



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 Sailers

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The Regular Meeting of the Planning Board was held at the Huntersville Town Hall at 7:00 p.m. on June 24, 2008.

***Call to Order***

Chairman Bruce Andersen called the meeting to order at 7:03 p.m.

***Board Member Attendance***

Bruce Andersen, Chairman, Brian Hines, Vice Chairman, Addison Causey, Barry Hester, Jo Anne Miller (arrived at 7:15 p.m.), Sam Mount, Jeff Neely, Randy Poindexter, and Joe Sailers. The following members were absent: Nancy Clarke and Leonard Cook.

The Board was introduced to the new member, Joe Sailers, who was appointed by the Town Board on June 16, 2008 to fulfill the unexpired term of Bob Lemon through June 30, 2010.

***Planning Staff Attendance***

Jack Simoneau, Planning Director, Zachary Gordon, Principal Planner, Bill Coxe, Transportation Planner, Whitney Hodges, Senior Planner, Bradley Priest, Senior Planner, and Michelle Haines, Secretary.

***Consent Agenda***

The Minutes of the April 22, 2008 Workshop Meeting and the May 27, 2008 Regular Planning Board Meeting were approved, and the vote was unanimous.

***Election***

Nominations from the floor were made for the election of the Chairman. Sam Mount nominated Bruce Andersen, and Barry Hester seconded the nomination. Addison Causey closed the nominations. The vote was unanimous.

Nominations from the floor were made for the election of the Vice Chairman. Randy Poindexter nominated Brian Hines, and Barry Hester seconded the nomination. Addison Causey closed the nomination. The vote was unanimous.

***Action Agenda***

A. Zachary Gordon, Principal Planner, presented the Davidson-Concord Road/NC 73 Small Area Plan to the Board. He noted that he would be providing an overview of the plan, with Bill Coxe, Transportation Planner, to provide a more detailed explanation concerning the road network being proposed for the study area. Zachary Gordon explained that this plan was a

collaborative effort of the Towns of Huntersville, Davidson and Cornelius and involved a number of stakeholders, including property owners, NCDOT, Mecklenburg County, Town staff, Planning Board members and members of the general public. He explained that the planning process included three (3) public meetings held in October and December of 2007, and in January of 2008. Planning goals were established at the first of these meetings and included the following:

- Preserve trees, natural areas and rural character
- Provide bicycle and pedestrian connectivity
- Emphasize commercial and mixed use development
- Create walkable development
- Allow for free traffic flow
- Encourage high quality and local style architecture
- Provide safe connections to nearby parks and schools
- Promote economic viability and high property values
- Improve safety of rural roads;
- Provide schools and services prior to development

Zachary Gordon reviewed the regional context for the study area, as well as the boundaries for each of the three (3) towns. It was noted that the zoning for the study area was primarily rural, with low-density single family residences and open space as the predominant land use. Mr. Gordon noted that the core of the plan was the proposal for six (6) village nodes within the study area. Each node was approximately 80 acres, with approximately 60 acres available for development and 20 acres (primarily around the perimeter) for conservation (see Map Exhibit labeled Draft Plan). Mr. Gordon noted that he would focus his presentation on the one (1) node proposed to be located within Huntersville's jurisdiction, just south of the intersection of Davidson-Concord Road and NC 73 (see map for NC 73 Node – Town Center).

The NC 73 Node that lies in the Huntersville jurisdiction was described as being approximately 80 acres, of which 58 acres is active development. Within the development area there are 300 homes planned, and approximately 200,000 square feet, consisting of commercial retail and office space. The remaining 22 acres consists of open space with SWIM buffers and greenways.

Bruce Andersen raised a question with the four (4) lanes of travel next to the open space area (see map labeled Transportation Framework), and Zachary Gordon explained that it will begin with two (2) lanes and become four (4) lanes in the future, which Bill Coxe will be addressing during his portion of the presentation.

Bill Coxe, Transportation Planner, began with explaining the history of NC 73, and his philosophy of protecting both present and future transportation and travel needs in this area as NC 73 remains the second most important transportation resource in the northern section of Mecklenburg County. In explaining the NC 73 Node (intersection at Davidson-Concord Road) he described the functionality of a Quadrant Left intersection with no left turns at an intersection; three legged traffic signals which are computer operated and move traffic through with less total delay. This particular node is divided into two sections; one on the north of NC 73 and one on

the south of NC 73, with the potential for future connection with the proposed Prosperity Church Road Extension. The loops within the quadrants can work with Prosperity Church Road at grade for 15 to 20 years without further improvements.

Sam Mount questioned the cost and funding, which Bill Coxe estimated the cost of bridging Prosperity Church Road over NC 73 at 6 to 10 million dollars, but that new development in these areas may offer a funding collaboration with the Town. Bill Coxe reminded the members that there is still work to be done to make the system work, and details need to be worked out. However, the quadrant left intersections work very successfully, efficiently and safely in the State of Michigan and New Jersey, for example, and reminded the members that right turns are inherently far safer than left turns.

Joe Sailers asked about Zoning in this district and why the node in Huntersville was not showing a central business district as was being proposed for the Davidson node to the north of NC 73? Zachary Gordon stated that Davidson was more concerned with additional employment at this location than Huntersville. Mr. Gordon explained that here was another plan completed three (3) years ago (the NC 73 Land Use and Economic Plan), that looked at that area on the north side of NC 73 as well as Poplar Tent Road on the Cabarrus County line and that this plan contained a significant CB District of which a good portion is in Huntersville. Mr. Gordon also noted that this plan would not result in “pre-emptive” zoning changes, but that any proposed future re-zonings would need to be consistent with the plan’s land use vision. Mr. Sailers noted that nothing would prevent the Huntersville node from becoming “more” intense should the market call for this. Mr. Gordon confirmed that this was true.

Brian Hines questioned if the Board should defer their decision until the joint meeting on July 7, 2008 with the Town Board members to discuss this plan together. Zachary Gordon explained that while the Planning Board is required to make a recommendation to the Town Board on the Area Plan, there was no hurry to do so, since we are not under a building moratorium like Davidson, who is looking to adopt the plan at their July 8<sup>th</sup> meeting. Jack Simoneau, Planning Director, replied to Brian Hines, that it is acceptable for Planning Board to continue this matter until the July 7<sup>th</sup> joint meeting, but he would be hesitant for the Planning Board to make any actions or recommendations at that meeting due to time constraints. Zachary Gordon explained that the normal process is for the Planning Board to make a recommendation on plan adoption to the Town Board and that Staff was recommending that the Planning Board endorse this plan as presented.

Bill Coxe addressed the proposed Prosperity Church Road Thoroughfare as adopted by MUMPO, and showed the members the alignment. He made the members aware of the issues with the alignment since its creation that include a cemetery on Ramah Church Road (unburied ground), Ramah Creek which is a highly protected creek, the North Carolina Clean Water Trust Fund easement, an additional entrance for Bradford Park, and two (2) tracts of land with large homes built since the alignment was laid. Mr. Coxe advised the Board that there is a consulting firm retained to do necessary design work with the plans for the road extension, but due to work load, it may be two (2) months before staff can undertake this process.

Joe Sailors questioned how giving approval or deferring this matter for 30 days will affect the timing and planning. Bill Coxe replied that giving approval will need to include the latitude to work with the NC 73 project and additional access points, and deferring the matter will only make the length of time 30 days longer. Zachary Gordon reiterated that this plan (the NC 73 Small Area Plan) is only a guide and concept plan, and all concerns need to be addressed.

Bruce Andersen discussed the alignment of the right of way that is parallel with Greenway located near the proposed Prosperity Church Road extension, and on another map presented it made the Greenway, at least the creek, aligned further east. Zachary Gordon said that he will look at that, and check the alignment of the Greenway and the creek.

Bruce Andersen wanted Staff to explain and clarify the four lanes and a green space through a Birkdale style development. Bill Coxe explains that four lanes will be on one side of the green space, not through the middle of the green space, and there will be walkable streets. The details of the context are not shown in the current plan. Bruce Andersen recommends allocating space for the grade separation and removing the fourth leg to the southwest loop. If not, we are condemning it to not work as well as it could.

Sam Mount questions the funding of the roads, specifically NC 73. Bill Coxe responded that it should be funded from NCDOT for the widening of NC 73. The Town is getting ready to pay for a portion of the widening of NC 73, with some State and Federal funding. We are preserving the capability of applying for State funding for Prosperity Church Road in the Long Range Transportation Plan Update. The current funding streams will not allow it's construction in the next 20 years. It was clarified that the NC 73 project is intended to be State funded, and is the more imminent of the two projects, and reality is it will be funded by a mixture of Municipal, State and Federal funding; and the North/South quadrant are not planned at this time so it could be some time for funding. Randy Poindexter questioned if the whole process would have to be heard again with Prosperity Church Road in terms of its alignment. Bill Coxe acknowledged that there will be future meetings and workshops for the MUMPO process but that they will focus on the area between Ramah Presbyterian Church and NC 73 only.

Jeff Neely is comfortable with giving thirty (30) more days with the plan so alignment concerns and other issues such as the cemetery property can be addressed. Sam Mounts wants to meet with the Town Board at the next meeting, and Bruce Andersen wanted to hear from public at the hearing.

Brian Hines made a **Motion to Defer** for thirty (30) days, and Sam Mount seconded the Motion. The vote was unanimous to defer to next meeting.

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B. Bradley Priest, Senior Planner, and Bill Coxe, Transportation Planner, presented Petition #R07-03, which is a request by American Asset Corporation ("AAC") to amend the existing Conditional District Rezoning plan for Northcross Shopping Center. The amendment would allow an expansion of the shopping center from 550,000 square feet to 603,250 square feet. The

expansion proposal would be in four (4) phases. The properties in question are located near the corner of Statesville Road and Sam Furr Road. The proposed use would be for further commercial/retail development, and the staff report is attached hereto as Exhibit "A", and incorporated herein by reference.

Bradley Priest further described that the project will take place in four (4) phases: Phase 2 will include the Target expansion (predominantly for storage); Phase 3 will be the retail building across from Sam's Mart Service Station, and Phase 4 is the more significant phase with street improvements, sidewalk on the northern side of the drive and a new street connection to the Industrial Park. Bradley Priest reminded the Board that on a re-development standpoint for this shopping center, the goal is to bring the shopping center up to Zoning Code to the extent practical as outlined in Article 2.3 of the Huntersville Code. Staff's main point of reference as to what is "practical" is being guided by the Highway 21 and NC 73 Small Area Plan ("21/73 Plan"), which the Northcross shopping center is a part of. Staff's main concern with the current application is that it does not closely enough emulate the pedestrian and transportation connectivity that is called for in the 21/73 Plan. This is especially the case for the interior street slated to run from Statesville Road through the development to Sam Furr Road. Bradley Priest advised the members that the Public Hearing was continued by the Town Board until July 7, 2008, and they asked that the Planning Board give a recommendation so they could make final action in this matter.

Brian Hines questioned staff if it was a point to bring the road improvements to public street standards within the shopping center, to which staff explained that it is not. Bruce Andersen and Joe Sailors raised issues with the transportation plan and the quadrant south of NC 73, and the medians on NC 73. Bradley Priest indicated that Bill Coxe would speak to the transportation issues and he wanted to focus on the planning issues not just from a traffic standpoint but from a re-development standpoint.

Bill Coxe spoke to the NC 73 and Hwy 21 plan, and the idea of trying to transform this built area. During the early 1990's this plan was a standard suburban interchange oriented shopping center. The Small Area Plan that was done studies the aging of those style centers and transforming them for today's market. Staff is not comfortable with the access points and median plans as shown, but allowed them to stay in the plan as a starting point for discussions. The Environmental Study is being updated beginning at Hwy 21, through the Davidson-Concord intersection discussed earlier, to Ramah Church Road. However, funding may only allow construction to Cambridge Grove Drive. While updating the Environment Study, one issue dealt with was the intersection of NC 73 and Hwy 21, and that vehicles traveling west bound on NC 73 would persistently back up and block the open median which can not be allowed. As a result, the idea of a modified quadrant left intersection that prohibits left turns from NC 73 onto Hwy 21 was considered. Under this concept, southbound traffic traveling on Hwy 21 is allowed to have a "left-over" at Holly Point Drive. Left-overs allow left turns from a main street to side streets, and this would be proposed at this access point as a signalized left turn. Under the current concept the southwestern side of the intersection of NC 73 and US 21 is not as well served until further connectivity is applied possibly through the bowling alley property.

Bruce Andersen questioned if NCDOT controlled the NC 73 and Hwy 21 timing, and if the timing at the US 21 area will be adversely affected by NCDOT's protection of I-77. Bill Coxe responded that it's all of our protection of I-77, and staff feels that it will be better than it does today. Consultants will be working issues in conjunction with AAC and the Town of Huntersville for the betterment of transportation and the health of the shopping center.

Sam Mount questioned what traffic lights would be installed if traveling east on NC 73, and Bill Coxe explained that there would be one at Holly Point Road and Rich Hatchet Road (full movement intersection.) There are no other signals lights under the current concept until Old Statesville Road (Hwy 115). Mr. Coxe further informed the members of a pedestrian crosswalk at the Rich Hatchet signalized intersection, which location was important to Sam Mount for the safety of pedestrians crossing from The Hamptons to the shopping center. Brian Hines asked about Greenfarm Road and Sutters Run. Bill Coxe stated possibilities for a signal at Sutters Run and a realigned Cambridge Grove Dr. and also described a super-street concept with traffic signal control at U-turn locations.

Bruce Andersen pointed out to Staff that it would be much better to not wait until the Phase 4 of the project for road improvements. Bradley Priest asked to quickly clarify staff's recommendation regarding the item prior to the applicants speaking. He stated that staff's recommendation was to approve with the following conditions: that, 1) the connection from Statesville Road to Sam Furr Road be designed and dedicated as a public street, and 2) the connection to the rear of the development (connecting the Northcross Center Court to Northcross Village shopping center) be made a public right of way, and 3) that with Phase 3 no building should be permitted until the NC 73 improvements are installed. Furthermore, staff stated that the applicant has been very cooperative and responsive with staff's concerns.

Barry James with AAC approached the Board members to give an over view of their plans and timeline during the four phases of the project. The code required 5' sidewalk will be difficult because of parking counts and constraints, but they see a value with respect to this issue. They agree with staff that during Phase 1 and 2 that traffic is not an issue since the project is mostly with Target's storage expansion. Phase 3 and 4 we agree with Staff's position. Since AAC does not own all of the property located within the site, or have control over NC 73 and Rich Hatchet Road. Barry James reiterated that AAC is in complete cooperation with the Town, NCDOT and all parties involved in the shopping center transformation. However, AAC can not guarantee the timing of Phase 3 and 4 and public roads because of the legal rights of all parties involved in the shopping center.

John Guerra with Target spoke about the general scope of the project for storage, and that they are ready to go forward and 30' ft expansion in rear to make a self sustaining store. Construction is planned to be started in January and complete in October while the store remains open to the public. Final approval through Target's Capital Committee is planned for mid-July. They are working with Barry James, and Bill Coxe concerning the transportation access to come up with a good solution.

Brian Hines questioned the Cornelius planned Super Target and how the new store would affect Target located at Northcross Shopping Center. Mr. Guerra stated that Target does plan on

staying open a long time in this location, and they are making a significant investment with the interior and the expansion project. When the transportation issues are addressed that will also improve the store's location.

It was noted by Bill Coxe that traffic signals for the shopping center have been previously requested by the anchors (Target, Lowes and Kohls) to help improve the access issues with this area. However, his concern is with the flow of traffic on NC 73, and wants to reach a concept that is good for everyone involved. It was further noted that the public access for the shopping center will not look like a public street with street trees, but for now the operational characteristics are of importance. Justin Carroll, Town Transportation Engineer, will be working with Kimley-Horn with the access and parking fields at Target.

Randy Poindexter is concerned with the line of vision at the access point entering the shopping center from the north side of Hwy 21 during Phase 3 and 4, and by adding that building is more dangerous. Currently, that line of vision is poor and by adding another building will make this area more dangerous. Barry James indicated that sight triangles will be reviewed by staff before approval of each phase.

Brian Hines recalls that it was recommended that Certificates of Occupancy for Northcross Village would not be issued until there was a traffic signal at Rich Hatchet Road. Barry James responded that the Certificates were put off (in terms of opening the store) until August 2007, and the road improvements were to be done by February 2008. With respect to final approval, we reserved the right in our zoning documents to have a temporary signal, which has been approved this week, and should be installed as quickly as possible; 30 to 60 days. AAC did not commit to a time frame for Phase 4 and creating the access road from the shopping center to the Industrial Park.

Joe Sailers made a **Motion to Approve** with staff recommendations as follows:

- The complete connector drive between Statesville Road and Sam Furr Road is designed as and becomes a public street as negotiated with staff.
- The cut through to the rear of the property (connecting the Northcross Center Court and Northcross Village) is dedicated as a public street or as a public access easement immediately prior to beginning of the Phase 1 project.
- No buildings in Phase 3 and Phase 4 are approved for construction prior to the Sam Furr Road improvements being installed.

Randy Poindexter seconded the Motion. Addison Causey asked Mr. Sailers to include specific language of consistency. Joe Sailers modified the Motion to state that the Planning Board finds that the rezoning amendment is consistent with the Town of Huntersville Community Plan and the NC-73/US-21 Small Area Plan, and it is reasonable and in the public interest. Randy Poindexter seconded the modified **Motion to Approve**. The vote was unanimous.

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C. Whitney Hodges, Senior Planner, presented Mid Atlantic Homes, LLC request, which is a subdivision sketch plan revision to Monteith Park Subdivision to add two (2) single family lots to the interior of the project. Monteith Park is located on Stumptown Road. The Staff Report is attached hereto as Exhibit “B” and incorporated herein by reference. Staff recommends approval of this plan revision.

Bruce Andersen asked what was originally envisioned on the two (2) lots, and staff stated they were to be duplexes, and now are planned to be single family lots. There was no further discussion.

Addison Causey made a **Motion to Approve**, and Jo Anne Miller seconded the Motion. The vote was unanimous.

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D. Whitney Hodges, Senior Planner presented the text Amendment TA08-07, which is a request by John Choate of Choate Custom Homes for changes to Article 3.2.2, Article 12.2.1 and add Article 9.52 to the Zoning Ordinance in order to create a new use called “country inn” in the Transitional Residential Zoning District as a use permitted with a special use permit. The amendment proposes specific requirements for the special use permit. The Staff Report is attached hereto as Exhibit “C”, and incorporated herein by reference. Staff is not supportive of amendment, specifically with the gravel surface driveways and parking fields, and sees a potential for adjoining property owners to be negatively affected by noise created by special events.

Brian Hines questioned other products to use instead of gravel, which staff responded that the applications could be asphalt, cobblestone, or other alternate pavement products, and the parking fields can be grass. Staff stated that a Text Amendment may need to include that in a TR District, applicants may use the rural roads standards. Addison Causey asked if the applicant has shown willingness to cooperate with staff’s requests, and staff indicated they have been very cooperative.

Jeff Neely asked staff if there was something magical about the 11 p.m. noise issue, and staff indicated that it was more of a social acceptance level. Addison Causey questioned the limitation of one (1) employee for every three (3) rooms, to which staff responded it was along the same ratio of employees with a Bed and Breakfast. Addison Causey described the investment with the purchase of 20 acres and making a Country Inn a premium place to stay and that service would be an important element, which may require more than one (1) employee ratio, and asked if staff was open to allow a change. Staff consented to the change and stated that the Text Amendment is allowing a level of intensity that is not already allowed. Jo Anne Miller and Addison Causey reiterate the need for additional employees for the size of this operation that was not being recommended in the Text Amendment, and that the Board does not need to limit the business operator.

The applicant, John Choate of Choate Custom Homes, LLC, spoke to the Board and told of the significant investment by the Salisbury family being in the range of \$7,000,000 to \$10,000,000. Mr. Choate is self described as being a green builder and in the process of being LEED Certified. There is a growing popularity of Bed and Breakfast; this being a Country Inn that will be tied to a natural farm. The Country Inn will have a bona fide natural farm that will also tie to the agriculture history of Huntersville; plus be a part of the dining experience at the Inn. Mr. Choate passed out a hand out/brochure (see Exhibit "D") to the members of the Board. He explained the narrow gravel roads would help create a country and historic feel. The Inn will be promoted as a destination, with convention rooms; master bedrooms (6 per building) and 6 private cottages consisting of 900 to 1000 square feet. He further presented the concept of the Inn to the Board members, with giving comparisons of Bed & Breakfast establishments in Asheville and Charlotte.

Bruce Andersen asked about the noise ordinance in Charlotte, and if there would be outside events with music. John Choate described the event areas and natural buffers around the areas to reduce noise, and explained that the events will primarily be higher end weddings. Mr. Andersen asked if petitioners would consider withholding outside music until a noise ordinance is enacted. Mr. Choate explained that the ability to have a wedding (for instance) without entertainment is prohibitive to the operation of this type business, and that an event would not be allowed to interfere with the comfort of other guests or adjoining property owners.

Addison Causey directed staff to take a broader look at the noise and impact to be consistent with the ordinance. He commented that the applicant can achieve the road pavement issue with other pavement materials such as pit gravel, and feels that the background of staff's concern is dealing with fire and emergency vehicles being able to service the area. Jack Simoneau intervened to state that staff strongly recommends hard surface drive aisles with options in the parking lots. Sam Mount questioned if the rural road standards were acceptable, and the use of drainage swells instead of curb and gutter is acceptable with the applicant. Mr. Choate accepted the rural road standards.

Addison Causey made a **Motion to Approve** with the condition that the Petitioner include for all drive aisles and pathways to accommodate fire, police and emergency vehicles to comply with rural road standards; and 2) eliminate employee ratio. Sam Mount made a suggestion that the applicant work with staff in regards to the noise ordinance in next 60 days, and Addison Causey amended his **Motion** to include acceptable language in the Text Amendment with any noise standards. Sam Mounts seconds the Motion.

Brian Hines asked staff if the project would be required to connect to Blackwood Knolls to this project, and Bruce Andersen joined the conversation. Staff reminded the Board that this issue is a Text Amendment and not a site specific request. Staff stated the applicant is aware of connectivity.

There was no further discussion. The members of the board voted, and it carried unanimously.

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E. Whitney Hodges, Senior Planner presented the Hopper Communities request for subdivision sketch plan approval for Estates at Arbormere, a 100-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 “E”, and incorporated herein by reference. The CMS Evaluated was handed out to the Board members as an additional Exhibit (see Exhibit “F”).

Staff explained that the subdivision meets the requirements of the Subdivision and Zoning Ordinance. Staff gave details of the connectivity issues, Greenway dedication, 2 streams being crossed with connector roads, and five (5) SWIM buffers. Bruce Andersen noted that in Phase 3 of the project there are SWIM buffers, which do not appear to be protected. Staff stated that the applicants are meeting staff’s requests and would meet the Planning Board’s request(s) as well.

In further discussion with the SWIM buffer, Jack Simoneau compared this subdivision to Riverdale and the concrete monuments placed on certain lots so the property owner had knowledge of the protected area. Whitney Hodges made the members aware that in this subdivision the houses are facing the Greenway. Clay McCullough with Hopper Communities stated that they have no problem with placing the standard concrete monument on the lots, or conservation easements.

Brian Hines made a **Motion to Approve**, and Sam Mount asked that the Motion include the recommendation of the concrete monuments. Brian Hines modified his Motion accordingly, and Sam Mount seconded the Motion.

Addison Causey discussed with Staff the connector roads located in Phase 3, and Whitney explained that the choices made were based on topography. Addison Causey questioned if coordinated during Phase 2 across the greenway with adjacent property owners was made. Steve Freeney, a member of the audience spoke and said that no contact had been made by the developer with the property owners, but he had received a letter concerning tonight’s meeting. Jo Anne Miller asked about the requirements for neighborhood meeting. Staff said they were all notified by letter in advance of the Planning Board meeting.

Another member of the audience (female, unknown) spoke to the issue of the traffic on Beatties Ford Road. Staff relayed the information that a Traffic Impact Analysis was preformed and a left turn lane will be added.

Joe Sailers asked if the developer can eliminate the connector in Phase 2 to satisfy neighbors. Staff responded that the connectors provide for more than one avenue for connectivity and there needs to be another crossing over the creek. She reminded the members that the sketch plan is not set in stone and they are still in negotiations.

Brian Hines addressed Steve Freaney in the audience and asked if it were the plans he did not like, or the stub roads. Freaney responded that he understands the connectivity issue and future use, but not involve the property owners at this point is egotistical on the part of the developer and land owner. He further stated that the stub location directly affects his property, and he feels affected by the decisions now being made for stub roads. Staff stated that Mr. Freaney had approached staff in the winter about subdividing his property and was told about the development and was strongly encouraged to contact the developer. Mr. Freaney stated he had tried to contact the developer, but had no response.

Addison Causey said that this project is a use by right, which is not in question here tonight, but it is reasonable that the developer working with staff and the adjacent property owners should be made aware where the stubs roads shall be located. Connectivity has to be reviewed with adjoining owners. Bruce Andersen suggested the stub be located after further discussions with the adjoining neighbors.

Another adjoining land owner in the audience, Dr. Buttar, addressed the Board with his concerns that his property would be negatively affected by the subdivision and possible street connections.

Jimmy Stillwell, a member of the audience, is an adjoining property owner and was upset with the (alleged) late notice of the Planning Board meeting. He indicated that he has a white tail deer business on his property and was concern for the safety and integrity of his livestock; and that there is an area on his property that will flood.

Clay McCullough indicated that the roads follow along buildable areas of site and there is no developing or disturbance of stream areas. Bruce Andersen raised the flood plan concerns as mentioned by Mr. Stillwell. Tom McCroy, Land Planner for the project, stated there is no regulated flood plan on this site. During the subdivision plan approval process the County requires a flood study along the tributaries, with detail analysis, and establishing the height to which water will rise in the streams. The subdivision was laid out to be adequate space on each lot and above the 100 year flood plan.

Jack Simoneau described the evolution lot sizes in the area from the OPS Zone (Open Space) to the Rural Zoning since 2002. Under the old OPS zone density was 2.5 units and acre plus density bonus and this development is less than 1 unit an acre. Additionally, he indicated the Planning Board could request a text amendment to mandate a neighborhood meeting between developers and adjacent landowners before sketch plan approval.

Bruce Andersen reminded the members of the Motion with the conservation easements and markers, and he took Chairman Privileges and stated that he would not vote for that due to the lack of conversation taking place.

Sam Mount suggested that Brian Hines amend his Motion. Brian Hines **Amended the Motion to Approve** to include that staff schedule a meeting with the adjoining property owners and the developer to address the placement of the street connection/stubs prior to the Town Board approval. Addison Causey wanted to defer the matter. Sam Mount seconded the

**Amended Motion.** The vote carried 8-1. Those in favor: Bruce Andersen, Brian Hines, Addison Causey, Barry Hester, Sam Mount, Jeff Neely, Randy Poindexter, and Joe Sailers; opposed: Jo Anne Miller.

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Joe Sailers asked the Planning Director if the Board could recommend that a meeting with adjacent property owners be held prior to approval. Bruce Andersen asked if this should be done at another meeting, or tonight. Jack Simoneau stated that the recommendation could be made tonight. Joe Sailers made a **Motion** that Planning Staff draft a recommendation that the Ordinance require a neighborhood meeting on sketch plan prior to Planning Board recommendation. Sam Mount seconded the Motion, and the vote was unanimous.

***Other Business***

1. Bruce Andersen asked Staff to investigate the massive monument in front of Abormere Subdivision as he questioned its compliance.
2. Phillips Rezoning meeting needs to be rescheduled due to conflicts with Public Hearing. Staff does not control the scheduling of these meeting, but will request a change in meeting.
3. Bruce Andersen is doing research on aerobic treatment systems. There was an audience member, Martin Foil (owner of Hines Feet Farm) that participated in a discussion with Mr. Andersen about the installation and maintenance of his aerobic treatment system. Mr. Foil is a certified operator of his treatment system, and maintenance is required twice per year with the State, and Mecklenburg County requires inspection annually.

***Adjournment***

Sam Mount made the Motion to adjourn and Jeff Neely seconded the Motion. There being no further business the meeting was adjourned at 10:48 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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Bruce Andersen, *Chairman*

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Michelle V. Haines, *Secretary*