



**Planning Board  
Regular Meeting Minutes  
July 25, 2017 - 6:30 PM**

**Town Hall**

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**A. Call to Order/Roll Call**

DRAFT MINUTES ARE SUBJECT TO CHANGE

The Chairman determined quorum and called the meeting to order.

**B. Approval of Minutes**

1. Consider Approval of the June 27, 2017 Regular Meeting Minutes

A Motion to Approve was made by Joe Sailers and seconded by Ron Smith. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

**C. Public Comments**

Item 3. Trevor Kale, 15372 Michael Andrew Road, Huntersville. Mr. Kale stated his appearance was on behalf of some neighbors in the subdivision and some present, and noted he was against the subdivision for 94 single family homes. There are 227 homes in both Stone Hollow I and II, and the 94 home will impair their quality of life. They have major traffic concerns. There is a current traffic study done between April 27, 2017 and May 1, 2017, with a total of 8,727 cars going through the neighborhood of 227 homes. The traffic study was completed before the residents of the new Cobblestone Manor (across from Torrence Creek Elementary School), and there is no one living in that 82 home development now. So the traffic study (counts) do not include the new development. Mr. Kale identified the cut through in Stone Hollow that cuts off about a quarter of a mile of traffic. There are no plans being presented by the Town to improve the traffic in that area of Ranson Road. There are no environmental studies done to show an impact on the neighborhood and residents. Currently, there are sink holes that homeowners are having to pay for. He repeated that the 94 homes would hinder his, and the neighbors' quality of life. He is getting more frustrating by sitting in traffic; gaining more time away from his family, and putting his family in potential accidents by pulling out on Ranson to turn left or right. He asked the Board to take a hard look at the situation. This side of Huntersville is growing rapidly, and he felt they were being left out of the study part as far as traffic with no traffic plan whatsoever for Ranson Road. He requested denial for the proposed neighborhood.

**D. Action Agenda**

1. **Rezoning:** Petition R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for 175.05-acres to add 4-acres (currently zoned R) and to revise the Transitional Residential Conditional District (TR-CD) to increase density, adjust open space, streets and other site plan changes. TR-CD zoning is requested for the entire

site to permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 6 Ayes and 3 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Sailers, Smith, Swanick

Nays: Bankirer, Miller, Thomas

Included in the Motion: the denial is based upon factors related to density and characteristic. It is not reasonable and not in the public interest to continue to eat away at our Rural zones.

David Peete, Principal Planner, gave an update from last month's deferral, and entered by the rezoning and sketch plan Staff Reports into the record, a copy of which are attached hereto collectively as Exhibit A, and incorporated herein by reference. The current site plan for tract A (no changes to tract B), has reduced density to 221 lots, and staff recommends approval, including the waivers. The Urban Open Space ("UOS") has not changed. There are miscellaneous transportation comments to be addressed. The curve radii has been further discussed, and the Engineering Department would still recommend 200, but the developer is in compliance with what has been proposed. The cross section near the park now includes street trees. The storm water review and USPS will be taken care of. The applicant intends to annex the area, and create a build-to range variation no greater than 5-10' from home to home. There will be a private trail connection to a future greenway. The applicant is only amending just the specific sketch plan that goes with the majority of the rezoning that was in place in 2006 and 2010. There is a small amount of acreage being added to the rezoning from Rural to the TR-CD. Staff has no outstanding issues and recommends the density increase of 41 units overall.

Scott Moore, Project Manager with Skybrook, LLC, 830 Skybrook Drive, stated that a private trail will be maintained by the HOA and will be connected for pedestrian purposes, which will be noted on the plans.

Ron Smith commented about the age of the Traffic Impact Analysis ("TIA") from 2006, and staff responded that the Engineering Department determined that a new TIA was not needed. The number of units requested does not meet the threshold to require a new TIA. Scott Moore noted that the original TIA used 258 lots, and now it is down to 221; even less that what was studied and what the standard would have called for. Jack Simoneau, Planning Director, commented that this is a conditional rezoning plan that is approved and vested. The only question before the Board is the additional 41 lots. The Board continued to express concerns with the (older) TIA. The Chairman suggested that as part of the Minutes that a message to the Town Board be made to perhaps look at aged TIA's and if there is substantial development in the affected area since the (older) TIA.

Other questions were made about language in the Staff Report for the number of lots ("should be 220") and staff indicated they wanted to see the 40-41 lots along with the UOS.

The radii was questioned if it was changed, and staff indicated that one did not change. Scott Moore added that the plan is supported by staff. From a historical standpoint, the plan was approved for 258, and there are now 37 fewer lots, and the overall density is 1.6. There were no other questions, and the Chairman called for a Motion.

Discussion after the Motion included Stephen Swanick's reasoning to deny. Acknowledging the development is by right, and the zoning ordinance was put in place to support

development and keep certain characteristic consistent. This being a rural area at the edge of our borders requires a different consideration. It has already be rezoned once to allow 180 units, and this request is for an additional 41 units that will further the density in that area.

The Staff Report confirms the density being higher than nearby development. Mr. Swanick did not feel this was in the best interest of the community, because we are running out of rural land. He further commented that the developer could build under the existing plan, and that Skybrook could do that instead of further increasing density in that area. It was expressed by another member that the committee that worked on the three (3) areas of density was to control development with more dense development toward the center. As development changes, density would be increased going out to the edges, and there was no intent on keeping the edges rural. There needs to be a blending between the densities. Other comments were noted they were not in favor of denial, and there is a good representation of UOS. Another member noted his support of denial is based on a 10 year old TIA.

2. **Sketch Plan:** A request by Skybrook, LLC to revise the Sketch Plan for 175.05-acres to add 4-acres (currently zoned R) to increase density, adjust open space, streets and other site plan changes. The Sketch Plan would permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 5 Ayes and 4 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Smith, Swanick

Nays: Bankirer, Miller, Sailers, Thomas

Included in the Motion: The application is complete, and does comply with all applicable requirements; however the denial is based on overriding concerns relative to density and Town development, including concerns with the TIA. The Sketch Plan is inconsistent with the recommended conditional rezoning district.

3. **Sketch Plan:** Ranson Road Residential Subdivision Sketch Plan proposed by applicant, Larry Burton with Classica Homes, is a request to subdivide parcel numbers 01714205 and portions of 01714247, 01714207, 01714204, and 01714214 in to 94 single family residential homes within the Neighborhood Residential Zoning District.

A Motion to Approve was made by Harold Bankirer and seconded by Stephen Swanick. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion: The application is complete, and complies with all applicable requirements, and it is in compliance with the 2030 Community Plan. The Planning Board finds support for the applicant's block waiver request. The applicant to provide corrections to the minor plan comments, and that the applicant comply with the Town recommendation of the left turn lane on Ranson Road with a 100' stacking lane, and that language is provided in the plan to match ordinance language for the cross-section of the greenway to be provided to the County.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. The plan is by right, and there is no conditional rezoning. Staff gave the zoning and location of the site, including its density. Staff addressed the Air Quality and Noise

Pollution issues raised at the neighborhood meeting, as well as the construction on I-77 and other surrounding areas. Stone Hollow sits in a low spot and a lot of noise will bounce into the area. Through the I-77 project there will be noise walls installed the entire length of Stone Hollow. The study to measure speeding resulted in less than 1% of the cars studied were speeding, and therefore no need for a traffic calming study. The number of cars going through the subdivision was analyzed as cut-through traffic, and the Engineering Department does not feel that based on trips per day there is a cut-through problem occurring. The applicant is providing connectivity with stubs, and the TIA has been completed and sealed. It was determined no road improvements were needed, but through the driveway permit onto Ranson Road the Town is requiring a left turn lane into the subdivision. There is a 20' required undisturbed buffers and the cross sections of the streets meet the street requirements. The applicant is asking for a block length waiver, and staff show the location. Applicant will dedicate property to the County for future greenway and bikeway plans. There is a willingness to serve letter from Charlotte Water, and CMS indicated that a total of 46 students would be derived from the subdivision.

The applicant, Bill Saint, President and CEO of Classica Homes, 2215 Arysley Town Blvd., Suite G, Charlotte, presented and commented about the company and local developments (i.e. Robbins Park). Blending open space, connectivity and timeless design. Rick Jasinski, Vice President of Land, with Classica Homes, commented about the neighborhood design and the other current developments (i.e. Jetton Road and Washam Potts Reserve in Cornelius). The site on Ranson Road is existing farm land, excluding the home of Mrs. McAulay, and totaling about 37 acres. There will be common open land at the entrance and a mail kiosk with parking spots. The lots are 55' wide, and 65' wide. In the back of the neighborhood there will be a one-way road that loops around common open space. There will be a left turn lane on Ranson Road with 100' of storage as recommended by the Town. The stub streets from Stone Hollow will be tied into and connected. Property for the greenway will be dedicated. Pocket park examples were shown from Robbins Parks for this proposal. Mr. Jasinski also showed examples of the product homes, with the market price of \$500,000, and up.

The Chairman called for questions, and it was asked of staff why the entrance for the development was not across from the entrance into the assisted living facility, and noted that a prior plan's discussion included that the entrances match and line up. Staff responded that the location if lined up would take a lot of property from the design, and possibly take a house to accommodate the alignment. The Engineering staff has deemed the space between the entrances appropriate. The cut-through traffic issue was raised, and staff further explained the route taken through Stone Hollow to avoid traffic at the stop light at Ranson Road and Stumptown Road. It is assumed by staff that the cut-through is used during high volume traffic times. Staff is looking at solutions for the intersection. It was also noted that Stone Hollow residents would have connection through the proposed neighborhood to Ranson Road, and how traffic routes might work in the future. The Planning Board noted that future routes by homeowners are hypothetical, and clearly the Town has identified a traffic issue. Staff stated that the possible traffic patterns were analyzed.

The topography of the subdivision on the eastern side was noted as being at a lower grade, and Mr. Jasinski responded that the land comes into the center point where there is currently an existing pond. The property will need to be lowered for proper grading. The grade with Stone Hollow will be line up, and the grade transition will be further into the site with the houses sitting lower than Stone Hollow. There is a 20' landscaped buffer that will provide privacy screening as well. The pond was questioned, and staff noted it is a farm pond and from a natural stream. It was further asked to the developer if any modifications to the plan

were made from Stone Hollow concerns, and Mr. Jasinski responded that concerns of traffic is more of a global concern, and connectivity will help alleviate some congestion. The addition 94 homes is not what is causing traffic concerns that is there now. Ranson Road is a disaster now because of the I-77 widening and traffic going around it. The target for home sales is 25-35 homes per year. There are no tree save concerns, and the canopy requirement is being met. The BMP location was identified on the plan.

Staff noted it is recommended to add parking, and the applicant will submit concept plans and have the opportunity to commit to the parking. The Staff Report includes a mini-circle suggestion, and staff identified its location and the reasoning for adding a mini-circle to which the developer has not yet made a commitment. Mr. Bankirer noted that measurements were taken for the TIA at Ranson and Gilead, and requested further explanation. Staff replied that Ranson Road and Gilead was the only intersection that needed to be studied for the TIA. Staff noted the threshold (30 trips on approach, or 50 trips at the intersection), and once studied there was a difference of 1.4, and no mitigation is required. Ranson and Stumptown did not hit the threshold of 30/50 trips. The Town will be looking at Gilead Road improvements that will affect the intersection to help offset the traffic issue, and solutions at Ranson and Stumptown. It was asked about a bike lane on Ranson Road, and staff noted a lane will be installed along the frontage of the site. The bike lane does not connect, but there is an existing bike lane on the other side of the road.

The discussion after the Motion included the members expressing concerns for the traffic issue at Ranson and Stumptown, and Ranson and Gilead. Clearly the Town knows there is a current traffic issue at Ranson and Stumptown, and how the TIA arrived at not having to study that intersection was concerning. This subdivision, and every subdivision, impacts the global transportation picture. The Town Board needs to consider whether or not to use the flexibility provided in the TIA ordinance to look at intersections that might statistically not otherwise rise to the level of being considered for improvement, but nevertheless needs improvement. The members can review the TIA on online. It was requested that the Minutes reflect these concerns, and insure that communications to the Town Board may be made. It was further noted the ability to provide emergency services in traffic congestion.

4. **Sketch Plan:** Bellterre Subdivision located in the rural zoning district is being requested by Bowman Development. Eighteen (18) single family residential homes are being proposed on parcel numbers 01115104 and 0115121.

A Motion to Approve was made by Joe Sailers and seconded by Susan Thomas. The Motion Carried by a vote of 0 Ayes and 0 Nays. Board Members voting

Included in the Motion: The application is complete, and complies with all applicable requirements. It is found to meet the Subdivision Ordinance, and complies with the 2030 Community Plan.

A Motion to Amend and Approve was made by Jennifer Davis and seconded by Susan Thomas. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion to Amend: To add that all outstanding comments be addressed.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into

the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. The site is for 18 homes off McCord Road near Black Farm Road containing approximately 21 acres. The density requirement is for 43% Open Space, and 44% is being provided. An 80' buffer along the street is required with existing vegetation to be maintained, or installed if none. The developer will install a meandering sidewalk. There is recreational open space is being provided, and can also be considered like an urban park. A street stub is included in the plan, along with a 20' undisturbed buffer around the project. The site is above 12% impervious, and there will be a sand filters installed. There is a willingness to serve letter from Charlotte Water. Sidewalks will be installed on one side of the road, with a ditch type cross section. Tree save is being met, and they are providing 51% of the tree canopy and 76% of the specimen trees. A concern at the neighborhood meeting was about the buffers, and traffic. The sketch plan meets the requirements of the ordinance. A TIA is not required. CMS has projected 9 students from the subdivision. The application is complete and it within the future land use plans. Staff recommends approval.

Mr. Bankirer asked the developer, Nate Bowman (205 S. Church Street, Huntersville), about the buffer concerns from the neighboring property owner, and Mr. Bowman indicated the buffer area near this neighbor will be planted match to look more natural. Mr. Bowman was asked the size of the lots, which are significantly smaller to the surrounding lots, and Mr. Bowman replied that with the 44% open space surrounding the lots they will look like acre lots. The quality of design and open space is being used to provide more features, trails, and open space with less yards for owners to mow.

There was no discussion after the Motion.

5. **Rezoning:** R17-03 is a request by Donald and Vicki Shew to generally rezone 12.66 acres from Corporate Business (CB) to Special Purpose (SP) at 15746 Old Statesville Road (Parcel #01101235).

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 7 Ayes and 2 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Thomas

Nays: Davis, Swanick

Included in the Motion: The rezoning is consistent with the 2030 Community Plan and other applicable long range plans. It is reasonable and in the public interest to rezone the property because a Special Purpose District is consistent with adjacent zoning districts; there are no traffic impacts outlined, and it accommodates the current use of the property with reasonable improvement to be outlined in the commercial phase.

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. Staff indicated there are no changes made to the plan since the public hearing.

During questions for staff, it was noted that the application was being made to make the property compliant, and staff confirmed it is a general rezoning request, and the current use is not permitted under the current zoning. Rezoning to Special Purpose ("SP") will bring the use into compliance. A member mentioned storage of items on the adjoining property, and staff was not aware of that situation. Jack Simoneau, Planning Director and staff commented they walked the property and did not see an issue. Brad Priest responded to a question of all requirements being met by the applicant, and confirmed to the extent practical. In example,

there is existing vegetation around some areas, and other areas could use screening, and storm water will be worked out. The applicant is putting a plan together to calculate the impervious on the site, which is separate of the rezoning. Staff was asked to explain the process for the commercial site plan, and described the administrative review process and that staff will look closely at screening and storm water, and possibly a driveway permit. The future Church Street extension was mentioned, and staff indicated that nothing will be changed based on the rezoning, and staff is not asking at this time for any right of way reservation as that would not be appropriate. Staff was asked about the uses in SP, to which staff listed the various by right uses, and conditional uses. Mr. Swanick questioned if the process could be made without a general rezoning, and staff commented there are options for a conditional rezoning, but staff is trying to keep this simple for the applicant considering it has been there for 22 years. Further discussion was made about the uses, zoning, and the future extension of Church Street. For the future Stumptown Road extension some of the railroad crossings to the north would need to be closed and additional or alternative access crossings will need to be created. Mr. Swanick again asked staff about adjusting the application to a conditional rezoning, and staff explained the (approximately) four month process. This is a much shorter process, and this request will move forward to the Town Board as proposed. The Town Board would have to deny this rezoning for the applicant to submit a conditional rezoning application.

There was no discussion after the Motion.

6. **Tree Mitigation:** Request by the developers of Bellamor at the Park, a Senior Living Apartment building, to preserve less than the required amount of canopy and specimen tree save on their Old Statesville Road site and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

A Motion to Approve was made by Jennifer Davis and seconded by Stephen Swanick. The Motion Carried by a vote of 8 Ayes and 1 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailors, Smith, Swanick

Nays: Thomas

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit E, and incorporated herein by reference. Through the commercial site plan application it was found that the application would not be able to save the required amount of trees (10% of the canopy and specimen trees). Staff showed the existing conditions and the grading plan. Calculations were submitted; 11 trees and 11 specimen trees to saved (22 total), and the applicant has requested the trees be mitigated by contribution to the tree fund. The contribution is \$5,500.00. Staff recommends approval. Staff was asked the amount in the tree fund, and staff indicated it was approximately \$10,000.00, but some may have been used (possibly NC73 trees). Staff described the left turn lane being required for the site, and the right of way. There were concerns about trees outside of the boundary not being counted because of NCDOT. Staff interrupts that area not under the ownership of the applicant, and the applicant does not have the ability to save those trees. A concern was that there is a total wipe of trees. Staff noted that some trees were being saved in the right of way, and if counted the applicant might met the specimen requirements but not the canopy requirements. The right of way is to be dedicated to NCDOT and is on the plan. It was asked about the landscaping, and staff indicated there would be a double row of trees along NC115, in the parking lot (perimeter and interior), and along the southern façade of the building.

Susan Irvin, Attorney at Law (19726 Zion Avenue, Cornelius), spoke on behalf of the applicant, and explained the unique situation for the plan. There is a letter from the NC Housing and Finance Authority explaining the tax credit program and the project by Solstice. The program is limited to 30-40 awards each year, and this project is for affordable living for seniors through the IRS tax credit program. It is extremely difficult to obtain permission to build these projects with strict requirements. The 2030 Community Plan, Policy H-5 is to encourage housing options for senior citizens, and Policy H-7 that supports appropriate mix of housing for all income levels. This is not your average apartment development. The registered landscaping architect was present, to which Ms. Irvin gave his qualifications, and could speak to any specific landscaping or mitigation questions. Along with the project is a crucial time period for funding by July 31, 2017. Ms. Irvin expressed thanks to staff for their prompt and thorough job.

There was no discussion after the Motion.

**E. Other Business**

1. Elections for Chairman and Vice Chairman

Chairman: Harold "Hal" Bankirer

Vice Chairman: Jennifer Davis

2. Adjusted TIA Results Reporting Format

The Chairman requested that Stephen Swanick communicate with the Planning Director, Stephen Trott and Max Buchanan, Engineering Department, concerning the template for TIA results and analysis presented to the Planning Board. It is suggested to use color codes that might be beneficial in presenting and show consistency. This matter will be placed on the August 22, 2017 Agenda.

**F. Adjourn**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Chairman or Vice Chairman

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Michelle V. Haines, Board Secretary