



**Planning Board
Regular Meeting Minutes
September 26, 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 approval of the August 22, 2017 Regular Meeting Minutes

A Motion to Approve the August 22, 2017 Regular Meeting Minutes was made by Stephen Swanick and seconded by Susan Thomas. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Sailers, McClelland, Smith, Swanick, Thomas

C. Public Comments

D. Action Agenda

1. **Rezoning:** R17-08 is a request by Central Piedmont Community College (CPCC) to generally rezone 9.3 acres from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to all Campus Institutional (CI). The property is located at 12332 Statesville Road (Parcel # 01742111).

A Motion to Approve the rezoning as being consistent with the 2030 Community Plan, and is reasonable and in the public interest because a large portion of the property already is zoned CI, and the district would be consistent with the character and use of adjacent property, was made by Catherine Graffy and seconded by Jennifer Davis. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Sailers, McClelland, Smith, Swanick, Thomas

Discussion: Jack Simoneau, Planning Director, gave an overview of the rezoning, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. Staff recommends to generally rezone the property to Campus Institutional ("CI"). The site is for a training facility, and the CI zone will allow uses such as Universities, schools, and public facilities. Its location on Verhoeff Drive was shown and the area was described as all civic related uses. The request is consistent with Policy CD-2 of the 2030 Community Plan. The type of training facility was questioned, and Mr. Simoneau confirmed it was planned for a CDL training facility for Central Piedmont Community College ("CPCC").

Vicki Saville, Associate VP for Facilities and Construction for CPCC, stated they (CPCC) are excited to get started with this program and teaching the Commercial Driver's License

("CDL") at this facility. There were no questions or discussion from the Board.

2. **Text Amendment:** TA-17-07 request by the Town of Huntersville to amend 8.17.15 offering additional options to meet Huntersville's Water Quality Ordinance.

A Motion to Approve as being consistent with the 2030 Community Plan, and is reasonable and in the public interest to rezone because it meets the Huntersville Water Quality Ordinance for development and redevelopment projects in the TC zone without significantly diminishing the effectiveness of the Ordinance in protecting water quality. Also, to add the word "are" in front of the word "met" in paragraph F, lines 1 and 2, was made by Jennifer Davis and seconded by Ron Smith. The Motion Carried by a vote of 0 Ayes and 0 Nays. Board Members voting

A Motion to Amend and Approve to include in F3 "provided that mitigation is done within the Huntersville zoning jurisdiction", was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 0 Ayes and 0 Nays. Board Members voting

A Motion to Amend the amended Motion to include the words "to the location of the mitigation project" after the word "exception" in F3, was made by Stephen Swanick and seconded by Joe Sailers. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Sailers, McClelland, Smith, Swanick, Thomas

Joe Sailers made a Motion to move item #4 to item #2, and Catherine Graffy seconded; the vote was unanimous.

Discussion: Jack Simoneau, Planning Director, entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. The purpose of the text amendment is staff driven, and is to allow development and redevelopment for smaller lots that are less than an acre where installation of water treatment devices are more challenging, and to allow the redevelopment in the Town Center district to promote downtown development. The amendment proposal has been reviewed several times and approved by the Huntersville Ordinance Advisory Board, and Rusty Rozelle with Mecklenburg Water Quality is the author of the Ordinance. From the public hearing there were changes made to the language of the proposed as indicated in blue (see attached). The mitigation options and criteria are defined for lots less than one acre, and redevelopment in Town Center Zoning District in the proposed amendment. The three (3) requirements in the mitigation criteria were explained. The fee amount is set at \$60,000 per acre for all projects, except for single family residential that will be prorated at \$45,00 per acre for the untreated post-project built-upon-area (BUA), which is less expensive for residential. Also, from the public hearing it was determined that the mitigation projects will be as determined by the Town, and will be located within the same lake or watershed that is receiving the storm water discharge. It is paramount to protect water quality. The water quality in Huntersville has gotten better as a result of our low-impact development, and due to Mecklenburg Country retro-fitting existing streams and fixing erosion of the streams. The Town has received awards for its efforts in water quality.

The Board expressed concerned about mitigating locally. It was noted that items e) 3 and 4 are confusing as written, and Rusty Rozelle, Water Quality Program Manager, Mecklenburg

County, stated that it has to comply with State law, and certain minimum criteria has to be met for protecting water quality from new development and redevelopment. 3 and 4 are making sure that we meet those minimum requirements, which language is from the State Ordinance. Mr. Bankirer suggested “are” be included in paragraph f) in 1 and 2 before the word “met”, to which Rozelle and Simoneau agreed would be no issue to include. It was also expressed about if there are no mitigation projects in the specific watershed, and Mr. Simoneau explained that funds would be used in proximity of that stream area. Mr. Rozelle noted there is a tremendous amount of work to be done in the creeks in this area; there is a lot of work to be done with opportunities to spend the mitigations funds. There are also a lot of factors to work within a project (easements, suitable for construction, egress and ingress), and language is needed in case a project is needed somewhere else in the Town. The mitigation funds have to be spent in the Town of Huntersville, and for the good of water quality. Mr. Bankirer expressed his concerns for if there is no mitigation left in a particular watershed, and Mr. Rozelle noted that a project will be made in the Town, and staged at the same stream basin, or disturbance, or if worse comes to worse it could go in the Yadkin River Basin instead of the Catawba, but it all has to be spent by law inside the Town’s jurisdiction (Town or ETJ). The Town determines where the money is spent, and the Administrator will only be involved if another watershed if needed within the Town. Mr. Simoneau noted that the Town and County work side by side; they are in charge of the larger creeks and the Town is in charge of the minor creeks. It was asked how often this option may be used, and Mr. Rozelle noted that options currently in the Ordinance have not been used, but it is thought that the proposed will be more viable. Mr. Rozelle gave Charlotte as an example collecting over 15 million dollars which has enable them to do very nice projects in its jurisdiction (keeping in mind its area is much larger). The question of transparency was asked, and Mr. Simoneau noted that a mitigation fund would be in the Town’s budget, which is public and online. The money when collected would be placed in a fund until projects can be discussed and identified. The Chairman called for a Motion, and no discussion was made after the Motions.

3. **Rezoning:** R17-06 is a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD) located at 12340 Mt. Holly-Huntersville Road (Tax Parcel ID 01720205). The purpose of the rezoning is to allow for the expansion of the school.

A Motion to Approve the rezoning as being consistent with the 2030 Community Plan, and other applicable long range plans, and recommends approval based on all of the staff’s recommendations, and plan notes have been addressed; that additional information requests around the availability of the committed traffic light and demographics of the resident students from Huntersville will be available. It is reasonable and in the public interest to rezone this property because it allows additional educational opportunities within Huntersville, and because the use is complimentary of the unique features of the property. Additionally, the State TIA (Traffic Impact Analysis) has been committed to by the applicant, was made by Susan Thomas and seconded by Catherine Graffy. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Sailors, McClelland, Smith, Swanick, Thomas

Discussion:

Jack Simoneau, Planning Director, entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. An overview of the rezoning was given which included the zoning and Special Use Permit (“SUP”) for the Montessori school. The applicant desires to remove the sunset provision that applies to the site. Other Campus Institutional (“CI”) zones were shown. It was noted that there is a

Town project for a traffic signal at this location on Mt. Holly-Huntersville Road and Reese Boulevard. The Traffic Impact Analysis ("TIA"), had no suggested improvements; however, comments were made from NCDOT. All site plan issues that are in the Staff Report have been addressed, and the TIA recommendations and dedication of right of way requested has been committed to by the applicant. Staff recommends approval with conditions, which is minor cleanup work on the site plan.

Susan Irvin, Attorney at Law, 19726 Zion Avenue, Cornelius, North Carolina, appeared before the board representing the applicant and noted the property owner, and representatives of the school were in audience along with Nicholas Bracco who can speak to the architecture. Ms. Irvin noted the building on the site which is currently being used by the school and is suitable for the school. A discussion of changing to CI was made with Ryan McDaniels, with Lake Norman Economic Development, who agree that the site has topographical limitations and the building design is not easily suited for traditional office use. The school has support from The Park-Huntersville; its neighbor. The current use of the property is the best use. The various activities of the school were briefly noted. The site plan expansion was shown to the members.

The Board questioned the current building square footage, which was reported to be 10,000 square feet, and the expansion would be around 35,000 square feet. Mr. Sailors questioned the parking, and Susan Irvin replied that the square footage includes a gymnasium. The entire expansion is not adding just classroom space. In a very detailed review with staff, the parking shown was determined by staff to be sufficient for the additional classroom building. Mr. Sailors questioned the stacking for pick up and drop off of the students. Ms. Irvin directed the members to site plan showing the flow of traffic into the site, which has been through a rigorous review. Mr. Sailors expressed his concern for traffic and wrecks at or near the site. The Chairman asked if someone from the school could address this issue. Inia Adams, Head of School (11242 Heritage Green Drive, Cornelius), stated the school goes from 18 months old to 12th grade with multi-aged classrooms. There are various start and stop times that stagger, and include full time and part time students. The carpool line has different groups (arrival and dismissal); 7:30 a.m., 8:15 a.m. (done by 8:30 a.m.), 12:00 p.m., 3:00, and then 3:15 p.m. The after school care leaves between 3:15 p.m. and 6:15 p.m. There is flexibility with start and stop times, and if enrollment increases the times can be adjusted for a steady traffic flow. The drop off of 8:15 and pick up at 3:00 are the biggest times. The proposed loop will allow stacking deeper into the property. Mr. Sailors continued to express his concerns for the traffic, parking, and increase in students. Ms. Adams acknowledged the concern was heard loud and clear when applying for the SUP, and the school has been committed to not backing up traffic on the road, and the parents are also aware of the concern. Nicholas Bracco (135 Fairview Lane, Davidson, NC) noted there are 70 new parking spaces. The length of the loop, as recommended by the TIA was 1200 feet, and the school is providing more than 30% beyond that amount. Mr. Sailors asked about the striping and traffic signal on Mt. Holly-Huntersville Road and the time of installation, and Mr. Simoneau commented that improvements will be in by the maximum phase (school is opened). It was again noted that the applicant has agreed to make all recommended improvements in the TIA, including the NCDOT improvements. Mr. Simoneau noted that this is a conditional rezoning, and as a part of the rezoning the applicant has said they will meet and provide the improvements. Additionally, in 2006 it was written about stacking at new school sites to no longer have vehicles backup into the public streets. The Chairman called for questions in other topics. Ron Smith requested the start and stop time to be repeated by Ms. Adams, which she did. The cycle of a carpool line takes about 7 minutes, and dismissal times can be changed, if needed. Susan Thomas asked for a committed date

for the traffic signal, and Mr. Simoneau responded that it is in the Capital Improvements Plan and can provide that date to the members tomorrow. Stephen Swanick asked about the purpose of 200' of storage for a turn lane on Mt. Holly-Huntersville Road, to which Mr. Simoneau explained traffic with a deceleration lane. It was also asked about the number of high school students driving, and Ms. Adams noted there was only one student driving, and with the question being hypothetical for future student, she noted the first commitment to be made is to the Town with the site plan (loop, parking spaces, etc.) so they are not stacking on the street. They have shown in the time there that they are very diligent with traffic on site. The Chairman called for other questions.

Mr. Bankirer asked about note 5a, and 6c in the Staff Report, and Jack Simoneau stated that all issues in the Staff Report have been resolved. The only outstanding issues prior to the meeting were the traffic improvements and right of way dedication, which was addressed by Ms. Irvin that the school is committed to do the improvements and dedicate right of way. All comments have been addressed to staff's satisfaction, up to and including today's commitment to do the road improvements. Susan Irvin commented the notes were changed prior to this meeting, but submission of the Staff Report had already been made. Susan Thomas commented there was a tree save note on the plan, and staff indicated that all comments had been addressed, which include tree save. Ms. Thomas requested that the number of students from Huntersville, and Ms. Adam commented that many students are from Huntersville, but did not have an exact number, and Ms. Irvin noted she would provide that information. There was no further discussion.

4. **Special Use Permit:** SUP15-01 is a request to remove the approved special use permit issued for the Phoenix Montessori School at 12340 Mt. Holly Huntersville Road to operate a temporary school in the Corporate Business (CB) zoning district. The purpose of the removal is to allow the permanent operation of the school at the subject location if the R17-06 rezoning application is approved.

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

Discussion: Jack Simoneau, Planning Director, entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. There was no discussion.

E. Other Business

1. Discuss update of East Huntersville Small Area Plan, Clarke Creek Small Area Plan, NCDOT Transportation Improvement Plan, and various transportation studies.

An overview was given on the Small Area Plans and the various transportation studies.

2. Discussion of TIA reporting format

Report was given and discussion made. The Chairman will contact the appropriate staff members for further discussion.

F. Adjourn

Approved this _____ day of _____, 2017.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary