



Planning Board
Regular Meeting Minutes
October 25, 2016 - 6:30 PM

Town Hall

A. Call to Order/Roll Call

DRAFT MINUTES - SUBJECT TO CHANGE UNTIL APPROVED

The Chairman determined quorum and called the meeting to order.

B. Approval of Minutes

1. Consider Approval of Minutes of the September 27, 2016 Regular Meeting

A Motion was made by Joe Sailers and seconded by Jennifer Davis. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas

Absent: Miller

A Motion to Approve the Special Meeting Minutes of October 24, 2016 was made by Joe Sailers and seconded by Jennifer Davis. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas.

Absent: Miller

C. Public Comments

D. Action Agenda

1. **Special Use:** SUP16-02 is a request by James Ward of GreenPower of NC and Jonathan Brown, property owner, for a Special Use Permit allowing a minor residential solar energy facility (solar panels) on the front roof slope above the façade of the house facing a public street.

A Motion to Approve as amended was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas

Absent: Miller

Adam Planty made a Motion to Approve the Special Use Permit. It is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or health, safety and general welfare of the community will be minimized with the following conditions: 1) All ground level equipment should be located at the side or rear of the house located at 7218 Chaddsley Drive, and 2) No glare from the solar energy facilities (solar panels) should be produced into the public right of way in front of the house or any

adjoining properties to 7218 Chaddsley Drive. This decision is support by the following findings: 1) The neighborhood HOA has approved the plans for installation of the solar panels, and 2) Necessary permits will be obtained from State and Federal agencies. Joe Sailers seconded the Motion. Stephen Swanick amended the Motion to include that written approval from the HOA be provided prior to issuance of the Special Use Permit.

Absent: Miller

2. **Rezoning:** R16-06 is a request by Greenway Waste Solutions, LLC and William Hammill to conditionally rezone 135 acres (parcels 01910102, 01910109, and portions of 01918135, 01918162, and 01934118) from Transitional Residential (TR) and Neighborhood Residential (NR) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to allow the applicant to apply for a Special Use Permit for the expansion of an existing Construction and Demolition landfill on Holbrooks Road

A Motion to Approve as amended was made by Harold Bankirer and seconded by Catherine Graffy. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas

Absent: Miller

Stephen Swanick made a Motion to Approve. It is consistent with the 2030 Community Plan, and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Greenway Waste Landfill as shown in Rezoning Petition R16-06. It is reasonable and in the public interest to rezone this property because proposed changes including a recycling facility will provide economic and environmental methods and negative impacts of rezoning have been mitigated to a satisfactory level. This recommendation is contingent upon, A) the staff recommendation 1, 2 and 4 on page 4 of the Staff Report, and B) clarification of all discrepancies between “Holbrook” and “Holbrooks” Road to make sure it is the same road wherever mentioned, and C) amendment of the Note regarding the fence to say that any development and/or greenway would trigger the installation of the fence within ninety (90) days, and D) that \$25,000.00 shall be remitted to the Town of Huntersville relative to prior commitments immediately, and another \$25,000.00 shall be remitted to the Town of Huntersville within thirty (30) days to be held in escrow to be used in the future as NCDOT sees fit, and/or returned in 2034, or whenever Holbrooks Road is abandoned in use, whichever comes first.

Hal Bankirer amends the Motion to include: Insure that trees are planted to provide a screen in buffer areas as noted on page 4 of the Staff Report; that language to the affect that alternative locations for the greenway, if approved by the Town, will be supported and land will be provided by the applicant; and establishment of an escrow account for the additional \$25,000.00 would not be required for the rezoning. Catherine Graffy seconded. Motion carried 8-0.

Absent: Miller

3. **Special Use:** SUP16-01 is a request by Greenway Waste Solutions, LLC and William Hammill for a Special Use Permit allowing the 135 acre landfill located at 15300 Holbrook Road to expand its boundaries, add another fill area in the existing site (parcels 01910102, 01910109, and portions of 01918135, 01918162, and 01934118), and construct a recycling facility onsite.

A Motion to Amend was made by Susan Thomas and seconded by Stephen Swanick. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas

Absent: Miller

Hal Bankirer made a Motion to Approve the Special Use Permit. The request was found to meet all required conditions and specifications; it is reasonable and does not pose injurious effect on adjoining properties, and finds that the character of the neighborhood or health, safety and general welfare of the community will be minimized subject to certain conditions. This decision is supported by the following findings: That the site will operate in compliance with the rules according to NCDEQ; that the applicant work with NCDEQ in addressing its contaminated ground waters; that the proposed use will not be in conflict with the objectives of the long and short range adopted area plans; that the comprehensive site plan addresses necessary environmental and development standards; and the following conditions will be levied for the betterment of both the operator, the Town and the surrounding land mass in that the condition of Holbrooks Road will be assessed by the applicant, the Town with concurrence of participation of NCDOT on a five (5) year basis; that the bore tests for Holbrooks Road will be taken within ninety (90) days of approval of this SUP, and provided to NCDOT as requested; and the applicant will maintain an internal 100' driveway from the public street in good working condition; that an escrow account to contribute for improvements and maintenance for Holbrooks Road will be established and paid into upon an annual basis; the amount to be determined in negotiations between the Town and applicant, and that if such negotiations cannot reach agreement that the SUP will not be in affect and such negotiations must be concluded within 180 days of approval of the SUP; that all right of ways which serve the site must be wide enough to accommodate two way traffic for a distance of at least 100' from a public street so that no traffic waiting to enter the site will be backed up on any public right of way; that the landfill operator will commit to routinely washing the street (Holbrooks Road) with a specialized truck designed to remove dirt and mud at least once per week, or more frequently if needed; that debris and litter on Holbrooks Road will be picked up at least once per week, or more frequently if needed, across the entire right of way of Holbrooks Road; that the use of the site for the purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m., Monday through Saturday; that a time table will be submitted indicating the development phases and life expectancy of the landfill; that a reclamation plan is provided in accordance with applicable State regulations; and that the applicant commits to making changes to update the plan as circumstances dictate; that the applicant will meet all appropriate State operating and reporting requirements pertaining to C&D recycling; and because of the contamination in the landfill and surrounding area that the applicant provide updates to the Town with compliance of the existing SUP conditions ten (10) years following approval of the SUP, and every five (5) years subsequent until the closure of the landfill; and that all provisions in Article 9.23 be complied. Stephen Swanick made a Motion to Separate the Amended Motion into two; one being items A & D as hereinabove described, and two, all other items. The Catherine Graffy seconded, and the Motion to Separate was carried by a vote of 8-0. Joe Sailers made a Motion to Approve (B, C, and M, minus A&D) and Ron Smith seconded. The Motion carried unanimously 8-0. Motion to amend parts A&D was made by Stephen Swanick to remove the requirement of NCDOT involvement and be rephrased to be with the aid of NCDOT but in the absence of cooperation the Town and applicant will be able to carry on negotiations and assessments for Holbrooks Road. Susan Thomas made a Motion to incorporate all of the prior motions, and strike the requirement of annual payment to facilitate the negotiations of the escrow account

including frequency of payment. Stephen Swanick seconded. The Motion to amend and strike carried 8-0.

Absent: Miller

Absent: Miller

4. **Rezoning:** Petition # R16-05, a request by Crescent Communities to rezone approximately 224-acres from Transitional Residential (TR) to Neighborhood Residential-Conditional District (NR-CD). NR-CD zoning is requested to create a 382-lot single-family subdivision located northeast of Ervin Cook Road and Gilead Road (west of Wynfield). Property is currently, farmland, vacant and several single-family homes.

A Motion to Amend was made by Harold Bankirer and seconded by Susan Thomas. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, Planty, Sailers, Smith, Thomas

Absent: Davis, Miller, Swanick

Joe Sailers made a Motion to postpone the Rezoning to either the November or December meeting based on staff's recommendation. Catherine Graffy seconded. Hal Bankirer amended the Motion to include the applicant's acceptance of the postponement until the November meeting, and Susan Thomas seconded.

Absent: Davis, Miller, Swanick

5. **Sketch Plan:** A request by Crescent Communities to subdivide approximately 234-acres - proposed to be zoned Neighborhood Residential-Conditional District (NR-CD). The Sketch Plan would create 382 new single-family lots located northeast of Ervin Cook Road and Gilead Road (west of Wynfield).

A Motion to Amend was made by Harold Bankirer and seconded by Susan Thomas. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, Planty, Sailers, Smith, Thomas

Absent: Davis, Miller, Swanick

Joe Sailers made a Motion to postpone the Sketch Plan to either the November or December meeting based on staff's recommendation. Catherine Graffy seconded. Hal Bankirer amended the Motion to include the applicant's acceptance of the postponement until the November meeting, and Susan Thomas seconded.

Absent: Davis, Miller, Swanick

E. Other Business

F. Adjourn

Approved this _____ day of _____, 2016.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary