



**Planning Board**  
**Regular Meeting Minutes**  
**January 24, 2017 - 6:30 PM**

**Town Hall**

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

**B. Approval of Minutes**

1. Consider approving the December 20, 2016 Regular Meeting Minutes

A Motion was made by Adam Planty and seconded by Joe Sailers. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Planty, Sailers, Smith, Thomas

Absent: Bankirer, Swanick

2. Agenda Change

A Motion to add Item #8 to the Action Agenda for discussion of Urban Open Space was made by Jennifer Davis and seconded by Susan Thomas. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Planty, Sailers, Smith, Thomas

Absent: Bankirer, Swanick

**C. Public Comments**

Item D2: Bruce Andersen, 16125 Weatherly Way, Huntersville, appreciated staff's comments that this violates the plan(s), and made good sense to him. Although this is general rezoning, the Agenda states "senior". If you want to cut down on the population of senior citizens go ahead and approve a site on a major highway, because you will kill a few of them with traffic on Highway 73 at this site.

Item D3: Bruce Andersen 16125 Weatherly Way, Huntersville, stated a few days ago he went through an intersection in the rural area, which you would consider it with light traffic. With a stopwatch, it took 22 minutes for that one intersection. He was not sure what Mr. Trott would say the rating is on the letter scale, but might be far down on the list. The reason for stating this is simple; be careful how you adjust the TIA and how it might impact the future traffic on our roads. That is clearly not what we want to have happen in Huntersville.

Item D7. Bruce Andersen, 16125 Weatherly Way, Huntersville, read from his written statement (see attached Exhibit), stating the TR zoning was to set an intermediate density with comparable lot size criteria, and did not believe a text amendment affecting the entire planning area is reasonable. He was concerned, not with this particular developer, but developers in general who say if this is the cheaper way to build it, they can make more money on each lot, and will stay with the smallest lots. After discussions with Susan Irvin an overlay in the area under growth pressure makes sense by narrowing the area, and not spreading it over the whole town. Relating the overlay to transit stops also make sense, even though he hopes there will never be transit stops. The new proposal introduces a lot of change and new variables; reduces minimum lot with, adds number of lot

widths, adds a delta or change in lot widths, and adds a maximum number of lots of one size (50%). He prepared a spreadsheet (see attached Exhibit). What people really want is privacy and distance from their neighbors. What will be the result of mixed lot sizes? Will the criteria and variables result in less flexibility for a developer? The chart shows the impact on lot area of changes to the minimum lot size, the delta, and the ratio of lot depth to width. If you make lots larger but do not move the shape/size of it to be comparable it gets out of shape. For the two or three lot sizes that is the best? Given the serious impact this text amendment could have on the town, what I have described just reinforces the need for the Planning Board to be given more time to study it in detail. Susan Thomas made the point that maybe this is the time to look at the bigger picture (mentioned revisiting the 2030 Community Plan).

#### **D. Action Agenda**

1. **Text Amendment** - TA16-10 is a request by the Huntersville Land Development Ordinance Advisory Board to amend Article 6 of the Huntersville Zoning Ordinance to modify landscaping of parking lot requirements.

A Motion to Approve was made by Adam Planty and seconded by Joe Sailers. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Planty, Sailers, Smith, Thomas

Abstain: Swanick

Absent: Bankirer

Adam Planty included in his Motion that the text amendment is consistent with policies CD-6 and CD-7 of the 2030 Community Plan, and the Town of Huntersville Design Manual.

Amending perimeter landscaping of parking lots increases visibility into businesses without eliminating the spirit of the Ordinance in providing parking lot screening. The approved Tree and Shrub list allows developers flexibility to select a shrub type that will meet the proposed separation and height; therefore, it is reasonable and in the best public interest.

Discussion: Meredith Nesbitt, Planner I (also referred to herein as “staff”) presented the amendment and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. The current requirements for perimeter landscaping of parking lot was explained along with the proposed request. The Land Development Ordinances Advisory Board (“LDOAB”) recommending that a continuous row of evergreen shrubs at a maximum separation of 4’ on center but in no case less than what is necessary to achieve a complete visual screening depending on the variety of shrubs planted. The LDOAB also requested landscaping to be a minimum height of 2’ at installation with an expected height of 6’ at maturity except adjacent to street right of way where the expected height at maturity is at least 4’. An example was requested to which staff provided. Staff recommends approval. There was no further discussion.

2. **Rezoning:** Petition #R16-11 Lake View Senior Apartments, a request by Shawn Schreiner to rezone parcel #01313108 (+/- 8.52 acres), from Rural (R) to Neighborhood Residential (NR) District.

A Motion to Deny was made by Adam Planty and seconded by Ron Smith. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Planty, Sailers, Smith, Swanick, Thomas

Absent: Bankirer

Adam Planty included in his Motion that the rezoning is inconsistency with the policies of the 2030 Community Plan (CD-1, CD-2, H-1, and H-9), and 7.2 of the Beatties Ford Road Corridor and Small Area Plan. The reclassification is inconsistent with the overall character of the existing development in the immediate vicinity, which includes vacant farm land and equestrian centers, and large lot single family residential; there is no development site plan proposal associated with the general rezoning request, and the proposed facility will impact the adequacy of public facilities (roadways, transit service, police services, schools, etc.).

The property is adjacent to a historical cemetery, and is unknown if the proposal will adversely affect the cemetery; therefore, it is not reasonable, nor in the best interest of the public to rezone.

Discussion: Alison Adams, Senior Planner (also referred to herein as “staff”), presented the request and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. A summary of the project was given that provided location and adjoining zoning and land uses. Staff commented on the transportation issues with the NC73 corridor and realignment plans, and detailed the current rezoning criteria and proposed. Staff commented that the request to rezone the parcel from Rural to Neighborhood Residential is inconsistent with the 2030 Community Plan, the Beatties Ford Road Corridor and Small Area Plan, and surrounding zoning. Staff recommends denial.

The Vice Chairman called the applicant who did not appear at the meeting. There were no further questions for staff. The Vice Chairman called for a Motion (see above). The members discussed the Motion and expressed their support and concerns including the location, housing needs for senior citizens, tree canopy, open space, intensity of the proposed project, and that an apartment building is out of character for this location.

3. **Text Amendment:** Consider decision on Petition TA16-11, a request by the Town of Huntersville to Amend Article 14, Traffic Impact Analysis, of the Zoning Ordinance.

A Motion to Approve 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: Davis, Graffy, Miller, Planty, Sailers, Smith, Swanick, Thomas

Absent: Bankirer

Susan Thomas included in her Motion that the amendment is consistent with policy T-7 and CD-5 of the 2030 Community Plan. It is reasonable and in the public interest to amendment to the Zoning Ordinance because the amendment clarifies the Traffic Impact Analysis process and ordinance; it provides flexibility and additional mitigation options to improve the transportation system and focuses on addressing or beginning to address the traffic concerns expressed by the citizens.

Discussion: Jack Simoneau, Planning Director (also referred to herein as “staff”), introduced Stephen Trott (also referred to herein as “Trott”) with Town’s Engineering and Public Works Department, and gave a brief description of his qualifications and employment history with the private sector and the Town. Trott highlighted and explained the major changes for the proposed TIA amendment, a copy of the presentation slides are attached hereto as an Exhibit, and incorporated herein by reference. The highlighted topics of 1) when a TIA is required (threshold), and 2) which intersections to study (changing the approach of determining an Impact Area, and changing the term in “Standards”), and 3) how to mitigate under 14.4.2 has several revisions, and the Town Board, based on engineering judgement, may still modify mitigation. Full mitigation is now defined as getting to either the adopted standard or to within

3% of the no-build condition, not back to original. The developer will have options. One option, if the developer fixes an intersection in a way that produces “surplus capacity” they can use that to offset the reduction in capacity at another intersection. Another option, the developer can choose to fund improvements on planned and/or funded Town and NCDOT projects having previously been adopted which would mitigate the proposed development impacts.

Members questioned Trott with concerns of how this would benefit the Town; how the waiving or excluding an intersection would be approached, and when would an intersection that continues to get passed over be addressed. Trott responded that the potential savings is in figuring out what to study, and the 3% rule is a better measuring stick as far as what intersections to study. Trott reminded the members that the Town can study intersections on its own, and make improvements. There is more flexibility in the proposed TIA amendment. Intersections can be studied in a TIA, and developers may not have to do anything, then why have them spend the money to study the intersection. There was a concern with the TIA process, and developers not wanting to make certain improvements.

Joe Sailers made a Motion to postpone make a recommendation to give the Board time to have a better understanding of the proposed. The Planning Director commented that he would be hesitant to agree to continue, and noted the developments waiting in the queue for this amendment. The Motion did not receive a second. Mr. Sailers withdrew his Motion.

The Planning Director explained the TIA proposal and gave an example of analyzing four intersections with a 5% increase, and the possibility with the Town Board’s approval, that a developer could do a 10% increase at two intersections to get to the 20% increase, or one intersection at 20%. This allows an accumulative amount of impacts to be allocated to one or more intersections that are deemed by Town Engineering to be more beneficial than minor fixes at multiple intersections. Cost effectiveness could also be a result.

There was further discussion about the cost effectiveness for the developer and the option most likely to fix one intersection to which Transportation staff included that each TIA will be different. What was heard from the Town Board was to do big fixes to build to the ultimate configuration at an intersection. According to the option, staff will make a recommendation to the Town Board on which option is best. The Planning Director noted that the Town Board would like to see a significant improvement at one or more intersections rather than smaller impacts at their choice, not the developers’ choice, if it is in the recommendation from staff and best for the community. The concern for the minor fixes not being done and what happens to those intersections needing minor improvements was expressed. Trott noted the Town would have all the data from the TIAs and the Town could use that information to make fixes. Transportation further noted the consideration used in which intersections to study. The developers should not have to overspend money to re-study an intersection over and over. Some intersections may be fully built-out and do not need to be studied. Jack Simoneau stated that with this change of not getting a study at 7%, and doing the number of vehicles at an intersection (30 or 50), the reality is we probably are not going to be studying that much fewer intersections. It is simply the numbers. Trott gave examples of what would create a 3% impact, which is around 30 on approach, or around 50 at intersections as it depends on whether people are making left or right turns, or straight through. Stephen Swanick stated he supported the proposal but still had concerns, another being the potential loss of mitigation percentage by not studying intersections. The Planning Director felt confident with the Engineering Department’s recommendation.

There was discussion about when in the subdivision process that the Planning Board would

hear TIA issues and make its recommendation to the Town Board, and if the proposed amendment establishes negotiations in the TIA process. The Planning Director commented that it was not negotiations, but an option added for the Town Board to modify the TIA standards based on Town engineering input. The example of the Lake Norman Charter School (Elementary) was given with an ultimate approval without fully mitigating to the TIA, and that started the discussion with the Town Board for options. The current Ordinance gives the Town Board the discretion to modify the TIA standards, and the proposal adds language to give direction on when to modify. Trott included that TIAs are not required by State law, and the Town having one is an extra tool in the toolbox to address how to fix transportation items as part of development. Impact fees are currently not legal, and the TIA addresses issues. Further questions were asked about the 3% and where did projects typically come in at, 2.9, 3.1? Staff indicated that as part of the traffic study there are projections and assumptions, and this is not an exact science. There was a question about surrounding communities, and Trott advised that other communities do different things, and have different measuring for increases and thresholds. Charlotte uses volume capacity ratio, NCDOT uses level of service based in time delay, and there are different ways to measure. The concern of the school not doing the TIA recommendations, and a new development following, which is also on the same road, and a new subdivision on the agenda, it was thought that without providing all improvements per the TIA, the traffic congestion is impacted and the developers should be made to do all recommended improvements. The Vice Chairman asked if all options and research had been done to provide the Town with the best solution, and Trott indicated that the proposal is a tool to get improvements and fixes as part of building.

It was also asked if other options or benefits were considered in preparing the amendment. The Planning Director stated there is nothing else. How will the Town know when intersections have been waived in any particular study, and Trott noted that it will be obvious what intersections are studied, or not, within a given area near a site. The Town will not study an intersection that is fully built-out.

Discussion after the Motion took place with members expressing and reiterating concerns. It was said that engineers deal with mathematics, statistics and studies, but the human factor and citizen perception should be considered and factored. There may not be a balance between developers funding intersections, citizens sitting in traffic, and engineering perceptions. Also mentioned was the overall flexibility in the proposed will be a benefit if mitigation is allocated to projects based on professional recommendations from Town staff. The work from staff was greatly appreciated. The proposal is a positive step forward and encourages discussion on how to balance the needs for the traffic situation. There was no further discussion.

4. **Rezoning:** R16-09 is a request by Daniel Phillips, Madeline Phillips, and Helga Haddix to rezone 9.25 acres (portion of parcel #00902202, known as 14936 Brown Mill Road) from Rural (R) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to allow the construction of a 123,225 sqft mini warehouse facility. The rezoning is located near the corner of Beatties Ford Road and Brown Mill Road.

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

Absent: Bankirer

Stephen Swanick included in his Motion that the Planning Board finds that the rezoning is not

consistent with the 2030 Community Plan and other applicable long range plans. It is not reasonable and not in the public interest to rezone this property because it does not accommodate further road improvement; is not consistent with mixed use development pattern called for in the adopted plans, nor does it conform to the Zoning Ordinance in regard to the architectural improvements, buffering, and Tree Save requirements.

Discussion: Bradley Priest, Senior Planner (also referred to herein as “staff”), entered the Staff Report into the record, a copy of which is attached hereto and incorporated herein by reference. Staff provided an updated plan from the previous meeting that included changes: 1) Shared driveway on Brown Mill Road. Staff needs to understand where the line is and is this a subdivision. If it is a subdivision there are a different sets of rules and requirements, but if the line is shifted it is a recombination of two lots. The survey has the intent to recombine, but it is still showing two different property lines. 2) Buffer and landscaping. There is an 80’ buffer requirement, and the proposed, being adjacent to Residential, does not meet the requirements of the Ordinance. Proposed are alternate buffers, and no note on the plans requesting waivers. The applicant intends to do 20’ buffers throughout the perimeter of the property, and the question is will the 20’ meet the intent of the Ordinance. The 80’ buffer is completely opaque, and there is a concern that new planting will not take place on this property. Along the street the 80’ buffer can be reduced if you create architecture and street capability. The office portion of the building is very good with the windows, roof line change, architectural patterns and a front door, however there is a long wall expanse that does not have a relationship to the street. Staff gave examples of buildings previously approved. Staff would prefer the 80’ buffer to be in place on this site. 3) Access for Piedmont Natural Gas is better delineated. Staff would like to know if Piedmont Gas is okay with the access as located on the site plan. 4) Storm Water: The Concept Plan with Mecklenburg County is still being reviewed, and the impervious calculations can have an effect on the plans. They did not include the gravel area as impervious. 5) The use categories need to be clarified. This is a Special Purpose District, and a lot of uses are allowed but not compatible with adjacent properties; i.e. heavy industrial, recycling facility. The note says office, mini-storage, and no other uses are planned at this time, but that is not a prohibitive note. Staff wants clear uses proposed, and what is not allowed. 6) The property is in the path of the future NC73 realignment, and 7) the mixed use portion of the development per the Beatties Ford Road Corridor Small Area Plan, and the 2030 Community Plan for this area to be a mixed use node. Staff gave further examples for the members of mixed use buildings oriented to the street.

Staff recommends denial of the request. It is inconsistent with the approved Comprehensive Transportation Plan for NC-73 realignment; inconsistent with Policies CD-1, CD-3, CD-5, and CD-6 of the Huntersville 2030 plan; inconsistent with the mixed use recommendations of the Beatties Ford Road Corridor Small Area Plan; insufficient buffer widths, and unresolved site plan issues.

The applicant was called and Robert Watson, 18903 Cove Side Lane, Cornelius, responded to staff’s elevation recommendation in that the front has changed, and the façade will be broken into three different pieces on the long piece. The setback on the east side, where the dog/pet business is located, they have an agreement for a 20’ setback. They have a 70’ setback and that will give 90’ between the two facilities. They have a barking problem and thought it would help quiet the noise down. The site on the west, there is an agreement with the property owner for a 15’ setback. Most of that is unusable property (Duke right of way). The bottom could be an 80’ setback. The south side is 200-300’ setback. They do not know what that is between all the right of ways there. The facility had 120,000 square feet, and with the reductions it is about 90,000 square feet. The TIA study will be less vehicles

than thought before. There are three trees to work around, and it has not been decided whether to mitigate them, or how to do them. As far as any other uses there, we will not allow any other uses besides the storage facility. The units are very usable for small businesses; they like these type of facilities. Mr. Watson owns two other ones and they are very popular to the small business people to come and store their stuff there, i.e. contractors leaving their equipment there instead of their house. Since 2000, the population went from 20,000 people in Huntersville up to about 58,000 currently, and there has been no storage facility built since that time, and the population is still growing. This is about a 4 million dollar project, and for tax purposes for the Town is worth very well. All the property surrounding the facility is commercial. Across the street is a gas station, and the pet place, and on the west side there are bound to put commercial there, and there is basically no residential what so ever. There may be residential on the back side, but there is a 500' easement with the gas line and Duke. The facility will be great looking, and he has built two of them; one in Cornelius that is beautiful and the applicant plans on doing the same with this facility.

A member of the Board talked with the applicant about concerns with the rezoning plan, and having staff comments addressed and the plans updated. There were no questions made to the applicant; however, the applicant responded by indicating that they have an agreement with the pet business about having a 20' buffer on their side, and the façade on the front has been redone, and will be turned into staff tomorrow (1/25/2017). There is 2,000 square feet of office going in, and there are 6 different office buildings on the front. On the far side, that will be a façade and not an operating door, but it will be all inside storage. The front has been re-done as staff recommended. It was asked if the applicant would be providing phone and internet in the units, to which the applicant replied, yes there will be wireless but they will not be providing phones. The units are very popular for small businesses.

Buffering and Tree Save requirements were noted as not conforming with the Ordinances, and Mr. Watson indicated they will do what is required and recommended by staff. As far as buffering, they will plant trees. Bradley Priest noted the two issues with the buffer; one is the width, and the other is the landscaping in the buffer. Staff noted the Duke Power right of way creates an issue for landscaping under the powerlines (7' height maximum). From Gilead Road it is visible, and the only thing there is a 6' fence. There is a fence that goes around the perimeter of the property, except for Brown Mill Road side. Mr. Watson commented the fence on the front is a wrought iron fence, and they are working with Duke and Piedmont Gas for the fence on the backside.

It was requested for staff to address the driveway and two lot issue, and if the applicant understood staff's concern. Staff stated, in the applicant's defense, there has not been an opportunity to speak with applicant about this issue since receiving the plans. Staff expressed concerns with applicant being able to address all concerns before the Town Board agenda. Site plan issues can be addressed and worked out, and it is assumed the applicant would like to ask for the same buffer widths, but the transportation plans, Small Area Plans and other plans create a conflict, and those issues may not change. The applicant noted that is using an 80' buffer all the way around, and with the right of ways, the property is about 1/3 usable then shown now. There are two architects working on the plan now. The applicant is trying to utilize as much space as possible. To pull another building out of the plan is not feasible. The two lot scenario will be one lot. Staff noted that the intent is when drawing a property line that there is an easement for sharing the driveway. There is a note on the plan to recombine the lots but the rezoning plan still shows two property lines. Robert Lowrance (Cornelius) stated he helped put the project together, and is a Broker, and clarified what staff needs for the recombination.

Discussion after the Motion consisted of concerns with the alignment plans of NC73, traffic issues; Small Area Plans, and that this property is a difficult parcel to work within. There are not many storage facilities in the area, but this location is not the right location. There was no further discussion.

5. **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 Deny was made by Stephen Swanick and seconded by Adam Planty. The Motion Carried by a vote of 7 Ayes and 1 Nays. Board Members voting Ayes: Davis, Graffy, Planty, Sailors, Smith, Swanick, Thomas

Nays: Miller

Absent: Bankirer

Stephen Swanick included in his Motion that the Planning Board recommends denial based on incomplete mitigation of the traffic impact of this development. It is not reasonable nor in the public interest to approve a rezoning plan that would have a material negative impact on the Town that is already severely congested. The Motion acknowledges there are many positive aspects in the rezoning, but the Planning Board cannot endorse such as compromise to traffic conditions.

Discussion: David Peete, Principal Planner (also referred to herein as “staff”) entered the Staff Report, which is attached hereto as an Exhibit, and incorporated herein by reference. Staff presented both the rezoning and sketch plan together, and described the location, zoning and density, including the right of way to be dedicated along Gilead Road and Ervin Cook Road, and approximately 14 acres to be dedicated to Mecklenburg County for future greenway along east boundary. There are four (4) private accesses to the future McDowell Creek Greenway provided, and an easement corridor for future greenway along west boundary. There is a large amount of floodplain that will facilitate the greenway. Staff corrected the amount of block length waivers is only three, and is misstated in the Staff Report. There is a large amount of open space.

Discussion was made about the county obtaining land and building the greenway, to which staff indicated that the County is ready to do the project. If they are not able to obtain the land on the west side of the creek they will make decisions to move the project forward.

Staff is supportive of the three block length waivers. There are 20’ buffers provided but it is not specifically stated that they are to be undisturbed. There are miscellaneous redline comments to address. The Planning Board made previous recommendations: 1) dedication of the floodplain to the County has been clarified (western), and it will be sufficient for the County purposes. The east side dedication will be prescriptive. More on-street parking has been provided by the applicant. The applicant will not commit to a full 10’, but will commit to a recess on the garages. The building elevations have not been offered at this stage, and will be provided at the preliminary stage. Staff noted the site plan is in good shape, and the project will be an asset to the community.

Questions for staff included parking for the greenway and if the amount of cars would be an issue for the neighborhood to which staff indicated there is no specific on-street parking



being provided in the neighborhood for the greenway. Staff is not concerned for greenway parking. The County is building a park nearby and would consider providing parking. Another question was to show the location of the block length waivers, which staff did and explained. Staff supports the waivers. The streets meet all cross sections, on-street parking, and the Fire Marshall has not expressed any issues.

Stephen Trott (also referred to herein as “Trott”) addressed the Traffic Impact Analysis (“TIA”), and showed a comparison chart (see Exhibit attached). Trott described the chart columns. The applicant has proposed to provide funding, based on the last plan, 1.5 million dollars to be contributed to the CIP that was adopted by the Town Board on December 19, 2016. That would be to widen Gilead Road between McCoy Road and Wynfield Creek Parkway to include a culvert with an estimated total expense of 6.5 million for that project. That project is to be submitted in the current call of projects by the Charlotte Regional Transportation Planning Organization (“CRTPO”). There are multiple on-site and off-site intersections. The Ervin Cook Road and Gilead Road intersection is considered on-site. It is recommended to not include that intersection as an intersection that would be counted toward the total since that intersection would need to be improved regardless. Ervin Cook Road is a thoroughfare, with very little traffic today, but is to connect to Hugh Torrence Parkway and Birkdale Commons Parkway in the future. When that occurs it will be more than just this development’s traffic. It is recommended that there be left and right turn lanes at the two site entrances. Based on the proposed TIA language, and the addendum, if doing one big fix it makes the most sense to do improvements at Gilead and McCoy Road; taking the four lane section further toward the site. The intersection at Ervin Cook and Gilead Road is not considered, and leaves the other four intersections (Wynfield Creek, Bradford Hill, Ranson and McCoy). If adding a through lane at the Gilead and McCoy Road intersection with 100’ of pavement, it would not be effective, and in order to get useable space it would have to go to at least Binnaway Drive (next neighborhood entrance). Trott described the improvements needed in the intersection area including 500’ of storage for the left turn lane, and adding two through lanes. The developer is proposing a financial contribution option. The contribution will be applied by the Town toward the cost of certain transportation improvements identified in the Town’s CIP projects. The applicant will fix along Ervin Cook Road, and Ervin Cook and Gilead Road intersection. The cost amount for required improvements to meet the current ordinance was questioned, and if those intersections are in the CIP, and Trott showed the location of the CIP project along Gilead Road, and it being at a cost of 6.5 million. Trott also noted that the funds for the left turn lanes on Ervin Cook Road could be escrowed for when improvement is needed and the road is further built and connected. Trott would support the escrow, if chosen to do so. There was a discussion about the connection for Ervin Cook Road to the north of the project, and when turn lanes will be needed (both left and right). It was noted that the second left turn lane to McCoy Road was not included on either column on the chart, and Trott had indicated there be 300’ of storage for that turn lane. The cost benefit of doing that, if not one big solution at McCoy, that (the second left turn lane) would be down on the list of ones to choose to provide a capacity increase. In looking at the proposed ordinance, if looking at that intersection, this is one that staff looked at to mitigate. There was a concern expressed about people traveling through the Business Park as a short cut to McCoy Road to go left on Gilead Road. At peak traffic in the afternoon the traffic will be backed up beyond the bridge on McCoy Road. Until a serious collision or fatalities, the traffic will not set off a red light with NCDOT, and the left turn lane would be important. There were no more questions for Town staff.

James Martin with Crescent Communities (also “Crescent”) thanked the Board and staff and stated there has been a lot of back and forth with the site plan. Mr. Martin showed the site with the existing tree canopy and clear area, and the density is very much in line with 1.6

units/acre. The surrounding densities were also shown. Crescent is phasing this project into three phases, and will better coordinate that with the TIA. The timing in the upper right hand corner is anticipated for home construction to start in late 2018 – early 2019. Full build out of the community will be quite some time. Mr. Martin gave a brief timeline for Phase 1 from plat recordation to home construction. There are varied lot sizes throughout to make a mixture in the community of different price points, lot sizes and design layout. In looking at the transportation improvements in three different buckets, the first bucket is from the Town Board CIP that incorporated McCoy, Binnaway, Ranson, Wynfield and just west of Wynfield (see attached Exhibits). Mr. Martin showed the 6.5 million estimated projected cost, and funding from a private developer's funding of 1.5 million. It was not sure if the intent of this project of 382 lot community would bear the brunt of the 1.5 million, but Crescent committed to contributing that amount to the project. The Town recognizes the traffic concerns in that area without the project; there are a lot of projects that feed that area. Crescent's contribution is a reach for them to do in light of the other improvements Crescent is doing. That is not to say that other developments (after Crescent) may not also want to choose the option available in the revised draft TIA of contributing to the CIP project too, and making the 1.5 million grow. CRTPO is funding 3 million and 2 million from Authorized Bonds. The turn lanes on Gilead Road to Ervin Cook Road (both in and out) are there to serve this project; however, there is other land including the Cook Regional Park, and when the Park is developed they will have the benefit of those turn lanes that Crescent is providing, both in and out. The same thing can be said on Ervin Cook Road. The project fronts a good bit of the Ervin Cook Road, which goes just to the north of the property and stops. The road is planned to be a thoroughfare, and Crescent will provide a 100' right of way section with bike lanes, sidewalks and tree lined roads to serve the project. It is always anticipated that when a project fronts a road you will improve the road; many times it is not to that degree. Even though it serves nothing today, in the future it may, but Crescent is building that section with turn lanes, which may cost another 1.4 million. Mr. Martin spoke about the greenway on Torrence Creek and future greenways of Mecklenburg County Park and Rec. It is a great amenity and also another way to move people from point A to point B. The easement area granted to the County allows them to move the trail from the west side of McDowell Creek to the east side, which is important. Going to the west in their original plan was to put the greenway on the west in different phases. To the west is very low and a trail or boardwalk would have to be built up. Putting the greenway on the east side, it can be paved. The County kept it on the west with the boardwalk being Phase 1. Phase 2 will go to the northern point of the site where it ties into Wynfield. It also allow the county to extend the greenway, and within the current flood study that is active, they are able to build the bridges from Wynfield over to the east side trail (if moved to the east side of the creek). By moving the trail and building Phase 1, it will save the County 1.2 million, and an estimated savings of \$40-60,000.00 per year in maintenance cost. Crescent has worked closely with the County. Phase 2 is estimated to start 2019-2020, and that will connect to the Treatment facility and Birkdale Commons Parkway. In Phase 2 you will be able to go from Rosedale Shopping Center, on two trails, and go to Birkdale without entering your car. The CIP project was discussed again, pointing out the 23% contribution of the total cost. Crescent thought it was a good part in trying to improve that area. Mr. Martin showed the cross sections for Ervin Cook Road. Crescent is making some architectural commitments in the homes; recessed garage behind the front plain of the home; a minimum of two stair risers for the front entry, which lifts the foundation; 30 year architectural shingles with 8" overhangs; landscaping; and 6.8' or 8' front doors. Mr. Martin asked for questions.

The members questioned the applicant about the contribution amount, and Crescent's choice of mitigating verses making improvements per the TIA, and if a commitment would be made for McCoy Road improvements. Mr. Martin explained that the Town was looking at Gilead

Road improvement before this project. Instead of Crescent doing Band-Aid fixes, it will contribute to a larger project that the Town was already going to study and needed funding from private development. Anytime Crescent can piggy back a project and pay into that project is always better. For one development of 382 lots to contribute 23% of the estimated cost that is enough to ask from one community to do. This land is broken up with several different owners but we combined that to make one cohesive project as opposed to be developed in a bunch of smaller developments, which could have less impact on traffic requirements. Mr. Martin reiterated the intersections included in the CIP, and that Crescent is willing to commit to the 1.5 million contribution to the CIP. The Vice Chairman called for further questions, and there were none.

Discussion after the Motion: The members expressed concern with the developer contributing funds to the CIP without giving a comparison of cost for the TIA improvements. Traffic should be mitigated, and only one option was being provided. Trott commented that NCDOT has not weighed in, but they have talked about the concept of McCoy and Gilead and mitigate the other intersections, and NCDOT felt it was reasonable. Some members will not support the project due to the TIA.

6. **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 Deny was made by Stephen Swanick and seconded by Susan Thomas. The Motion Carried by a vote of 7 Ayes and 1 Nays. Board Members voting Ayes: Davis, Graffy, Planty, Sailers, Smith, Swanick, Thomas

Nays: Miller

Absent: Bankirer

Stephen Swanick included in this Motion that the denial is based on the application being complete but does not comply with all the applicable requirements, and therefore the Planning Board recommends denial based on the incomplete nature of the required and necessary mitigation to the traffic impacts.

7. **Text Amendment:** Consider a decision on Petition TA 16-07, a request by LStar Managment, LLC, to amend Article 3.2.2(d) Transitional Residential District, to reduce lot size, width, and side yard setbacks.

A Motion to Approve was made by Joe Sailers and seconded by JoAnne Miller. The Motion Failed by a vote of 2 Ayes and 6 Nays. Board Members voting Ayes: Miller, Sailers

Nays: Davis, Graffy, Planty, Smith, Swanick, Thomas

Absent: Bankirer

Jose Sailers included in his Motion to Approve based on staff's recommendation, and is consistent with the 2030 Community Plan. It is reason and in the public interest for the overall density area being able to reduce subdivision design flexibility, being able to reduce development costs.

Discussion: Jack Simoneau, Planning Director (also referred to herein as "staff") gave the update for TA16-07 from the last meeting and showed what other communities do in a Transitional Residential ("TR") area. The Towns of Cornelius and Davidson were given as

comparison examples, a copy of which is attached hereto as an Exhibit, and incorporated herein. The two communities to the north do not have a minimum lot size requirement, and the Town does have it in its TR district. All other surrounding areas were researched by the Planning Department. The Planning Director commented that the purpose of the TR district is to be a buffer between the urban area and rural area and to create rural and neighborhood compounds and set aside natural vistas. There are multiple sections in the Ordinance that talks about the quality of open space to create. These are the things to protect when designing subdivisions. There is a minimum 80' buffer on state roads, and the map shown indicates to everyone where the buffers are required. The TR zone establishes a fairly significant amount of open space.

The proposed is to reduce lot size from 12,000 square foot average to 7,500 square feet with no lot under 6,000 square feet. Lot with shall average at least 60', but in no case less than 50'. Side yard setbacks shall be at least 5', and the maximum density allowed will remain at 1.5 units per acre provided there is a least 40% open space. Staff gave an example of Arbores and Beckett subdivisions with 10'-18' separations. At the last meeting there was concern about how much to do in the TR, and solution proposed by the developer is to include a qualifier that says if any part of the subdivision is located within a distance of one and one half miles of a transit station the lot sizes shall average 7,500 square feet, with no lot less than 6,000 square feet with side yard setbacks of 6' for lot widths from 50-64', and 7' for lot widths from 65-79', and 8' for lot width over 80' and the rear yard setback shall be a minimum of 25'. Staff showed the TR area for the east and west side of I77, and noted that not all of the TR on the eastern side would qualify and basically none of the TR on the western side would quality for this standard. The applicant is trying to minimize the footprint of what developments could use this lot size requirement. Mr. Simoneau made it clear that it is 100% the Planning Department's position that anywhere in TR should qualify. The applicant hearing concerns from the Planning Board tried to narrow the window. Staff does not recommend this, and is comfortable with its proposal. The issue of spot zoning was raised and staff described spot zoning, and gave an example of a singular parcel in TR with a rezoning request to NR, which after time would create and encourage more spot zoning in the district. The units per acre (1.5) should not change within the TR zoning district.

The other concern was that the proposed would not create a variety of lot sizes, and the applicant proposed lot widths at least 60' (excluding cul-de-sacs), but in no case less than 50' wide. They are allowing a variety of lots widths to occur if being 1 ½ miles of a transit station. Also, another alternative was to drop the distance to a transit station, and anyone in the TR could qualify for the standards. Staff is comfortable with the original proposal, and in terms of the lot size variety staff sees value in having a variety of lot sizes. The Planning Director noted that the applicant's recent proposal provided for the side yard setback initially to be a minimum of 5', but in the recent proposal the smallest being 6', to which the applicant confirmed. The proposal is not that much different than what is in Davidson who used to consider a 10' separation and now considering a 15' separation with different lot sizes.

It was noted from the Board that the area is to be transitional and with the text amendment it is close to being Neighborhood Residential (NR). The Planning Director commented that NR has no minimum lot size and the lots can be tiny. The Rural ("R") and TR there will not be that type of impact because there will be 7,500 square foot lots, and NR there could be only 4000 (+/-) square foot lots. In NR, the only open space required is what is called, Urban Open Space ("UOS") and those pocket of UOS are within a ¼ mile of every lot verses the TR that requires at least 40% open space, including buffers. There is a huge difference from NR to TR. The question to staff was asked about any other method or process that a developer could achieve approval with the proposal they've made on a specific development,

and staff responded that if a developer wanted to have lots less than 12,000 square feet the only option would be to submit a rezoning request for NR. A Special Use Permit would be an option, not recommended.

Staff identified the watershed area on the west side of I77, which includes percentages of impervious area. There is a critical watershed area as well where the impervious limits goes from 6% to 12% impervious lot coverage. In the TR, if a development was approved at 1.5 units per acre, and reduced the minimum lot size from 12,000 to 7,500 square feet, in all likelihood you will have less impervious area in that subdivision because you will not have to have as long of streets to serve all the lots. There will be the same number of lots currently and proposed; the number of units will not increase. The number of lots, streets and impervious was discussed with the members to provide more understanding. It was also questioned by the Board when the 2030 Community Plan should be revisited, and Mr. Simoneau responded that generally plans are updated every 7-9 years (2018-2021). In this particular instance the Planning Director did not see this as chipping away at the 2030 Community Plan, and felt this is being consistent with the Plan as it gives better opportunity to protect the trees, gives more opportunity to reduce impervious lot coverage, and gives a variety of house/lot sizes. There is nothing in the 2030 Community Plan that staff could identify that this change is adverse to. In fact, the environmental section of the 2030 Community Plan there are many things that this supports. From the examples sent to the Board members prior to the meeting, there were several "hamlets" with open space. Staff noted the examples were Serenbe and Baxter (see attached Exhibits), which both have commercial components. The examples showed the units were about 1.5 per acres. Other examples of were sent of Davidson, and staff also gave the examples of Olmstead, Beckett, and also mentioned Bailey Springs (in Cornelius). Some members of the Board felt that the reduction from 12,000 to 7,500 square foot average is a substantial change, and questioned if there was an economic driver due to demand for smaller units. Staff stated the applicant can address that, but included that there is an aging population that may not want to care for the larger homes, as well as younger adults not wanting to care and maintain large lots. Staff responded to a question about the proposal being for land that cannot be developed due to topography because now (proposed amendment) the undevelopable land would be counted toward open space. The Planning Director stated that you will still have 1.5 units per acre, and there are some pieces of land in Huntersville that have a lot more topography issues and so smaller lots will get away from the steeper slopes. If looking at the goals for open space, it is to keep the development off of steep slopes; that is what you want to do. This will not make a difference in a lot of the parcels in TR.

The Vice Chairman call Susan Irvin, Attorney at Law, 19726 Zion Avenue, Cornelius, who stated she is a Zoning Attorney and represents LStar. She has not been working on this case the entire time, and was here on a different case when this case went to public hearing. One thing heard from the Town Board was a concern that all of the lots would be the average proposed of 60' wide lots with 5' setbacks, and it would start to look like a NR neighborhood. Doing work in Davidson, Cornelius and Huntersville, she spoke with the applicant and thought it would be a good idea to create some security so that all lots are not 60', and all setbacks are not 5', but instead to have a built in requirement for different lot sizes. The old language was taken from the Davidson Ordinance, and saying that even though the average is 60', all the lots cannot be 60' wide. You cannot have more than 50% of any one lot width, and the next size would have to be 10' up from that so there is a significant difference in lot sizes. For a big neighborhood that is over 50 lots you have to have three different lot sizes. This is for built-in required adversity. There was also a concern with the 5' setbacks, and that is where the sliding setback came in, starting at 6'. The larger lots would have a larger setback. The amendment does not increase the number of homes, but

increases the amount of open space. One of the experts in rural planning came down from Maine for a zoning case in Davidson, Randall Arndt, who wrote a book called *Rural by Design*. One of the main premises of the book is that the concept of a small house on a large lot taking up an entire neighborhood is an old concept. The new concept proposes to try to start to cluster some of the homes together to have more meaningful open space in the rural areas. The rural area in Huntersville and TR has to have an 80' setback off state roads, and you already have a buffer from the street, and you will have more meaningful open space in the neighborhood. The changes the applicant is fine with the original proposed amendment, but the additional proposed changes by the applicant (1, built-in requirement for different lot sizes, and 2) sliding scale setback), will create different lot widths and how they look, and that was the intent of the proposal. She offered to answer questions and introduced Bruce Andersen, and noted they came up with the overlay idea by tying it to a transit station, which the Planning Director disagreed with the idea of having two different lot standards in one zoning category.

After hearing the public comments from Bruce Andersen, the Vice Chairman called for further questions for staff. There were no further questions about the amendment were asked. The Vice Chairman called for a vote on the Motion to Approve (see above Motions), and discussion was primarily not in favor of the Motion because of concerns of consistency of the 2030 Community Plan; the change is substantial; level of detail of the overall development plan to some of the examples given verses simply changing the ordinance to change lot sizes; the consistency of the request has been changing; smaller lot sizes may appeal to people who are aging; clustering; the TR area is topographically challenging (in Bryton) but does not need to change the entire TR area; and concerns about this spreading to the Rural area with small lot sizes. Opinions in favor of the Motion included that the town needs lot variety; large lots are a lot to maintain; however, nobody wants to live in a small house on a small lot right next to the neighbor, and if done right there will be scattered lots with open space. Some members had an issue with the amendment across the entire TR zone (broad brush), and would rather rezone parcels as they come instead opening the floodgates. The spirit of the amendment is attractive to provide opportunities to citizens, tree save, but there is a lot at stake with a broad sweeping change. There is a mechanism in place that could allow this style of community. There was no further discussion.

A Motion to Deny was made by Ron Smith and seconded by Adam Planty. The Motion Carried by a vote of 6 Ayes and 2 Nays. Board Members voting Ayes: Davis, Graffy, Planty, Smith, Swanick, Thomas

Nays: Miller, Sailers

Absent: Bankirer

Ron Smith included in his Motion to Deny for the general concerns over the alignment with the 2030 Community Plan, and the magnitude of the request is substantial and should require further review by the Board and other bodies. Stephen Swanick wanted to add that the Planning Board is not opposed to the spirit of the amendment, but feel it should not be addressed with a broad brush at this time.

#### 8. Discussion of Urban Open Space

Absent: Bankirer

Alison Adams, Senior Planner, gave reference materials to the members for review, and requested if any questions to contact her about the proposed text amendment. Susan Thomas, a member of the subcommittee, thanked staff for their efforts and gave a brief

history of the subcommittee's efforts to clarify, and give options. She is supportive of the proposed amendment. No recommendation was required.

**E. Other Business**

**F. Adjourn**

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

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Chairman or Vice Chairman

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Michelle V. Haines, Board Secretary