



Planning Board
Bruce Andersen, Chairman
Brian Hines, Vice Chairman
Addison Causey
Nancy Clarke
Leonard Cook
Barry Hester
Jo Anne Miller
Sam Mount
Jeff Neely
Randy Poindexter
Joe Sailors

The Regular Meeting of the Planning Board was held at the Huntersville Town Hall at 7:00 p.m. on August 26, 2008.

Call to Order

Chairman Bruce Andersen called the meeting to order at 7:01 p.m.

Board Member Attendance

Chairman Bruce Andersen, Addison Causey (arrived at 7:16), Nancy Clarke, Barry Hester, Sam Mount, Jeff Neely, Randy Poindexter, and Joe Sailors. The following members were absent: Brian Hines, Vice Chairman, Leonard Cook, and JoAnne Miller.

Planning Staff Attendance

Jack Simoneau, Planning Director, Bill Coxe, Transportation Planner, Whitney Hodges, Senior Planner, David Peete, Principal Planner, and Michelle Haines, Secretary.

Agenda Suggestions: The Chairman announced prior to taking any action by the Board that Item C on the Agenda will be moved to the front for deferral and removal from the Agenda and that Item E will be moved before Item D for time management purposes.

Additionally, the Chairman spoke to the Board members concerning their duty to vote on the Minutes regardless of attendance, and that to abstain from voting was proper within the Rules of Procedure.

Consent Agenda

Barry Hester made a **Motion to Approve** the Minutes of the July 22, 2008 Regular Planning Board Meeting. Nancy Clarke seconded Motion. Sam Mount abstained from the vote, which was considered an affirmative vote. The vote was unanimous.

Action Agenda

A. David Peete, Principal Planner requested on behalf of AAC, and Susan K. Irvin, Esquire who appeared in person for AAC to defer the request to amend the Special Use Permit originally issued on October 16, 2006 for Bryton subdivision to exceed permitted non-residential square footage in Transit Oriented Development – Residential (TOD-R), by not mandating two (2) story minimum building heights to front on Hambright Road Extension. There was no objection made, and the request was granted to defer this item until September 23, 2008.

B. Whitney Hodges, Senior Planner, presented the Hopper Communities request for subdivision sketch plan approval for the Estates at Arbormere, a 99-lot single family subdivision on Bud Henderson Road approximately 1500 feet east of the intersection of Bud Henderson Road and Beatties Ford Road. The property is 110.45 acres, owned by Agnes B. Barnette, and is identified as Tax PIN # 015-02-113. The staff report is attached hereto as Exhibit “A”, and incorporated herein by reference.

Staff advised the Board members of the current status of this matter, which included consensus made from the two (2) neighborhood meetings concerning the street stubs. Staff recommends approval of the Estates at Arbormere subdivision sketch plan as it meets the requirements of the Subdivision and Zoning Ordinance. Staff has worked with the developers and adjoining property owners regarding future connectivity and finds the proposal presented at the August 14th neighborhood meeting an achievable compromise that can satisfy the Town’s future connectivity needs. Staff also recommends approval of the block length waiver request.

Connectivity issues were discussed including pavement, grading, and future development of an adjoining property owner. Mr. Steve Freeney, an adjoining property owner, was in the audience and spoke to the Board. He said he was satisfied with the proposal and recommendations with the street stub facing his property. He wants some kind of commitment from the Developer concerning future connectivity. It was indicated by staff that compromises had been made during the neighborhood meetings with the developer to the satisfaction of those involved.

The concern of funds being reserved for future connectivity was discussed. Staff explained that a ten (10) year cost estimate with inflation rates would be prepared to establish the monetary amount. The developer was directly asked if they had any feasibility or other concerns for the reserve funding. Clay McCullough with Hopper Communities informed the Board there would be no problem in committing to a reserve/escrow fund to assure future connectivity.

Additionally, no designated official wetlands are located on this property. Conservation easement will be added to lots with SWIM buffers, and concrete monuments will be provided for lots that have SWIM buffers in accordance with the Planning Board’s July 22nd recommendation.

Sam Mount made a **Motion to Approve** with staff recommendations, and Jeff Neely seconded the **Motion**.

Further discussion was held regarding connectivity questions. Addison Causey raised a concern that such future connectivity as contemplated by the proposed plan can be an extraordinary financial burden on the primary developer as well as the future developer of the adjacent property. Mr. Causey suggested to the board that, while the Town’s requirement to achieve connectivity no matter the obstacles or cost, he felt there needs to be some degree of reasonableness associated with when and how connectivity is achieved. He pointed out that, when connectivity is required across stream basins, wetlands or other jurisdictional areas, the costs of making environmentally sound crossings is extraordinary. Because environmental regulations typically do not get easier with the passing of time, the funding developers are asked to set aside may not be enough. Tracking of funds is always a concern and consumes valuable

Planning Staff time and may force the Town to participate in the funding of adjacent development in order to make the connections contemplated. Mr. Causey suggested the Board and Staff should look at the reasonableness of requiring connectivity in developments and work toward a more orderly process that will provide some connections but perhaps not at as many points as the ones indicated in the plan being considered.”

Jack Simoneau spoke to the requirements for connectivity. He explained the hours of staff time spent on this issue, and through the process came two (2) neighborhood meetings, two (2) Planning Board meetings, and one (1) public hearing. There have been reasonable alternatives made to satisfy the Town, applicant, developer, and adjoining property owners.

A vote was taken on the **Motion to Approve**, and the vote carried 7-1 in favor. All in favor were Andersen, Clarke, Hester, Mount, Neely, Poindexter, and Sailors; opposed was Causey.

Whitney Hodges announced to the audience that this matter is before the Town Board on September 15, 2008 for final action.

Bill Coxe, Transportation Planner addressed the Board about the issue raised concerning costs and the appropriate sharing of cost. He informed the members that from his perspective this was an appropriate and reasonable solution. He further stated there are no standards and guidance that defines and constitutes reasonable costs. The cost and funding of connectivity issues becomes most crucial with major stream crossing; how the costs are appropriately proportioned and is there a role for the public to pay in that cost. In example, the pedestrian bridge from Birkdale Village to Northcross Executive Business Park (originally planned as a vehicular bridge) was to be funded between the Town and two developers. Town resources were held back and there was no ability for capital investments. The project is now in the CIP recommendation, and is to be fully funded by the Town at a much more substantial cost. The Town will pursue an analysis of what constitutes *equity* and under what circumstances you force cost onto private verses public sectors. This will be done in the next fiscal year (2009- 2010). Bill Coxe suggested to the Board that they consider this as an item to be in their 2009 Agenda.

Sam Mount suggested that the Planning Board request permission from the Town Board to evaluate requirements relative to connectivity. Addison Causey said there is a positive nature to connectivity, and making provisions in future, but reminded the members of the environmental problems with Town, County and State Departments and Agencies (i.e. clean water standards). He agreed that this Board should have discussions with the Town Board on this topic. Bruce Andersen requested that Planning Staff look at objective measures taken in other localities, to which Mr. Simoneau responded that his department can do that, but not in a short time period, but shoot for a February 2009 time frame. Bill Coxe indicated that it will take time to study the issue on how to apportion cost.

C. Whitney Hodges, Senior Planner presented Petition TA08-11, which is a request by the Town of Huntersville to amend Section 6.320.1 of the Subdivision Ordinance requiring

applicants to hold a neighborhood meeting prior to the Planning Board meeting for all proposed major subdivisions. The staff report is attached hereto as Exhibit “B”, and incorporated herein by reference.

Bruce Andersen questioned the impact of the Amendment in that it may be limiting notice to property owners outside the recommended area, and Nancy Clarke questioned notification for Homeowner’s Associations within a subdivision. Jack Simoneau, Planner Director, addressed the Board and indicated that this Amendment is modeled after the neighborhood meeting requirements for Rezoning, and that the Planning Board has the prerogative to make other recommendations. Mr. Simoneau informed the Board of the research being performed within the Town to broaden its website capabilities to include a database for broadcasting Planning Department information (along with other departments) to interested citizens. Mr. Simoneau indicated that he did not see flaws in implementing such a system, but that time would be necessary. Furthermore, the Amendment needs to provide for a manageable and feasible situation.

Sam Mount recommended that the wording be changed in Staff’s recommendation of Article 6.320.1.f. Jack Simoneau, Planning Director, dictated the following language for the Article’s subparagraph: “The contact person for each Neighborhood Association, Property Owner Association, or Homeowner Association registered with the Town of Huntersville Planning Department that has jurisdiction over property within 2000 feet of any portion of a proposed subdivision.”

Sam Mount made a **Motion to Approve** the proposed amendment to add neighborhood meetings to the subdivision sketch plan process, and that the amendment is consistent with the Town of Huntersville Community Plan and other applicable long range plans. The Planning Board recommends amending the Zoning Ordinance as it is reasonable and in the public interest because of increased notice provisions to citizens impacted by the changes in the request. Barry Hester seconded the **Motion**, and the vote carried unanimously.

D. David Peete, Principal Planner, presented Petition TA08-02, which is a request by the Town of Huntersville to amend Article 8.16 of the Zoning Ordinance to place limits on front yard parking areas in residential zoning districts. A copy of the Staff’s Report is attached hereto as Exhibit “C”, and incorporated herein by reference. There was an additional hand-out presented to the Board Members (see Exhibit “D”) entitled “Examples of Ordinances from Other Communities Front Yard Parking”.

Jeff Neely raised the issue of street parking being more problematic than front yard parking. Bruce Andersen questioned the process for violations, fines and enforcement, while Sam Mount questioned whether this is a safety issue for the Police Department to enforce. Mr. Mount further stated that aesthetics should not come in to play and would be difficult to enforce, which Barry Hester agreed. Various members of the Board were concerned about property owners being able to afford a hard surface parking area if the Amendment was adopted.

Bruce Andersen spoke to the need to communicate this Amendment more clearly to the public and have feedback. Commissioner Ron Julian discussed with the Board the impact of this request, and stated that the area is changing, and to move cautiously. He expressed the need for further studies; the pressure from the public, and that the Town Board is not satisfied with the issue as now standing.

Jeff Neely stated the likely potential outcome was that vehicles would move from the front yards to the public streets causing congestion. Many members of the Board were concerned with emergency vehicles. Mr. Neely agreed with the need for further study, and suggested that staff break down the issues and bring this request back before the Planning Board.

Jack Simoneau, Planning Director, indicated that he would instruct the Code Enforcement Officer, Renee Wilson, to work with other communities that have adopted Ordinances of this type to determine their experiences, problems, and pros and cons of such an Ordinance. Bruce Andersen suggested that the review by the Planning Board be broken down to a four (4) step process in sequential meetings before going back to the Town Board.

Jeff Neely made a **Motion to Continue** this matter, and bring back before the Board in sequential meetings, and Joe Sailers seconded the **Motion**. The vote was unanimous.

E. David Peete, Principal Planner, presented Petition TA08-12, which is a request by Town of Huntersville to amend Article 3.3.2 of the Zoning Ordinance to allow some expansions to existing homes not conforming to watershed buffers if a water quality mitigation plan is implemented. A copy of the Staff Report is attached hereto as Exhibit “E”, and incorporated herein by reference.

Joe Sailers questioned how a Mitigation Plan would follow the chain of title for affected real property, and who would enforce the Plan. Staff indicated that the Town would be a party to the Plan, but that enforcement would be handled by Mecklenburg County. Additionally, Mr. Sailers recommended the word, “be” be inserted in the suggested Article 3.3.2g) language between the words “may” and “permitted”.

Jeff Neely made a **Motion to Approve** the Amendment to allow some expansion to existing homes not conforming to watershed buffers if a Water Quality Mitigation Plan is implemented. The Planning Board finds the Amendment is consistent with the Town of Huntersville Community Plan, and other applicable long range plans. Amending the Zoning Ordinance is reasonable and in the public interest. Sam Mount seconded the **Motion**, and the vote carried unanimously.

Other Business

Bruce Andersen asked the status of the NCDOT decision concerning the Davidson-Concord Road/NC73 Small Area Plan. Jack Simoneau replied that Planning Staff has not heard from Raleigh. It is expected to have their response by the end of the month, and the members will be notified of their decision.

Chairman Bruce Andersen asked if paragraph 5 of the Rules of Procedures had been amended to include the public not addressing the Planning Board after beginning deliberations. Jack Simoneau, Planner Director, responded that no Amendments were drafted.

Adjournment

Sam Mount made the Motion to adjourn and Barry Hester seconded the Motion. There being no further business the meeting was adjourned at 9:02 p.m.

Approved this ____ day of _____, 2008.

Bruce Andersen, *Chairman*

Michelle V. Haines, *Secretary*