



**Planning Board
Regular Meeting Minutes
May 23, 2017 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

The Chairman determined quorum and called the meeting to order.

B. Approval of Minutes

1. Consider approving the April 25, 2017 Regular Meeting Minutes

A Motion to approve was made by Joe Sailer and seconded by Catherine Graffy. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Planty, Sailer, Swanick, Thomas

Absent: Smith

C. Public Comments

D. Action Agenda

1. **Special Use Permit:** Petition SUP15-02 REMOVAL is a request by the property owners (Nathan Sipp and Scott Berk) to remove a special use permit to develop a banquet facility (Harper Grove) in the Rural (R) zoning district. The location of the property is 14532 and 14520 Beatties Ford Road.

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

Absent: Smith

Meredith Nesbitt, Planner I, gave an overview of the Petition to remove the Special Use Permit, and entered the Staff Report into the record, a copy of which is incorporated herein by reference as Exhibit A.

Included in the Motion to approve to rescind the permit: It does not adversely affect any nearby owners and has met all legal requirements. Hal Bankirer requested to amend the Motion to include that it is consistent with the 2030 Community Plan, and is reasonable and in the public interest, to which said language was agreed and included.

2. **Text Amendment:** TA17-02 is a request by University City Church to amend Article 10.7.1 of the Huntersville Zoning Ordinance to modify the amount of times a illuminated or self-luminous changeable copy sign message can change per 24 hour period.

A Motion to approve was made by Adam Planty and seconded by Susan Thomas. The

Motion Carried by a vote of 5 Ayes and 3 Nays. Board Members voting Ayes: Davis, Miller, Planty, Sailers, Thomas

Nays: Bankirer, Graffy, Swanick
Absent: Smith

Meredith Nesbitt, Planner I, presented the text amendment, and entered the Staff Report into the record, a copy of which is attached hereto and incorporated herein as Exhibit C. The surrounding jurisdictions were noted in a comparison chart. Staff recommends to change a sign 2 times per 24 hour period.

The original Motion by Adam Planty was to approve the text amendment for signs to change 6 times in a 24 hour period, which shall occur no less than every 4 hours. It is consistent with the 2030 Community Plan, and the amendment is reasonable and in the public interest. The Motion was seconded.

Members expressed their concerns, starting with Mr. Planty noting that we are moving forward in technology and this is going away from the standard signs. This will allow more flexibility to businesses to change a message rather than manually changing letters on a sign. Messages are continuously changing on I-77. As far as safety was concerned, he did not feel that signs caused distractions. Joe Sailers asked about enforcement. Stephen Swanick commented he disapproved, and felt that in approving the application it was encouraging applicants to rewrite the ordinance to their benefit after the fact. Susan Thomas noted she was comfortable with 4 to 6 times, and felt that was reasonable. JoAnne Miller commented the applicants did not set out to violate the ordinances, and the Town may need to do more to inform the public. Jennifer Davis commented she would be comfortable with 4 times, and there are signs that change every minute (bank clock signs) and they are not distracting. The applicant commented they would be open to changing the request from 6 to 4 times.

Adam Planty amended his Motion from 6 times to 4 times per 24 hour period, and occur no less than every 6 hours. The Motion was seconded. There was discussion called for after this Motion, to which the Chairman noted he was not in support of the increase, and encouraging electronic signs and changing messages.

3. **Text Amendment:** TA17-01 is a request by Mecklenburg County Parks and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance. The purpose of the amendment is to allow gravel parking for publicly owned nature preserves and wildlife refuges.

A Motion to approve was made by Jennifer Davis and seconded by Catherine Graffy. The Motion Carried by a vote of 7 Ayes and 1 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Planty, Swanick, Thomas

Nays: Sailers
Absent: Smith

Jack Simoneau, Planning Director, presented the text amendment, and entered the Staff Report into the record, a copy of which is incorporated herein as Exhibit D. Staff recommends approval.

One member questioned the location of the parking lot and commented about the noise level for area homes. Staff noted that Holly Bend would be used for wedding events, with indoor

activities and has a small capacity. The Chairman recommended the word “new” be deleted from the proposed language, to which staff agreed. The exact size of the gravel installed will be reviewed by staff during commercial site planning.

Included in the Motion: It is consistent with the 2030 Community Plan, and the rural feel of the area, and it is reasonable and in the public interest to amend the ordinance because of the visual appearance of the area. Hal Bankirer requested the Motion include striking the word “new” from the proposed language to which was agreed and included. There was no further discussion.

4. **Rezoning:** R16-12 Anchor Mill Conditional Rezoning, a request by Nate Bowman to rezone parcel 019-022-01 (30 acres, +/-), from Neighborhood Residential (NR) to Town Center Conditional District (TC-CD).

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

Absent: Smith

Included in the Motion to Approve: The proposed rezoning application for Vermillion Village Conditional Rezoning is consistent with the implementation goals of H1, H3, H9, E5, T5-8, CD-3, CD-5, PF-2, DT1 and DT6 of the 2030 Community Plan. The property is located within the high density development area, and is consistent with the surrounding development; all provisions outlined in Part 6 be included, and the outlined TIA recommendations by staff of the 3 essential intersections be approved. It is reasonable and in the public interest to approve the rezoning because it does meet all of the previous mentioned ideas. Also, that the developer work with staff fixing the necessary landscaping problems; work with Glendale Drive to tie into the existing homes, and recommend the offsite TIA as recommended by staff as it meets all of the requirements of the new TIA ordinance. Hal Bankirer recommended to add that all outstanding commented be address and that if the rezoning and sketch plan is approved that the Town Board permit the 78,000 storefront building within the development, which was accepted into the Motion.

DISCUSSION: Alison Adams, Senior Planner, noted that the rezoning and sketch plan would be presented together. The Staff Reports were entered into the record, a copy of which are attached hereto and incorporated herein as Exhibit E (collectively). A description of the site and location known as the Anchor Mill site was given including density, and the conceptual elevations for the anchor tenant. The developer is committing to certain architectural language to be applied to all buildings within the center. Staff comments included the greenway, a cross section of the Carolina Thread Trail, parking lot rooms, the perimeter parking lot landscaping requirements, and a sidewalk area, all of which staff is working with the developer. Staff supports the rezoning and sketch plan. There is a maximum of 165,000 square feet of commercial, and 400 maximum units of residential, both of which are thresholds. The Urban Open Space (“UOS”) meets the ordinance requirements. There may be nonconforming lots being created by the Glendale realignment, and staff is working with the developer to avoid that creation, and will be worked out prior to final action. There are minor comments to be addressed, but the plan can move forward effectively. Landscaping concerns along streets will be reviewed more closely during commercial site planning.

Stephen Trott, Town Transportation Engineer, through presentation and discussion of

member concerns, indicated and responded as follow: That an updated TIA had been received, and described the six intersections that had an impact, and offsite mitigation. The offsite mitigation as recommended by the Town is, in order of priority, Glendale and Huntersville-Concord Road (left and right turn lane), Ramah Church and Glendale (left turn lane), and Huntersville-Concord Road and Asbury Chapel Road (left turn lane). The developer proposed mitigation at Hiawassee and Huntersville-Concord Road, but staff does not recommend that improvement, but start closer to the site at Asbury Chapel Road. The Hiawassee improvement is committed to by another developer. There are onsite improvements including a site driveway, and/or adjacent to the site. There are six intersections listed in the Staff Report. The intersections at Huntersville-Concord Road and Cinnabar (main entrance), will require a long list of improvements. The other intersection is the driveway (right in, right out) on Huntersville-Concord Road. Whichever requirement (NCDOT or Town) is more restrictive will be done; i.e. storage lengths. The table and chart from the TIA was explained for clarification of the results of the site impacts, surplus, and staff's recommendation for road improvements. Staff feels it is better to improve the intersection at Asbury Chapel than Hiawassee; 1) it is closer to the site; 2) the ICU percentage is higher at Asbury Chapel, and 3) a left turn lane provides better safety methods by getting potential stopped traffic out of the flow of travel. NCDOT was asked about changing the recommendation from Hiawassee to Asbury Chapel, to which NCDOT thought it was logical, but staff has not yet received written verification. The area at Stumptown extension and Ramah Church Road was questioned, and it was noted that area is part of the Main Street project. Max Buchanan, Director, added that they intend to scope the Stumptown Road connection as part of the Main Street project because of the railroad crossing, including NC115 crossing. Stephen Trott noted that the improvements chosen were intersections impacted closest to the site, and intersections that provide large improvements. Staff looked at the intersection at Warfield and Huntersville-Concord Road based on the existing alignment and as long term improvement, and determined some solutions in changing the alignment of the curve. A developer adding a turn lane to the intersection now would only be a short term improvement. The realignment is not in the current CIP, which changes every year, and Warfield may tie into the Church Street extension. Church Street and Walters Street connectivity will be a high priority when the site is fully built out. Max Buchanan stated that staff is proposing an alternate solution, which meets the intent of the ordinance and provides a better mitigation package. Stephen Trott noted that he expected a sealed TIA prior to the final Town Board decision. The Cinnabar intersection was discussed, based upon a members expressed concerns. Nate Bowman, the developer, stated he was fine with staff's recommendations, and noted that when there is a bad situation great design will make the difference. Staff noted 50' of right of way currently there (back of sidewalk to back of sidewalk), and the improvements can take place within the existing right of way by adding a third lane right at the intersection, with tapers. There are 5-6 street trees that will be eliminated. This does not prevent property owners from planting trees in their front yard, as long as they do not interfere with sight distances. There will be a traffic signal at this intersection. Staff noted that no other intersection was proposed for the main entrance of the site, and reviewed the potential challenges if it were considered (creek, environmental impacts, creating offset lefts and conflicts). The Chairman noted that any calculations or information desired by the members could address those questions with Mr. Trott outside of the meeting.

Nate Bowman commented that he is fine with staff's recommendations for offsite improvements, and will continue to work with the Transportation Planner with the Church Street alignment. Mr. Bowman noted they have not gotten into the details of the site plan concerning the shrubs in the northern area, but they have met the ordinance requirements. The focus has not only been the sketch plan, but the TIA. Mr. Bowman noted there is only a

potential for a parking deck, and it would be a single story from Church Street on one level (looking like a surface lot), and one lower level from a lower street. The deck is dependent upon the needed parking.

Alison Adams noted that the UOS meets the requirements of the ordinance. Staff clarified points made in the Staff Report about staff's recommendations. There will be a revised plan submitted with staff's recommendations, or conditions will be listed on the approved plan. Staff again explained the parking lot "rooms", and the landscaping in a parking area (36 spaces). Jack Simoneau, Planning Director, commented that the APFO was double-checked, as requested. Staff explained the 10' buffer against residential uses if evergreen shrubs are used (see 7.5.3). There is a retaining wall planned along the east side and is on average between 6'-8' tall. There will be a total of 18' of buffer with evergreens, and the property owners on Glendale will not be able to see the cars in the parking lot. Mr. Bowman noted he has not heard opposition from those neighbors.

It was asked if any amenities will be included in the UOS, and staff noted that the plaza will have some type of park service. Another plaza will act like an Amphitheatre due to the topography. Nate Bowman noted there may be a coffee shop with a plaza that will have outdoor seating. The truck deliveries and dumpster area will be worked out in the commercial site plan review so there is proper placement and screening. Staff did note during the plan review that the developer needs to be thinking about these things for placement, screening, and accessibility. The Chairman noted that the sketch plan was the loosest one he had seen since being on the Board.

There was no discussion after the Motion, however the members expressed their support of the plan.

5. **Sketch Plan:** Vermillion Village Sketch Plan, requested by Bowman Development. Parcel # 019-022-01 is 30 acres (+/-) proposed mixed use subdivision.

A Motion to approve was made by Joe Sailers and seconded by Jennifer Davis. The Motion Carried by a vote of 6 Ayes and 1 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Sailers, Swanick, Thomas

Nays: Bankirer

Absent: Planty, Smith

Included in the Motion to Approve: Joe Sailers attached all previous (rezoning) statements and the amendment by Hal Bankirer to the Motion. The application is complete and meets all requirements based on Section 6.320.5 of the Subdivision Ordinance.

Discussion after the Motion, included the comment from Hal Bankirer of opposing the approval of the sketch plan. He is in favor of the rezoning, and the intent of Mr. Bowman and staff; however, there are too many outstanding questions in the sketch plan with the listed comments in the Staff Report. He is aware of being flexible, but would want to see more details before approving, and mentioned a deferral. Susan Thomas noted this is a great opportunity for the Town, and noted the missing details, including the tree save. Jennifer Davis felt any issues would be worked out with staff, and Stephen Swanick and other members agreed. Staff noted that the items being discussed are minimal, and Stephen Trott stated the list of comments can be met and provided by the developer. There will be little difference, if any, in the plan if deferred for another month. Nate Bowman was not in agreement to delay the sketch plan. There was no further discussion.

6. **Special Use Permit:** SUP17-02 Vermillion Village, Parcel 019-022-01, is requested by Nate Bowman to allow for a shop front building over 50,000 square feet in the Town Center Zoning District.

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

Absent: Smith

Included in the Motion to Approve: The request meets all requirement specifications; it is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. The recommendation to approve is supported by the following findings: 1) that the use will be compatible with surrounding development; 2) will comply with all lot, size, yard, and other standards which this ordinance applies; 3) will comply with all general and specific standards; 4) the Planning Board has attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use; and 5) any such conditions related to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development have been considered and deemed appropriate. Hal Bankirer requested that Motion included that the request is consistent with the 2030 Community Plan, which was accepted.

DISCUSSION: Alison Adams, Senior Planner, presented the Special Use Permit, and entered the Staff Report into the record, a copy of which is attached hereto and incorporated herein. Staff findings were reviewed (see attached Exhibit). There were no questions or concerns expressed.

E. Other Business

F. Adjourn

Approved this _____ day of _____, 2017.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary