



**Planning Board
Regular Planning Board Meeting
Minutes
February 27, 2018 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

All members were present with the exception of J. Davis, and R. Smith.

B. Approval of Minutes

B.1. Consider Approval of Minutes

Joe Sailers made a Motion to Approve, and Susan Thomas seconded. The Motion carried 6-0.

C. Public Comments

1. Item D.4.: Kim Burton (15555 Huntersville-Concord Road, Huntersville) stated when first heard of the proposed development across their property, they were upset and frightened about the impact it would have on their conservancy land that is part of a 1,000 acres of conserved land under the State's jurisdiction. It can never be developed. It is for the purpose of providing environment for endangered species, regular species, trees, plants, etc. They made that investment in their community by donating the land to the Catawba Land Conservancy based on the idea that the area, listed as Rural, was to stay that way in the long term plan. She has discussed the importance of the land conservancy that benefits all the residents and the environment; especially now as you look up and down the road, Huntersville is just going crazy with development. Not much left when they do it. They come through and mow everything down and then put up a tree about 3' tall to replace a few. She is not against development, but stated that it was needed to preserve the integrity of what was the vision of the Town. Where the land would be Rural, and where it would be commercial. They began a process by going to a Charette, and have met with the planning staff (Sushil, Alison, Jack), and they were very patient with us, and also Nate Bowman. In working with them to try to come to balance with the least impact on their land, while still allowing the people who own the land to get what they want done, which is this development, they have gone from Industrial Commercial Retail zoning down to Neighborhood Services. We have limited the size and scope of the businesses that can be included there (services to the retirement community). It will not impact the conservancy, but where it started was a really scary plan, and now felt comfortable with what they said they will do. If they do what they say they will do, she thought they would be okay with the changes, and the node planned is the only node and there will not be another node down the road. That it remains limited services and not commercial retail. The sizes are the buildings as described, and the buffer zones. If approved there will be a zoning process, and she is learning about how local government works, and has never had to deal with it. Her husband and she, and the residents around them, will stay involved, and they feel comfortable with what they are going to do as long as they do what they say they are doing to do. They will make sure that they stay that course. She also wanted to make sure that the residents around the property get a letter. Not everybody is on Facebook and Twitter. If you are not following, a lot of residents did not know this was going on. A letter was sent, which she got one, but a lot of other people didn't, and it needed to be sure that everyone affected gets a chance to be involved in the zoning. She was totally against this, horrified by it, and through working with them, she felt comfortable and counting on the people who said what they will do, is what they do.

2. Item D.4.: Molly Aiken (14024 Hiawassee Road, Huntersville), wanted to first reiterate what Kim said about communication, and stated she lives about a mile and a half from the potential development, but received no information and only heard through word of mouth. It is such a close area and will be affected by it. She moved to the area because of the rural character. There were other areas in Huntersville to move to, but chose this because of the rural character, countryside feeling and the way it was zoned. They have lived here for many years and watched how the development has changed it, and are concerned about some of that changing characteristic of the development that is coming. It is not in character with the original zoning. Going back to Northstone which was developed, and her understanding from previous meetings, there was a different transportation plan that was planned, and then the development was allowed. She had heard from others from the Town that admitted that the Northstone development and some of the things that occurred there were not in the original plan, and as a result of that some of the future plans for roads, which are now directed to impact her home and her neighbor's homes, potentially. It is on a map somewhere. She was concerned that as additional items are developed and continues to occur, that the zoning and planning stays consistent with the character of the region. We heard a little about that tonight with the tree planting. The tree-scape and canopy that we have cannot be replaced, even though you plants five small trees. That does not replace the tree canopy that we have throughout the rural area that we live in. Watching developments that take out every tree in site and plant a few does not replace from a water or wildlife capacity. She asked that it be continued to 1) be communicated with, and 2) understand that the zoning be put into place that is consistent with the zoning today for the rural character for the development that is being planned. She appreciated the changes that were made to make this potential development remain that character.

D. Action Agenda

D.1. Commons at Monteith Park Sketch Revision

Susan Thomas made a Motion to Approve based on the application being complete and complies with the ordinance, and future land use plans, including the 2030 Community Plan, and the density is not increasing, so the request is consistent with the surrounding density. Joe Sailers seconded the Motion. The Motion carried 7-0.

Discussion: Alison Adams, Senior Planner, presented the revisions to the Sketch Plan, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A. The two (2) large lots originally proposed for duplexes, but the applicant now needs to add a property line through those lots for product type. This does not increase the density or boundaries of the subdivision, and the division will create attached single family. No further comments were made.

D.2. Tree Mitigation: Silver Huntersville, LLC

John McClelland made a Motion to Approve, and Stephen Swanick seconded the Motion. The Motion carried 7-0.

Discussion: Bradley Priest, Senior Planner, presented the revisions, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B. The development is in Commerce Station with plans for two (2) industrial buildings. There are two (2) larger trees (27" oak, 14" Maple) on site, with the oak being the one (1) specimen tree, which is in the middle of the proposed area. The requirement for Corporate Business is 30% tree save, and they will have 0%. The applicant proposes to mitigate by planting five (5) large trees in an island in

front of the building on the right side. Staff recommends approval, and it meets the requirements.

Staff was asked about the water quality, and replied that it is in a regional pond off-site to the south.

Discussion after the Motion was made, and S. Thomas indicated that she supports the Motions, but advocates for the overall aggregate, and asked that cautions be applied as much as possible. We will start to see the immediate impact of the new trees versus the older trees and the overall canopy. Each in isolation forms a great case, but overtime with all the mitigation it will have an impact on the tree canopy and environment in Huntersville. No further comments were made.

D.3. TA #18-02, Sketch Plans and Conditional Rezoning Plans.

Stephen Swanick made a Motion to Approve based on the amendment being consistent with administrative expediency in executing Town plans; it is reasonable and in the public interest to amend the Zoning Ordinance because the change will reduce redundancy and elevate burdens on applicants. John McClelland seconded the Motion. The Motion carried 6-1, with Bankirer opposing.

Discussion: Jack Simoneau, Planning Director, presented the revisions to the amendment, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C. Staff was asked to clarify the Town Board and Planning Board responsibilities, and provided the modified language in Subsection 12, Sections 2 and 3. Section 2 is for the Planning Board decision making, and Section 3 is for the Town Board decision making.

Staff was asked by S. Thomas to clarify a “minor” change, to which staff again explained minor and major changes in a Sketch Plan. In example, adding lots or reducing Open Space is a major change. Staff was asked by C. Gaffy about time separation between a rezoning and sketch plan, and Mr. Simoneau explained the process for a rezoning. If an applicant wants to submit a sketch plan with a rezoning, staff will start review, but it will not be approved under the rezoning has been fully processed and approved by the Town Board. There is no requirement that an applicant cannot submit a sketch plan while a rezoning is being processed.

H. Bankirer provided a hand-out with his suggested changes, a copy of which is attached hereto as Exhibit D. H. Bankirer commented that the staff and Planning Board have different perspectives, which is only right. The word “consistent” appeared wishy-washy, and suggested to use “identical”. He was concerned about whether or not a condition in a conditional rezoning may be viewed in the eyes of one party as minor, and in the eyes of another, not. There is wording adding at the end of Section 12, and in Section 4 included the word “additional”. He submitted the suggestions for staff’s consideration, and asked if “consistent” should continue to be used.

The Chairman called for Board discussion. S. Swanick did not want to belabor the amendment, and the Board should allow staff to have this authority, and trust staff's recommendation. He noted his support for the staff's proposal. J. Sailers commented about (some) plans not being complete when coming before the Planning Board, and asked if that would be a problem in approval of sketch plans. Jack Simoneau replied about that the rezoning plan seen by the Board(s) will have the same basic information, and once it is approved staff will have the authorization, if consistent with the conditional rezoning plan, or with minor changes, to sign off on the sketch plan. A conditional rezoning plan example was given that was approved in November by the Town Board, but the sketch plan was not approved until January. Staff thoroughly checks plan before signing off, and this will not cause any issues.

Discussion after the Motion included J. McClelland noting that staff is acting in the best interest of the Town, without skirting around the rules. H. Bankirer noted that he trusts staff, and reminded the members of the times the Planning Board disagrees with staff. The Planning Board and staff are charged with two different missions, and the Board's perspective by definition is not only if an application meets the ordinance, but also to apply the human factor, and in most cases that is where we come to disagreement. While Mr. Bankirer does not oppose giving staff the authority, for the most part for conditional rezonings that they currently have for non-conditional rezonings, he felt that when it is a conditional rezoning puts it into a different category, and his drafted language was made to be sure that was recognized. C. Graffy could see the good in both. By the time the Board finishes discussions of a rezoning we should have the answers, and the proposed will help expedite the process but still allow minor changes not coming back before the Board. H. Bankirer noted that for a long time the Town has been interested in making the planning process as expeditious and user friendly as possible, and he fully support that, but did not want to see it go a little overboard. There is a case to be made that sometimes expediency is the enemy of doing what is best. No further comments were made.

D.4. Review and recommend adoption of Clarke Creek Small Area Plan.

Joe Sailers made a Motion to Approve based on the clarifications and finalization of grammar and wordsmithing within the plan. Stephan Swanick seconded the Motion. The Motion carried 6-1, with Bankirer opposing.

Discussion: Sushil Nepal, Principal Planner, presented the draft Clarke Creek Small Area Plan ("SAP"), and entered it into the record, a copy of which is attached hereto as Exhibit D. The map of the area was shown, with the current zoning. When going through the process the planning area was expanded only because of the context of where it is. To the south is the Eastfield Small Area Plan, and to the north is county owned property and staff wanted to pull this into the process. The SAP is guided by the 2030 Community Plan. Whenever a major node is planned a public process is required to receive input from the public, and that proper infrastructure is in place. The node is not big; less than 40,000 square feet. The guiding principles were shown. As thoroughfares are built there will be demand for growth in that area, and recommendations need to be place through the SAP. Staff gave the timeline of the SAP, and it is before the

Planning Board for a recommendation, and then to the Town Board for final action.

S. Nepal responded to folks not receiving notifications. With the past Small Area Plans the practice has been to mail residents within the planning area and 250' outside the boundary. In this process, it was expanded, and the Planning Board will be talking later in the agenda about what can be done to expand further. The tools used are Facebook, Town website, and public meetings with the Planning Board and Town Board.

Other answers to address in planning the SAP are the mixed-use node for the area, what kind of density is wanted, and the realignment of the thoroughfare. There have been changes made to the draft SAP for clarification, and related to the thoroughfare. Final rezoning action cannot happen without approval from the Charlotte Regional Transportation Planning Organization (CRTPO) for the realignment of the thoroughfare, and rezoning action is appropriate with a condition to build a portion of the thoroughfare. There is also a change in the vegetative berm width from 200' to 160'. The mixed use node should be residential and neighborhood services, but primarily residential with very small footprint of neighborhood services not to exceed 25,000 square feet to serve the on-site residents. The density is not to exceed 12 units per acre. Staff is comfortable with rezoning from Rural to Transitional Residential or Traditional Neighborhood Development with low intensity development not to exceed 1.5 units/acre with minimum 40% open space. The buffer (80 to 160 feet) along the thoroughfare and development is to protect the conservation area to the North and surrounding areas.

The Chairman called for questions, and J. Sailors asked about the thoroughfare being built, and staff responded that the SAP has included the expectation that as part of a rezoning there is a condition for the thoroughfare. There alignment is included in the SAP as a concept. C. Graffy noted the 40,000 square footage in the node, and staff noted that the 2030 Community Plan sets that bar, but in the SAP, based on location, the conservation land, public input, staff was comfortable with capping it at 25,000, and is what is recommended. S. Thomas asked if there would be another node, and staff showed the three nodes from the 2030 Community Plan, which are located at intersections of major thoroughfares. The nodes are placed strategically throughout the jurisdiction. Staff did not see recommending more nodes in the future. If the 2030 Community Plan is changed that would be a different conversation to have, but the node in the SAP is different is smaller than other plans. C. Graffy commended staff and Nate Bowman for being responsive to all comments, and thanked the Burtons (and neighbors) for setting aside land for conservancy. H. Bankirer commented he was not sure the SAP was ready to be published. The document still has too many technical issues, grammatical issues, and should be the very best quality. The email about the changes to the transportation system is confusing. The way the buffer is characterized in the document does not explain where it is ebbing or where it is 160'. Staff explained the reduction of the buffer, which 200' included a portion of right of way for the future thoroughfare. H. Bankirer said it is a solid plan, but needs more work, and would be happy to seek another deferment to allow staff to finalize the SAP before a citizen reads "facility" instead or "artery

or corridor”. Staff noted the editorial comments and will have the changes made prior to the Town Board’s action. Staff does not want to put out a document that is not good enough/perfect. There will be another review by staff. J. Simoneau noted there is no changes to the context. H. Bankirer noted that he had marked the document up twice, and this was not wordsmithing. J. Simoneau noted that staff will stand by the SAP, and is comfortable with moving forward. S. Nepal understood Mr. Bankirer’s point. H. Bankirer felt it is a reflection on the Planning Board to recommend something that is not ready, and hopes that the Town Board sees it the same way. J. Sailors noted that the thoroughfare looks to be half on the conservation property, and S. Nepal noted it will stay on the south side. S. Thomas asked staff if they felt confidence to make the editorial updates prior to the Town Board meeting, and staff confirmed, unless there are more comments and additional review is needed. No further comments were made.

E. Other Business

E.1. Discuss Notice of Meetings

Chairman Bankirer led the discussion with the members concerning the expansion of notification to citizens for subdivisions and Small Area Plans (“SAP”). H. Bankirer expressed his concerns with current notifications, including the comments made by the public. Currently 250’ is used for a subdivision, the same should be applied for a SAP, but even that becomes problematic. The digital notice that went out to Facebook and Nextdoor for the SAP was noted, but questioned, Who are you trying to contact? It is not just people sitting behind a laptop on Facebook. Communications should take demographics, and rural areas into consideration. He submitted that mailings be expanded in rural areas. The Planning Board is supposed to serve the residents, and did not believe the Board was serving them very well by not expanding the kind of communications needed. Section 11.4 of the Ordinance has the owner of each property within 250’ being notified, which is not a lot for the density in a rural area, and is very limited. The Chairman called for discussion between the members for support, to which the members supported the Chairman. The Chairman asked if the Planning Director would be part of further discussions, and he confirmed. The Planning Director explained the statutory requirements for notifications, and the process used to engage the residents starting with the Charette through the SAP process. The Chairman recalled the 2009-2010 discussions about notification lines being increased to the 250’, and felt that it may better serve the citizens to discuss again. The Chairman requested the members email him with their interest to participate, so that an email could be sent to J. Simoneau to get the ball rolling. No further discussion was made.

F. Adjourn

Approved this 27th day of March, 2018.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary