

BeeJay Caldwell, 14521 New Haven Drive, said I'm a neighbor of the landfill. I'm addressing the Board as governing body with power, I implore you to require more than the owner's word that 40 years more will not result in harm to those living near the landfill. Negative environmental issues affect every person, animal, community on the planet. At a C&D landfill there are natural occurring iron and arsenic from the native soil and right now it can seep into the water. The water may not be the source of the arsenic but the geochemical conditions created by the discharge from the waste to the environment is a result. Everyday new tests are standard and they are found that you have to have a higher passing grade in order to keep yourself in existence. Therefore I urge this body to have an outside entity brought in and do an inspection and to verify the findings of the landfill's owner. This data would be beneficial to us in 2016 and definitely in 40 years from now and using a method that the U.S. government instituted we do know that limestone can be removed from the iron ore but not the arsenic.

AGENDA CHANGES

Commissioner Gibbons made a motion to add Item D to Other Business – Consider authorizing the Police Chief to increase the department's authorized strength by one additional sworn police officer to be used to fill a school resource officer position at Lake Norman Charter School.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Guignard made a motion to adopt the agenda, as amended.

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Stephen Swanick, Catherine Graffy and Joanne Miller.

Petition #R16-05. Mayor Aneralla called to order public hearing on Petition #R16-05, a request by Crescent Communities to rezone approximately 224 acres located northeast of Ervin Cook Road and Gilead Road from Transitional Residential to Neighborhood Residential – Conditional District.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report and PowerPoint presentation attached hereto as Exhibit No. 1.*

Commissioner Guignard said looking at the map that you've got there now and then you drew the red circles around a little bit earlier, along their property line there on the east they are dedicating property down through there for the greenway. Their property line backs up to I'm going to assume that's a buffer between them and Wynfield's homes there on the western part. That would not be a part of the greenway what's behind the Wynfield homes, it would only be what's a part of the property that they are purchasing.

Mr. Peete said they're only going to look to dedicate what they would own and control. How the county has worked with Wynfield to perhaps acquire what they are working with now for the greenway, I can't answer that definitively.

Commissioner Guignard said so that's not impossible that gets incorporated, back up at the homes at the back of Wynfield.

Mr. Peete said I would have to say I don't know how to answer that but I guess if the county were to take all of that area behind Wynfield then maybe. And I can try to find that answer if you would like.

Commissioner Phillips said the way that the line breaks as far as the marking of our density levels and that, they actually could ask for a lot more density than what they are doing.

Mr. Peete said they could ask for any level of density. To be consistent with what's in the area, they are not pushing the outer boundaries of that if that is your question.

Commissioner Phillips said on the greenway they're just basically giving us the property, they are not building the trail itself.

Mr. Peete said they are not proposing to build any of that to my knowledge, but they would look to dedicate the land and they would look to do private connections to the greenway.

Commissioner Phillips said on the APFO, the gym and park acreage deficiency, how are they planning on meeting that or how much are we deficient.

Mr. Peete said as you know any given moment we take a snapshot of how the town is doing based on developments that are coming in or not coming in and most of the time as you know we are in a good place. At the moment that they walked in the door we were deficient. However, there have been other projects that are coming online. For instance, the gym facility on Verhoeff, other greenway facilities that other neighborhoods are offering to build which are in different levels of approvals right now. There might be some deficiency where APF or the park issue has dropped a little bit by maybe the closure of something. It's not a static number that we have to deal with, so we need to make sure that we understand accurately where things are based on these new developments and then we need to talk to the applicants about how they want to work through phasing or adjusting what they want to do. I can't give you a specific number at this moment, but it is something that we are working through literally as of today and continuing on.

Commissioner Boone said once the dam is broken or drain that lake what's going to happen to that piece of the property.

Mr. Peete said they are proposing for it to be basically a park. They can get into the details, but the pond was kind of never substantiated or inspected when it was begun and so therefore it has to be removed. I think the applicants would agree that they would prefer not to have to get rid of it to make it an asset, but I don't think they have a choice.

Stephen Trott, Town Transportation Engineer, reviewed findings from the Traffic Impact Analysis. They have submitted a traffic study for the proposed development. It has been reviewed and comments have been returned. A revised TIA has not been resubmitted to the Town for review. I don't have a timeline

from the applicant on when that would be resubmitted. In the TIA as far as the scoping 10 off-site intersections were identified as what would need to be studied under the Town's ordinance.

Based on the results of the draft TIA that was submitted, several of those intersections would need improvements. These don't include intersections that the site would have to Ervin Cook Road. These are what I would consider off-site intersections that would warrant improvements based on the ordinance. Since there were significant comments in the TIA, I can't speak specifically as to what improvements would be required as there were some deficiencies in the TIA as submitted. Out of the site into Gilead Road is one intersection that would need improvements. As you go east from the site, that next intersection is Bradford Hill. The next intersection to the east is Wynfield Creek Parkway, the next one to the east of that is Ranson Road and then the next traffic signal to the east of that is McCoy Road. The current TIA was presented in three separate phases, basically a third of the development at a time.

Commissioner Phillips said have we done this before where we let them phase them in because as I understand it this development won't be built all at one time.

Mr. Trott said that is something that's been done in the past. One that I can remember recently is the Walden subdivision where multiple phases were completed for the TIA and so certain improvements were required at first phase, second phase, third phase in that development.

Commissioner Phillips said can we mitigate like where some of these improvements are called for. We know like at Ranson Road and Wynfield Creek Parkway there's really not much benefit for the monies that we spend or is there a better solution for the traffic along Gilead Road that we may be able to mitigate and partner to help out in that general area.

Mr. Trott said at the intersections of Wynfield Creek Parkway and also at Ranson Road there's turn lanes already at those intersections. Really the only improvement that could be done to make the intersection better is add a through lane in either direction. The draft TIA proposed short added through lanes maybe in one direction. Ultimately Gilead Road in this area will be a four lane divided facility so as far as what improvements will be used to meet that ultimate condition, it would depend on how the developer configured those improvements.

Commissioner Kidwell said it says required to study 13 intersections and it named 13 intersections. On your slide earlier you mentioned 10.

Mr. Trott said these are the intersections that were required to be studied for the TIA. Some additional intersections were evaluated as part of the scoping process to see if they needed to be studied or not and so they may have looked at several other ones but they didn't fall in the criteria the ordinance calls for to be studied.

Commissioner Kidwell said the intersections all seem to fall going east, nothing going west.

Commissioner Gibbons said the intersection coming onto Gilead Road from the development, that will be the only place the development feeds out to Gilead Road. They can't really go anywhere else to the north.

Mr. Trott said as it is currently Ervin Cook Road as far as that public road stops just to the north either past the site or very close to it. Until Ervin Cook Road extends to go somewhere and/or the Hugh

Torance Parkway is completed between Wynfield and Gilead Ridge to the south on Ervin Cook Road will be that only point that anybody can get to this neighborhood.

Commissioner Gibbons said what discussion has that prompted. That looks like 382 times 2 cars a day are going to go in and out of there, probably more than that.

Mr. Trott said as far as making a Hugh Torance Parkway to Ervin Cook connection, I've heard of that as a topic being thrown out there, some specific discussion about what that would look like or what would need to happen to make that happen has not been discussed. That would provide a second connection or a way in and out of the neighborhood so people could use that to get to here but I would also expect that other people that don't live here would use that to go to and from places as well, so it wouldn't just be a neighborhood connection.

James Martin, Crescent Communities, distributed a hard copy of a PowerPoint presentation to the Board. *PowerPoint Presentation attached hereto as Exhibit No. 2.* To save time I'm not going to go through each page of that. If you would go to Page 9. David had put this slide up earlier and I think it's very important that this show that our density that we are asking for while it's an increase over what the by-right density would allow, it's in line with the surrounding areas. And I say on the lower end of what's the surrounding areas. We think the density is consistent.

If you could turn to Page 10, this shows you a site plan and how it relates to the site and how if you see the tree flaring that's already existing in the farmland there, that's where we propose the development to be, so that's a good process we feel of working with the land.

On Page 12, on the greenway easement, originally the greenway was proposed to be on the east side of McDowell Creek. Mecklenburg County approached us and the property owners and us donating that land for that greenway allows the greenway to be built sooner and at a much greater cost savings to go from Torrence Creek Greenway all the way to the northern end of our site at a savings for that run of over \$1 million.

And then on Page 13, we feel strongly about placing in some voluntary architectural restrictions and commitments to the site. Some things I'll point out about having raised foundations at least 16" off of grade, 12" overhangs, roof overhangs, 30 year architectural shingles, no vinyl siding, soffit or fascia material on any of the homes and we also want to make sure that we have minimum landscape requirements as well. All that is an effort to have a much better look in the community than what may or may not be required.

Jason Gorrie, WSP Parsons Brinckerhoff, said I'm here to speak to the traffic analysis that was conducted for the site. At the beginning we started with the scoping process and we worked with the town to develop the criteria and how we would develop the study. We initially examined 13 intersections. I'd like to point out in all the years that I've been doing traffic studies, this is the largest study area that I've ever looked at for a development this size. Going back to the scoping process, in developing how we would study these intersections, we were asked to look at eight adjacent approved developments. So those are eight other developments that are either approved, being constructed or already in the ground that are not captured in the traffic counts that we collect. To speak to that, I would like to point out that the combined traffic from those off-site developments, when you combine them, is almost double of the amount of traffic that goes onto Gilead Road and those developments proposed no mitigation along Gilead. So that means that this development is now burdened with having to address all of the capacity issues from those eight approved developments. Now it's not to say that each one of

those were required to do that, they may have been small enough to where the mitigation wasn't required individually but when you combine them they're almost double the amount of traffic that our proposed development is going to put on Gilead Road.

We initially examined 13 intersections. We completed the traffic study and submitted it to the Town and NCDOT. We received comments from both. Now the Town staff is indicating that we are not proposing sufficient mitigation to address the capacity issues along Gilead. I would like to point out that we did receive comments from the state and they are in essence agreeing with the level that we propose, meaning that they feel that the level of mitigation that we did propose is sufficient for the size of the development.

The improvements that you see now all address the comments that we did receive from NCDOT. The comments received from the Town, we have addressed those to the point where we feel appropriate given the size of the development, with the exception of the four intersections that Stephen mentioned before – basically Bradford, Wynfield, Ranson and McCoy, so as I said the improvements that you see before you now and the ones that I will speak to have all taken into account and have addressed comments from NCDOT.

At McCoy we proposed an additional through lane that would develop just east of the intersection and an additional westbound through lane that would continue through the intersection and then drop as a right-turn lane at Binnaway Drive. In the AM is where we ran into some trouble. The ordinance currently requires providing mitigation whenever you go above the 3 percent threshold. In this instance, we are 0.6 above that threshold, so as Stephen mentioned really the only thing we can do is add another through lane. Because of being 0.6 above the threshold, we did not feel it was appropriate for the developer to be burdened with having to include an additional through lane for being so close to that threshold. The state was in agreement and they did not require any additional mitigation at that point. The one thing they did say was that they would look to see if an opportunity existed to extend that through lane up to Ranson if three lanes could be installed over the greenway bridge. We investigated and found that three lanes could not fit over the existing bridge and we felt that the intent of the state in that regard was that if you can't make it fit then we are not going to force the issue, but if you could we would want you to investigate that.

At Ranson and Gilead there is a choke point meaning that you can only fit two lanes and so in this instance we proposed an additional westbound through lane that would open up as soon as you cross the culvert, extend through Ranson, and continue as a through lane and drop at Wynfield Creek Parkway. In the eastbound direction, we propose an additional through lane that would develop just east of Wynfield Creek Parkway, carry through the Wynfield intersection and then drop as a left-turn at Ranson. The intersection at Ranson is improved in the PM and in the AM we had some difficulty in providing mitigation that met that threshold. In this instance we were 3.6 percent above that threshold and the reason we did not propose mitigation was because the only thing that would bring you within that ordinance boundary would be an additional through lane in the eastbound direction, which cannot be accomplished because of the culvert.

At Wynfield Creek Parkway we proposed adding an additional lane in the eastbound direction that improved the AM scenario, but because we are not proposing an additional lane in the westbound direction we did not reach the threshold requirement for the PM, so we were 5.7 percent. We weren't trying to just get out of doing nothing. We were looking for things that were financially feasible for the project.

At Bradford Hill and Gilead, we proposed an eastbound right-turn lane at Bradford Hill. We were not able to meet the threshold requirements, we were a little bit over. I would like to point out that this is an unsignalized intersection. It's not uncommon for vehicles to have longer delay times to the Bradford Hill approach which is unsignalized because there's so much volume on the Gilead Road approach.

At the Ervin Cook Road intersection we proposed left and right turn lanes into the site and then on the Ervin Cook approaching intersections we provided a left and a right turn lane on Ervin Cook coming out of the site. In this instance we were under threshold. We were meeting requirements in the PM direction and the AM direction we were not. In this instance and also at Bradford Hill there was an issue with a bridge over McDowell Creek. In that instance if we were to provide the mitigation that met the ordinance, we would be looking at having to widen that bridge and again this was an instance where we did not feel that level of mitigation was conducive to a development of this size, so we did not propose that.

I think the big take away is yes, we do not meet the letter of the law in every instance, however given the size of the development and the tax base that this development would generate, we feel that the mitigation proposed is adequate for a development of this size and to further that point, the state does agree with those recommendations.

Commissioner Kidwell said you mentioned the state several times. Gilead Road is a state road. Did they mention anytime that they plan on widening that road?

Mr. Gorrie said no, sir.

Commissioner Kidwell said the state does that – okays things without really digging into it and knowing how it's going to affect the area. While 384 homes would be a great tax incentive, that's 700 people that are going to be asking us why we didn't do anything about the roads if we don't do anything with the TIA, just as a point of reference.

Mayor Aneralla said can you give me an estimate of the dollar amounts we are talking about in terms of mitigation.

Mr. Gorrie said as a rough order of magnitude including the improvements along Ervin Cook, we are looking at about \$1.5 million of improvements. One of the opportunities that we would like to at least have a dialogue with staff about is rather than coming out here and constructing improvements that provide inadequate capacity, take the money that is representative of what would be required for a development of this size and apply those funds to an improvement that you feel is appropriate for the town. So rather than us constructing all of the improvements, take the estimate that would be required and take those funds and apply those at your will.

Commissioner Guignard said I know you don't like history at this dais, but I have to say this. I remember sitting here about the time this building opened and asking more than once is the culvert over the greenway wide enough. It's not even wide enough for 20 years. I personally don't know how to deal with this except to say I would rather have two or three of these intersections done extraordinarily right than band-aids.

E. H. Cook, 15032 Ervin Cook Road, said I live at the end of Ervin Cook Road. My family has been there since 1949 and farmed the land. I have no objections to my neighbors selling their property. I would just ask the Board to be very considerate. It's been spoken the band-aids we are putting on some of the

roads and stuff and James one of my neighbors that had to leave that spoke out of turn, his concern was the amount of traffic going onto Ervin Cook Road with no stoplights or nothing. I still farm. You had a meeting the other night on proposal to widen 77 and 21, which is going to throw a tremendous burden for traffic getting out and it has to be done, I understand that, so I just ask you all's wisdom to make the best decision that you can and if you can go ahead and partner if they do do this and make some improvements right and do what you can but it's going to be a challenge any way you do it for the traffic coming out from there because now traffic already backs up from Wynfield back to almost to McDowell Creek in the mornings and that's without anything coming on. You all have a job before you. You have my sympathy and best wishes.

Mark Swanik, 14701 Stonegreen Lane, said I've had the privilege for the last 12 years to live in Huntersville and in the Wynfield subdivision. The previous planning committee worked so diligently 10 to 15 years ago that gave the long and detailed thought to the town's master plan. It was analyzed, it was discussed and after months and months of thoughtful consideration was put together. I stood before you roughly four years ago on a similar request from MI Homes. The same reasons apply today as did four years ago, that the town had to continue its thoughtful decisions on how to expand the town. The problem that we have here on this property just as we did with MI Homes is that we don't have the infrastructure on Gilead Road from Ranson Road west for more homes. That not only includes roads, but it also includes schools, police needs and fire needs. Therefore I ask this Board and the Planning Board to please reevaluate this and to change the density so those infrastructures are thoughtfully considered.

Commissioner Guignard said this is the same thing we did 20 years ago at Wynfield. We put 950 homes and this is only 380, to the one connection and we waited decades for them to have their out around the roundabout. My brain says are we better off to put all the funds getting a second connection.

Commissioner Bales said regarding the TIA it was brought up that the other developments around were not required to do TIA's. Is there a reason for that.

Mr. Trott said other developments around there were required to do TIA's. They didn't have to do mitigation at these intersections. A recent TIA out here was the Barnette tract. Their TIA had improvements at their entrances but also had an improvement at this intersection. For that development since the Vance Road Extension was a Town identified CIP project upcoming at that intersection either next year or maybe the year after, the Town worked with the developer to escrow funds for that right-turn lane to be placed at Vance Road rather than have them put that in the Gilead/Bud Henderson intersection and then it not be used a short time after that.

Commissioner Bales said regarding the culvert. I believe there's the greenway culvert, then we have two smaller culverts as well as the bridge. Is that correct?

Mr. Trott said there's probably another culvert or two in there as well in this old section.

Commissioner Bales said what dollar estimate would you give to replace the greenway culvert as well as the bridge.

Max Buchanan, Public Works Director/Town Engineer, said I've been asked to do an estimate on that greenway culvert extension. You are probably talking about \$1 million.

Commissioner Bales said what about the bridge?

Mr. Buchanan said it would probably be about \$800,000 to \$1 million.

There being no further comments, Mayor Aneralla closed the public hearing.

Petition #TA16-04. Mayor Aneralla called to order public hearing on Petition #TA16-04, a request by Godley Group of Charlotte LLC (Frankie's Fun Park – Bryton) to amend Article 8.26 SITE LIGHTING as it related to "outdoor amusement facilities" in the Special Purpose Zoning District.

David Peete, Principal Planner, reviewed the Staff Report. *PowerPoint Presentation and Staff Report attached hereto as Exhibit No. 3.*

The applicants submitted an application to amend the different elements that they needed changed to allow what they wanted to do. After doing research, staff would suggest to not take the individual limits of the ordinance but basically provide an outlet option that if you are zoned Special Purpose and if you are an outdoor amusement facility then you would be eligible to pursue a special use permit. If necessary, you could add additional conditions to make it palatable to the context at hand. Staff's recommendation tonight during this hearing is that instead of the proposed language that the applicant would like to go with, we would suggest to scrap all that and just add the special use provision to the Special Purpose zone, outdoor amusement facilities only, and take them case by case. Staff has gone over the alternate track of this text amendment with the applicant's representative and he understands exactly what we are getting at and it does seem to achieve what they are looking for, so I think that they are comfortable with what this is proposing. The Land Development Ordinances Advisory Board reviewed the request and reviewed Staff's alternate proposal and recommended unanimous approval as Staff presented it.

Commissioner Guignard said is there going to be height limits to these things.

Mr. Peete said we would certainly have the overriding height limit restrictions in whatever zone they are located in and in this case it would only be in SP. The limit is currently 40'.

Commissioner Phillips said what other zones do we allow outdoor amusement. Why would we just limit it to a Special Purpose district.

Mr. Peete said getting to the second part of your question, the Special Purpose Zoning District is by name for those unique special things that you'd rather collect at certain places as opposed to having them spread out throughout town.

Jack Simoneau, Planning Director, said you asked about outdoor amusement being allowed in other zoning districts. Indoor amusement is permitted by right in Highway Commercial District. And then outdoor amusement facilities are only allowed for par 3 golf courses, driving range and archery range. So this type of activity where there's go-carts, amusement rides, putt-putt. The putt-putt probably would be okay but not the go-karts and so forth. To answer your question this type of amusement facility could only be in the Special Purpose zone.

Commissioner Gibbons said one of the things that I have looked at ever since they showed where the location was is it's behind Wal-Mart and it's kind of down in there and it's all treed area right now. It would probably be able to be viewed by the apartments and the condos off of Hambright Road at Bryton and then this is all treed in and so these folks over here would possibly see it if things were up