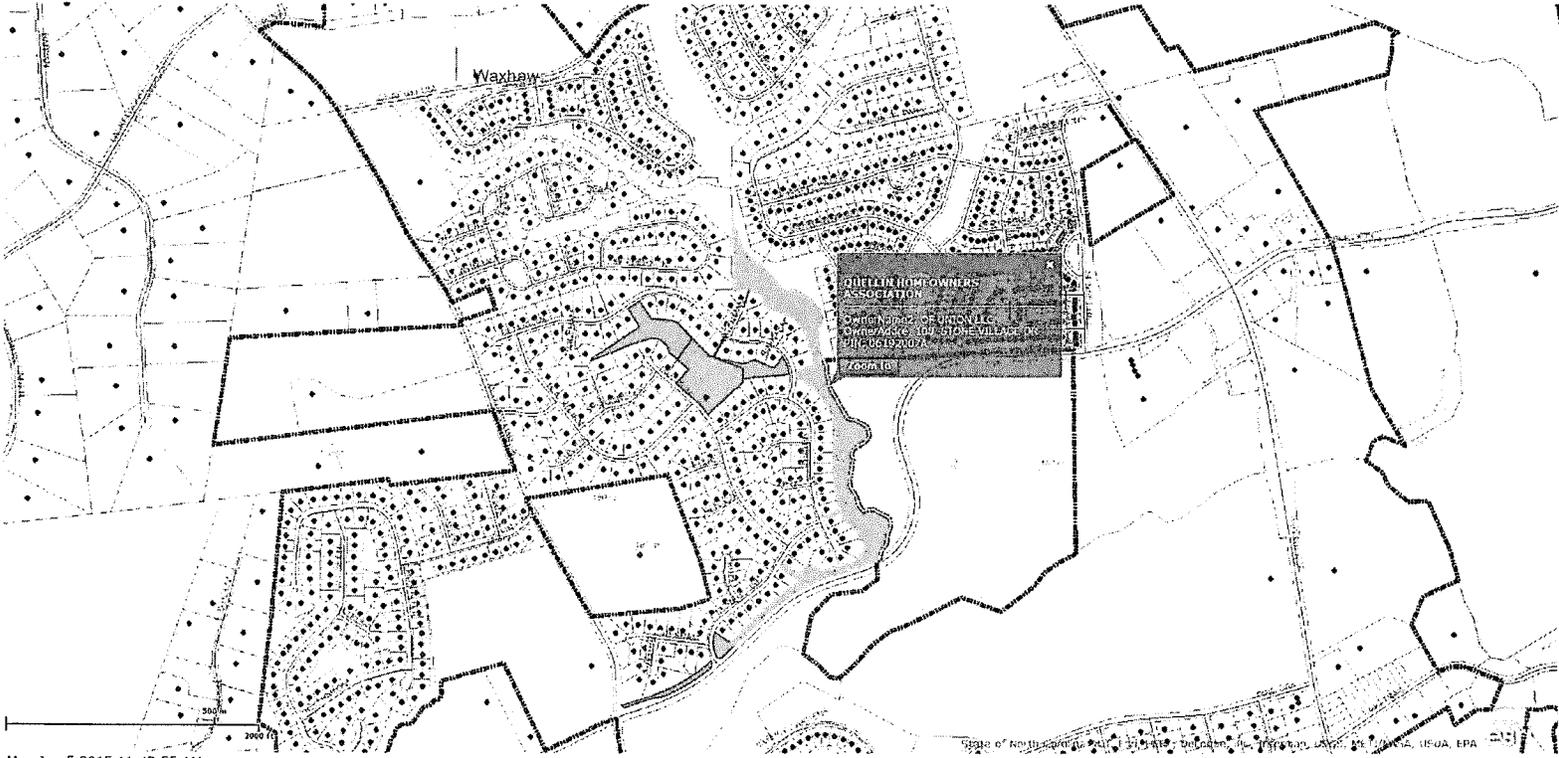
Quellin Homeowners Association of Union LLC  
108 Stone Village Drive  
Fort Mill, SC 29708

Cureton Homeowners Association, Inc.  
919 Norland Road  
Charlotte, NC 28205



Mon Jan 5 2015 11:52:36 AM.

State of North Carolina, Lenoir County, Waxhaw, NC, USA, USGA, EPA



Mon Jan 5 2015 11:47:55 AM.

3920 of North Carolina, 2015-11-05 11:47:55 AM, 1606192007, 1606192007, HEGA, EPA





**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A  
PETITION RECEIVED UNDER G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on January 5, 2015 by the Town Board of Commissioners; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Board of Commissioners of Waxhaw, NC deems it advisable to proceed in response to this request for annexation;

**NOW THEREFORE, BE IT RESOLVED**, by the Town Board of Commissioners of the Town of Waxhaw, NC that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the results of her investigation.

**Duly adopted this the 13<sup>th</sup> day of January, 2015.**

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**Daune Gardner, Mayor**

ATTEST:

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**Melody Shuler, Town Clerk**



## CERTIFICATE OF SUFFICIENCY

To the Waxhaw Board of Commissioners of the Town of Waxhaw, North Carolina;

I, Melody Shuler, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact said petition is signed by all owners of real property lying in the area described therein, accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Waxhaw, NC this 13<sup>th</sup> day of January, 2015.

(SEAL)

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**Melody Shuler, Town Clerk**



## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

**WHEREAS**, a petition requesting annexation of an area described herein has been received; and

**WHEREAS**, the Town Board of Commissioners of the Town of Waxhaw, NC has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made;

**NOW THEREFORE, BE IT RESOLVED**, by the Town Board of Commissioners of Waxhaw, North Carolina that:

Section 1: A public hearing on the question of annexation of the area described herein will be held in the Police Department Community Room located at 3620 Providence Road South on February 10, 2015 at 6:30 pm.

Section 2: The area proposed for annexation is described as follows:

Beginning at a rebar set on the northern Right of Way of Kensington Drive (formerly Cureton Parkway) being located in the Sandy Ridge Township of Union County, North Carolina said point being located approximately 108' south west from Connellis Point Ave as recorded in Plat I-964 in the Union County Registry, said point also having a North Carolina State Plane Coordinate (NAD83) of North 443178.39, East 1471297.85 and a combined scale factor of 0.99986492 and is the POINT OF BEGINNING of the tract described herein; thence with the northern Right of Way of said road an Arc to the Right having a Radius of 605.59' and a Length of 147.93' and being Chorded by a bearing of N 82°00'03" E and a distance of 147.56' to a rebar set; thence with a bearing of N 89°06'40" E and a distance of 836.02' to a rebar set; thence with a bearing of S 0°05'54" E and a distance of 80.01' to a rebar set; thence with a bearing of S 89°06'40" W and a distance of 465.30' to a rebar set; thence with a bearing of S 44°32'18" W and a distance of 23.91' to a rebar set; thence with a bearing of N 90°00'00" W and a distance of 67.45' to a rebar set; thence with a bearing of N 45°28'59" W and a distance of 22.10' to a rebar set; thence with a bearing of S 89°06'40" W and a distance of 268.54' to a rebar set; thence with an Arc to the Left having a Radius of 525.00' and a

Length of 977.17' and being Chorded by a bearing of S 35°47'24" W and a distance of 842.10' to a rebar set; thence with a bearing of S 17°31'52" E and a distance of 235.30' to a rebar set; thence with an Arc to the Right having a Radius of 605.00' and a Length of 869.64' and being Chorded by a bearing of S 23°38'53" W and a distance of 796.68' to a point; thence with a bearing of N 3°12'22" W and a distance of 87.36' to a point (passing a mark set at 43.68'); thence with an Arc to the Left having a Radius of 525.00' and a Length of 38.32' and being Chorded by a bearing of N 59°10'04" E and a distance of 38.31' to a point in Still House Branch; thence with said branch the following 31 calls:

1) N 10°08'56" E 49.51' to a point; 2) N 32°01'34" E 82.55' to a point;  
3) N 8°29'05" E 70.60' to a point; 4) N 20°02'13" E 70.28' to a point;  
5) N 2°44'00" W 51.20' to a point; 6) N 28°22'44" W 21.77' to a point;  
7) N 60°37'53" W 135.85' to a point; 8) N 89°34'02" W 43.66' to a point;  
9) S 73°16'07" W 40.83' to a point; 10) N 35°38'07" W 58.56' to a point;  
11) N 13°08'25" W 62.54' to a point; 12) N 29°03'41" W 46.00' to a point;  
13) N 35°32'46" W 44.70' to a point; 14) N 6°39'40" W 54.16' to a point;  
15) N 9°43'45" E 181.90' to a point; 16) N 27°08'00" W 30.08' to a point;  
17) N 13°51'14" E 29.29' to a point; 18) N 40°37'52" E 26.31' to a point;  
19) N 59°38'03" E 47.35' to a point; 20) N 62°00'09" E 37.11' to a point;  
21) N 47°28'28" E 41.46' to a point; 22) N 20°29'53" E 36.32' to a point;  
23) N 4°13'42" W 39.71' to a point; 24) N 25°00'21" W 37.23' to a point;  
25) N 59°34'04" W 99.57' to a point; 26) N 77°48'38" W 62.56' to a point;  
27) N 29°42'56" W 71.12' to a point; 28) N 28°40'03" W 208.88' to a point;  
29) N 12°12'10" W 118.41' to a point; 30) N 0°13'09" E 51.58' to a point;  
31) N 22°55'34" W 51.04' to a point; thence leaving said branch with a bearing of N 89°01'41" E and a distance of 982.51' to the POINT OF BEGINNING (passing a rebar set at 25.00) and containing or 18.571 Acres, more or less, as shown on survey by Carolina Surveyors, Inc. dated October 1, 2012 and last updated December 19, 2014 and being the same property as recorded in Plat Cabinet M, Filed 578 of the Union County Registry as shown as Tract 1 on survey by Carolina...

Section 3: Notice of the public hearing shall be published in the Enquirer-Journal, a newspaper having general circulation in the Town of Waxhaw, NC at least ten (10) days prior to the date of the public hearing.

**Duly adopted this the 13<sup>th</sup> day of January, 2015.**

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**Daune Gardner, Mayor**

ATTEST:

---

**Melody Shuler, Town Clerk**



## **VII. New Business**

### **A. Discussion on Budget Reallocation to Fund McDonald House**

**Presenter:** [Greg Mahar](#)

**Financial Impact:** \$300,000

### **Information**

Upon review of the 2014-2015 Budget, confirmation was received from Interim Town Manager Mahar and Deputy Finance Officer Sutton that no funds are allocated to the McDonald House line item. Attorney Spencer recommends holding an open discussion on the situation and a decision on possible funding.

### **Board Action**

- Possible Action on Funding for the McDonald House

**Executive Spreadsheet**

Mc Donald House Restoration

**Estimate of work scope**

<u>Item#</u>	<u>Description Allowance priced items</u>	<u>J.A. Haynes</u>		<u>Kris Axhoj</u>	
		Phase 1	Phase 2	Phase 1	Phase 2
1	Superintendent	5,200.00	5,200.00	5,000.00	5,000.00
2	Building Permit	---Town will take care of these charges--			
3	Raise house off the ground	17,500.00		18,000.00	
4	De- Construction front Porch	1,680.00		4,200.00	
5	De-construction side porch	1,280.00		2,000.00	
6	De-construction-3 bottom rows of siding	1,280.00		1,500.00	
7	De-construction Removing Floor	6,400.00		8,000.00	
8	Board up 12 window	1,000.00		800.00	
9	Footings Continuous at the perimeter	3,850.00		6,500.00	
10	Masonry: Piers (maximum Qty.50)	7,250.00		6,500.00	
11	*Masonry Fireplace Working		7,250.00		10,000.00
12	*Masonry Fireplace 2 mock for ventless		6,050.00		12,000.00
13	*ADA Entry Ramp		5,400.00		5,000.00
14	Re-Construction Front Porch	13,785.00		14,000.00	
15	Re-Construction Side Porch	6,755.00		9,000.00	
16	Framing Floor System	17,300.00		18,000.00	
17	*Siding & outside trim repair		5,400.00	1,500.00	9,000.00
18	Wood Floors	10,296.00		6,500.00	
19	Window Repair Existing		* ----See separate bid-----		
20	*Roofing 5 "V" Metal		17,820.00		15,000.00
21	Electrical	1,000.00		500.00	
22	Ext. Paint		5,255.00		9,500.00
23	Fence Rental (security)& storage Pods	4,500.00		* *-----	
24	Trash Removal & Porta Jon	---Supplied by Town, see estimate on bottom--			
	Total Allowance Price Items	99,076.00	52,375.00	105,000.00	65,500.00
	Contractors Mark Up @ _____%	17,833.68	9,427.50		
	Total Estimated Cost	116,909.68	61,802.50	105,000.00	65,500.00
	Total for both phases	\$ 178,712.18		\$ 170,500.00	

Things taken off the bid that will be handled directly from the Town:

Trash containers-Porta Jon= \$ 5,000.00, Windows=\$ 2,000.00, Tree removal/milling/drying= \$ 5,400.00

J.A. Hayes Wood Shop, LLC  
 10412 Rodney Street  
 Pineville, NC 28134  
 704-363-8933

Town of Waxhaw  
 McDonald House Restoration  
 115 McDonald Street  
 Waxhaw, NC 28173

Estimate based upon the bid package provided by Paul Fitzgerald.  
 Estimate of work scope, not a contract or guarantee

Item #	Description Allowance Priced Items	10/28/2014	1/3/2015
		Estimated Cost	Estimated Cost Phase 1
1	Superintendent	\$10,400.00	\$5,200.00
2	Building Permit	\$1,500.00	\$0.00
3	Raise House Off Ground	\$18,000.00	\$17,500.00
4	De-Construction Front Porch	\$1,680.00	\$1,680.00
5	De-Construction Side Porch	\$1,280.00	\$1,280.00
6	De-Construction Remove 3 Bottom Rows of Siding	\$1,280.00	\$1,280.00
7	De-Construction: Remove Flooring	\$6,400.00	\$6,400.00
8	Board Up 12 Windows	\$1,800.00	\$1,000.00
9	Footings Continious at Perimiter	\$3,850.00	\$3,850.00
10	Masonry: Piers (Maxium 50)	\$7,250.00	\$7,250.00
11	Masonry: Fireplace Working	\$7,250.00	
12	Masonry: Fireplace 2 Mock for Ventless	\$6,050.00	
13	ADA Entry Ramp	\$5,400.00	
14	Re-Construct Front Porch	\$13,785.00	\$13,785.00
15	Re-Construct Side Porch	\$6,755.00	\$6,755.00
16	Framing: Floor System	\$22,300.00	\$17,300.00
17	Siding & Outside Trim Repair	\$5,400.00	
18	Wood Floors	\$10,296.00	\$10,296.00
19	Windows Repair Existing	?????	
20	Roofing 5 "V" Metal	\$17,820.00	
21	Electrical	\$4,500.00	\$1,000.00
22	Painting	\$5,255.00	
23	Fence Rental (Security) & Storage Pods	\$5,800.00	\$4,500.00
24	Trash Removal & Porta Jon	\$3,200.00	
Total Allowance Price Items		\$167,251.00	\$99,076.00
Contractors Mark Up @ 18%		\$30,105.18	\$17,833.68

<b>1/3/2015</b>	<b>1/3/2015</b>
<b>Estimated</b>	<b>Estimated</b>
<b>Cost</b>	<b>Cost</b>
<b>Phase 2</b>	<b>Phase 1 &amp; 2</b>
\$5,200.00	\$10,400.00
	\$0.00
	\$17,500.00
	\$1,680.00
	\$1,280.00
	\$1,280.00
	\$6,400.00
	\$1,000.00
	\$3,850.00
	\$7,250.00
\$7,250.00	\$7,250.00
\$6,050.00	\$6,050.00
\$5,400.00	\$5,400.00
	\$13,785.00
	\$6,755.00
	\$17,300.00
\$5,400.00	\$5,400.00
	\$10,296.00
	\$0.00
\$17,820.00	\$17,820.00
	\$1,000.00
\$5,255.00	\$5,255.00
	\$4,500.00
	\$0.00
<u>\$52,375.00</u>	<u>\$151,451.00</u>
<u>\$9,427.50</u>	<u>\$27,261.18</u>

**Quote for McDonald House:**

Item#	Description Allowance priced items	Estimated Cost	
		Phase I	
1	Superintendent	\$	5,000.00
2	Building Permit	\$	-
3	Raise house off the ground	\$	18,000.00
4	De- Construction front Porch	\$	4,200.00
5	De-construction side porch	\$	2,000.00
6	De-construction Remove 3 bottom rows of siding	\$	1,500.00
7	De-construction Removing Floor & joists/girders	\$	8,000.00
8	Board up 12 window	\$	800.00
9	Footings Continious at the perimeter	\$	6,500.00
10	Masonry: Piers ( maxium Qty 50 )	\$	6,500.00
11	Masonry Fireplace Working		
12	Masonry Fireplace 2 mock for ventless		
13	ADA Entry Ramp		
14	Re-Construction Front Porch	\$	14,000.00
15	Re-Construction Side Porch	\$	9,000.00
16	Framing Floor System	\$	18,000.00
17	Siding & outside trim repair	\$	1,500.00
18	Wood Floors	\$	6,500.00
20	Roofing 5 "V" Metal		
21	Electrical	\$	500.00
22	Ext. Paint		
23	Fence Rental (security)& storage Pods	\$	-
24	Trash Removal & Porta Jon	\$	-
		<b>Total Estimated Cost:</b>	<b>\$ 105,000.00</b>

<b>Phase II</b>	<b>Comments:</b>
\$ 5,000.00	Waxhaw Town will take care of this

---

\$ 10,000.00

\$ 12,000.00

\$ 5,000.00

\$ 9,000.00    Phase one is to replace the 3 boards taken off around home

\$ 15,000.00

\$ 9,500.00

\$ -    Waxhaw Town will take care of this

\$ -    Waxhaw Town will take care of this

\$ 65,500.00