



Bruce Andersen, Chairman
Sam Mount, Vice Chairman
Harold Bankirer
Todd Bowland
Addison Causey
Leonard Cook
Barry Hester
JoAnne Miller
Jeff Neely
Randy Poindexter
Joe Sailers

The Regular Meeting of the Planning Board was held at the Huntersville Town Hall at 6:30 p.m. on September 22, 2009.

Call to Order

The Chairman called the meeting to order at 6:30 p.m.

Board Member Attendance

Bruce Andersen, Harold Bankirer, Todd Bowland, Addison Causey (attended after quorum), Leonard Cook, Barry Hester, JoAnne Miller (attended after quorum), Sam Mount, Jeff Neely, Randy Poindexter, and Joe Sailers.

Staff Attendance

Jack Simoneau, Planning Director, Matthew Carter, Planning Technician, and Michelle Haines, Secretary.

Consent Agenda

Jeff Neely made a **Motion to Approve** the Minutes of the August 25, 2009 Regular Planning Board Meeting. Joe Sailers seconded the **Motion**, and the vote was unanimous.

Action Agenda

1. Jack Simoneau, Planning Director presented Text Amendment TA 09-08. The Town of Huntersville is requesting an amendment allowing more options in the placement of mechanical and utility equipment at ground level in the side or rear yard provided it is screened from public view. The updated information since the Public Hearing was given to the members. A copy of the Staff Report is attached hereto as Exhibit "A", and incorporated herein by reference. Staff supports the request.

Bruce Andersen questioned if the building materials used for screening could be different than the primary structure and still compliment the building. It was stated by Staff that in the review process that materials would be considered. If a developer felt that Staff erred in their opinion the developer can appeal to the Board of Adjustment for relief. Addison Causey questioned how many cases of this type were heard by the Board of Adjustment. Jack Simoneau responded that it was very few; last being Auto Bell.

Addison Causey raised the concern that the language could be subjective with regards to the building materials, and it may give a Petitioner the opportunity to negotiate. He wanted to define the quality level for exterior materials. Jack Simoneau reviewed the current Ordinance for

the general requirements, and reminded the members that Huntersville has a design based Code with definitions, and a manual to help illustrate examples for developers.

Addison Causey stated a concern that gas meters are not being located and installed during initial construction of a shell building, and questioned how to control the screening after construction. Jack Simoneau responded that a developer will now have to designate the location of the utilities pursuant to the new Ordinance.

Todd Bowland commented that a Commissioner mentioned to expand screening to all meters regardless of street location. Jack Simoneau responded that only the street edge view is required to be screened by the current and proposed ordinance. It is up to the developer to visually screen the interior view of the mechanical equipment and utilities. Addison Causey commented that the attention is given to what is visible from the street, and if the general public using the development can see the equipment it should be screened. Jack Simoneau stated that the example at the Shoppes at Birkdale Crossing development (interior side) has the utility equipment screened from view which was negotiated with Staff. The intent of the amendment is to not implement requirements for the interior of the developments.

Bruce Andersen reiterated his comment from the public hearing in that he does not want to see HVAC equipment in the side yard next to residential property. Jack Simoneau responded that buffers are established between commercial and residential property, which are from 30 to 80 feet pursuant to the Ordinance. Bruce Andersen questioned the setback lines, and Staff explained that a setback line is from the street edge; that equipment needs to be in the rear of the building and it should not be an impact.

Addison Causey made the comment that this issue is not difficult for a developer. However, it may be an additional cost to the developers depending on how they screen. He reiterated his concern that there must be a requirement for the quality level of materials for screening is comparable to that of the building. There will be cases when equipment can not be screened from view of multi-story buildings. Elevations should be considered when screening as well.

Harold Bankirer commented that the proposed language should narrow the options for any developer, and strengthen the amendment so that the Administrator has the final say. Staff responded that it can be modified to include that mechanical equipment located within a street facing "side" yard be screened. Addison Causey requested it to read, "...*only* where no other reasonable option..." Sam Mount suggested changing *may* to *must*, and Bruce Andersen suggested to add *mechanical/utility*, and that *compatible* replace the word *same*.

Sam Mount read the proposed language to the members, as follows: Buildings that front on more than one public street may have mechanical equipment located within street facing yard provided it is visually screened using compatible building materials shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level of any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principle structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical/utility equipment may include, but is

not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

There was a concern from several members about screening so that equipment is not visible from adjacent property owners with different elevations. It was determined to add language that screening from grade level of any public street or adjacent property would be added to the proposed language.

Sam Mount read the proposed language to be as follows: Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principle structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

Sam made a **Motion to Approve** the language in the above paragraph, and Addison Causey seconded the Motion. The vote carried unanimously.

Other Business

There was no other business on the Agenda to discuss.

Sam Mount requested that the issue of connectivity be placed on the next month's Agenda.

JoAnne Miller requested that at some point the issue of gated communities be placed on the Agenda for discussion.

Adjournment

Joe Sailors made the Motion to adjourn and Todd Bowland seconded the Motion. There being no further business the meeting was adjourned.

Approved this 27th day of October 2009.

Bruce Andersen, *Chairman*

Michelle V. Haines, *Secretary*