



**Planning Board
Regular Meeting Minutes
November 21, 2017 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

B. Approval of Minutes

1. Consider approval of the October 24, 2017 Regular meeting Minutes.

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Absent: Davis

C. Public Comments

Item #2: Daniel Austin, 5730 Jim Kidd Road, Huntersville, stated he is against the proposal. The Town has 194 acres that was purchased from his Grandmother, and the tower is within 400 (+/-) feet of his property line, which he has four acres and hopes his nieces will build on. Did does not know why they cannot use another area in that 194 acres instead of right beside his lot. That is his main concern. In researching the health issues, there is still inconclusive evidence to which he will now be able to do more research due to the postponement. The big thing is, the eye soar. It is right by Rural Hill and Steven's Road Nature Trail. He did not think they were using any design to hide the tower. It will be in the open without branches to disguise it. There are high elevations on the rest of the property and the tower can be pushed back to where it will not be on top of everyone. A member asked if he lived on Pruitt Kidd's old property, and Mr. Austin relied, yes. He has four tracts, and the tract in the middle he was going to live on and hopes one of his nieces will build up there. He bought Pruitt's place about two years ago.

Other Business: Jeff Burton, 15555 Huntersville-Concord Road, Huntersville, stated that he has been working with Nate Bowman, who has proposed to develop the piece of the property across the road. He is wanting to stay involved in the conversation introduced tonight. There is 750 acres of conserved land across the street, and he wants to make sure that the integrity of the Rural zoning stays in place the best it can and everybody gets what they need out of the development. We are not obstructionist. "We" represents the Catawba Lands Conservancy as well as other land owners. Just staying involved in the process and Nate has been very good to work with to this point, and its the intention to the integrity of that area continue (Rural). The intention of that zoning is very important to keep. The Conservancy is a special thing, and most people in Huntersville do not know about it. The Audubon Society does studies, and this is a beautiful piece of property. There are rattlesnakes and endangered species that live on that property, and they want to protect the property and the integrity of the zoning.

D. Action Agenda

1. **Sketch Plan:** Request submitted by Meritage Homes to develop 236 single family houses on 62 acres zoned Neighborhood Residential, PIN 01706206 and a portion of 01706205 and

01706201.

A Motion to Approve as the application is complete, and the request is in keeping with the spirit and intent of the Town's future land use plans; the Sketch plan is supported by staff subject to the following items: 1) the completed TIA should be excepted and sealed prior to the Town Board meeting; 2) the landscape buffer waiver; 3) the block length waiver; 4) address any minor comments; and 5) the mini-circle adjacent to NC115 on Kings Mountain Parkway to be added to the plan was made by Ron Smith and seconded by Catherine Graffy. The Motion Carried by a vote of 5 Ayes and 1 Nays. Board Members voting Ayes: Graffy, McClelland, Sailors, Smith, Thomas

Nays: Bankirer

Abstain: Miller, Swanick

Absent: Davis

Alison Adams, Senior Planner, gave an update of the Sketch Plan for the Hambright Road subdivision, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. Staff addressed the concerns from the last being as follows: The ditch section on NC115, as recommended by staff, was shown. The ultimate cross section of NC115 is not known, and the applicant has met the request. The on-street parking was added on Road H. Parking on the site was described and the total is 944 spaces on private property, and on-street parking is approximately 165. The number of spaces can change (decrease) during the engineering phase. Staff supports both the buffer and block length waivers, and the mini-circle proposed by the developer. The second mini-circle location was given, which is recommended by staff and will help with traffic and safety. The Traffic Impact Analysis ("TIA") has been revised with minor issues (wording), and the following improvements are recommended: left turn into the subdivision off of Hambright Road, a left turn into the subdivision off of NC115, and a devoted right turn lane coming out of the subdivision. NCDOT will most likely require a right turn lane at the intersection of Hambright and NC115, but is not a requirement of the Town's Ordinance. The entrances from NC115 and Hambright Road were questioned and explained by staff. There is a stacking lane with 100', but no stacking lane on southbound NC115 pursuant to the TIA. The mini-circles were discussed for locations within the site. The Chairman requested staff to recap the recommendations, as he did not feel that the recommendations did not comport with the TIA. The TIA has four proposed changes, and staff suggested three; the difference being US21 and Hambright. Jack Simoneau, Planning Director, commented that the applicant can address the TIA, and no staff members from Engineering are present. The specific recommendation from the TIA for US21 and Hambright is to install an exclusive westbound right turn lane on Hambright with 125' of storage.

Nate Bowman (205 S. Church Street, Huntersville) stated that an extra intersection might have been studied, and his understanding is to have the three intersections installed, and he is not sure what NCDOT wants yet. There may be disconnect between the Town and NCDOT, but will follow the letter of the law of the Town first, and then NCDOT when they choose to interact. We, nor staff, is able to get timely responses from NCDOT on what they want. It was asked if Mr. Bowman recognized that the TIA includes the right turn lane, and Mr. Bowman replied that he is trying to follow what the Town wants first. Staff was requested to locate the three improvements recommended by the Engineering Department, to which she identified; right turn lane out of the subdivision, and a left turn in, and a left over on NC115. There will be another mini-circle on Kings Mountain Parkway. The mini-circle(s) is not part of the TIA.

The members discussed the matter with staff and the applicant. Mr. Bowman was asked about space and location for the recommended mini-circle, to which he noted was just added and his engineers have not had a chance to look at it. There will be a plan from the school that will have a connection, and this site is providing that connection. There will be interaction with the school's engineers for design of the improvements. Sidewalks will be installed, and the school pedestrian use was discussed, including school crossing guards. The neighborhood will interact with the school campuses. The curb and gutter elimination was discussed for clarification, and staff indicated that staff does not know what the ultimate cross section will be on NC115, so instead of installing the curb and gutter now with the possibility of tearing it out later, and more public dollars would be used to tear out, then to have the ditch cross section to work from. The edge of the property changing in the future was questioned, and staff responded that it could if NCDOT wants to take more right of way. Staff is looking at how it might be widened, the railroad, and all variables that cannot be determined yet. The question of when improvements on NC115 was scheduled, and staff responded there is no escrow for future curb and gutter, and that a project is not listed on the approved road improvement projects for TIP (Transportation Improvement Projects). Jack Simoneau noted the \$498,000,000+ worth of road improvements, but widening for NC115 is not listed within the next seven years. The TIP is reviewed every two years, and if a school is built in this location that may change. The members noted that since it is not on the schedule the improvements it may not happen for 20-30 years. The closest project is a Town project for a section of Hambright Road widening. Mr. Simoneau responded to a question about similar situations, and stated that staff would typically ask for a ditch section. If a project was listed staff would take an escrow for the improvement. A concern about right of way dedication was mentioned, and Mr. Simoneau responded that staff has worked with NCDOT and Town engineers to make sure there is enough right of way to accommodate it, but staff is not sure where it will go. Staff will not allow permanent buildings within the right of way so it will be available in the future. A question of the location of a retaining wall was made, and Weston Bowles with WK Dixon Engineering (616 Colonnade Drive, Charlotte) showed the location of the one retaining wall.

There were no other questions, and the Chairman called for a Motion. Discussion after the Motion was made by the members, as follows: The intersection at Hambright and US21, which is highlighted in the TIA, and the commitment to only the three improvements as recommended by staff. The Town has accepted the TIA, and NCDOT may require further improvements. The issues of the white-fly species, and commitment of the developer for the preserved area was mentioned, along with the Urban Open Space with connections to a greenway. The requirement for tree canopy is 10%, and 10% specimen tree. There are three open space areas being provided, and 3.75 units per acre being provided. Mr. Bankirer noted that he would not support the proposal due to finding the TIA deficient. The US21 intersection was not scoped by the Town, but found to be necessary, and his concern with the NC115 and Hambright intersection. The only adjustments made for 236 residents on this intersection are only being made to the entrances to the subdivision itself. Mr. Bankirer expressed his concerns, and that possibly the State would come back with additional adjustments to the major intersections surrounding the area, but yet it is not seen in the TIA. More discussion about this TIA needs to be made. It was further noted that improvements (by other developments) to some of the major intersections are not shown, to which Mr. Bankirer noted his disagreement since the TIA would take into account current and future developments; i.e. the two improvements by the Town on Hambright. Another member noted that the Planning Board continues to approve/recommend items that are not complete. Jack Simoneau noted that all information as required by code has been done, with extensive research by the developer and staff. The TIA meets the Town standards. Staff recommends approval. It was asked of Mr. Simoneau about the procedures for the sealed TIA, and

action by the Town Board. Mr. Simoneau commented that the sealed TIA has been accepted and is ready for the Town Board. Staff cannot give a time period for requirements by NCDOT. Concerns about intersections to be studied were expressed, and Mr. Simoneau responded that he would talk to Stephen Trott. Alison Adams noted that engineering looks at Hambright and NC 115 as a total build out, and there is no reason to scope it since no improvements would be needed. This are many points of ingress and egress for this subdivision to disperse traffic. Staff gave a comparison example of the Ervin Cook proposal with only one point of ingress and egress and the different impacts. There are many variables in the TIA, including walkability, and one cannot compare sites. Members expressed concerns about conclusions being made with the TIA's. Jack Simoneau noted the NC 115 widening, and not knowing when or how it will be designed (i.e. super-street). The new bridge on Hambright was mentioned, and Mr. Simoneau noted the Town's funding in 2021 for improvements on Hambright. There will be a direct Hot Lane access off of the bridge on Hambright, and that intersection will change. Mr. Bankirer noted that the TIA does account for the I-77 exit on Hambright. There was no further discussion. The Chairman called for a vote.

2. **Special Use Permit:** SUP17-04 is an application by Communication Tower Group LLC/Nexsen Pruet for a Special Use Permit at 5824 Jim Kidd Rd (Parcel # 01305102). The purpose of the permit is to allow the installation of a commercial communication tower on the property.

Continued as requested by applicant. The matter was not heard.

3. **Sign District:** S17-01 is a request by the Doug Godly to revise the Bryton Special Sign District for Frankie's Fun Park at 10621 Bryton Corporate Center Dr. Special Purpose-Conditional District (SP-CD).

A Motion to Approve as it is consistent, and reasonable to approve because it encourages and fosters the continued successful of Frankie's Fun Park, and does not create any negative impacts to the property or future properties. was made by Stephen Swanick and seconded by Catherine Graffy. The Motion Carried by a vote of 7 Ayes and 1 Nays. Board Members voting Ayes: Graffy, McClelland, Miller, Sailors, Smith, Swanick, Thomas

Nays: Bankirer
Absent: Davis

Jack Simoneau, Planning Director, presented and entered the Staff Report into the record, a copy of which is attached hereto and incorporated herein by reference. The applicant is asking for approval on three walls. The east elevation faces the road, the north faces the parking lot, and the south is over the mini-golf course. Dimensions were given for the fin design theme. Given the scale of the building, staff recommends approval. It is consistent with the Ordinance and Community Plan.

Members questioned if the fins would be lite, and staff indicated the signs will have lights, but not the fins themselves. The elevation on the north side is different. Staff noted the fin is also a design feature of the sign. Staff explained the sign ordinance and noted the maximums for walls that do not front a street there is a 32 square foot to which the applicant exceeds that amount. If a sign faces the street (east), the sign can be either 10% of the wall space or a maximum of 128 square feet. The primary signage is toward the parking lot, and not toward the street. This is unique and is a huge building (long and tall). Lighting was questioned, and Mr. Simoneau responded there is no issue with lighting. The "Frankie's" part of a sign could

have lighting, but it is not a flashing sign. Mr. Bankirer asked if the sign would be turned off when not in operation, and staff could not answer. Staff showed the elevations again, and the majority of the big sign is on the parking lot side. The south side is zoned TOD (residential and/or offices), and there is a SWIM buffer with a creek and greenway with trees and vegetation. Staff noted that the word Frankie's facing the parking lot has a wall in an area that potentially blocks the sign. There were no further questions, and the Chairman called for a Motion.

Discussion after the Motion was made. Mr. Bankirer asked if Frankie's was requested to turn off the lights on the rides after closing, and staff did not remember. The members noted the lights on the backside of the site near potential residential areas, and mentioned the Walmart lighting (24 hours). It was clarified that for a special sign district the topic was the size of the sign(s), not the lighting, to which the Chairman noted that the ordinance includes, "no disturbance to neighboring property lying outside the proposed district", and noted his concerns about the lighting. There was no other discussion.

E. Other Business

1. Overview of the Clarke Creek Small Area Plan 3-day Charrette.

Alison Adams, Senior Planner, gave an overview of the Clarke Creek Small Area Plan (SAP), the zoning and a node that is being proposed. Staff noted the charrette boundary, including a proposed thoroughfare alignment. Jack Simoneau, Planning Director noted the zoning (Rural-R; and Transitional-TR) that the developer will keep the TR density, with some possible commercial. Alison Adams added that the 1.5 units per acre is TR with 40% open space. There is a village feel with attached housing/nursing home/small commercial to support that neighborhood (the node proposed). Nate Bowman spoke about the three day charrette, transportation, and expressed concerns about building a thoroughfare, and creek crossings. This matter will be back before the Planning Board for another information meeting on December 19th, and a joint public hearing on January 16, 2018, and will be back to the Planning on January 23rd for a recommendation. Staff noted that adjoining property owner letters will be mailed as required, and informational letters with a tentative schedule.

2. Approve 2018 Schedule

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Absent: Davis

F. Adjourn

Approved this _____ day of _____, 2017.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary