

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 2, 2020
6:00 p.m. – Huntersville Town Hall**

PRE-MEETING

No Pre-meeting was held.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:00 p.m. on March 2, 2020.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- Congratulated North Mecklenburg High School Men’s Basketball for making it through the third round of the basketball playoffs.
- Judged the Hopewell High school Talent Contest.
- Provided update from the Metropolitan Transit Commission last week.
- Mayor’s Lunch is on March 17.
- Provided update on ocular melanoma.

Commissioner Bales

- Provided update from the Charlotte-Mecklenburg Schools Northwest Learning Community.
- Attended Charlotte-Mecklenburg Schools 2017 Bond Meeting.
- Provided update on the Charlotte-Mecklenburg Schools MEAC meeting.
- Saertex Multicom announced a \$24.8 million expansion.

Commissioner Boone

- Requested update from the Town Manager on the Town’s response to the coronavirus. The Town Manager reported that conversations have started with Charlotte-Mecklenburg Emergency Management. Any information will be posted on the Town’s website.

Commissioner Hines

- Provided update from the Charlotte Regional Transportation Planning Organization meeting.

Commissioner Munger

- Attended ribbon cutting at Frankie's Fun Park.
- Attended packing event for Bags of Hope.
- Attended Charlotte-Mecklenburg Schools 2017 Bond Meeting.
- Will be touring the Ada Jenkins Center this Thursday.

Commissioner Phillips

- Provided information on Primary Election Day.
- Provided information on Angels of 97 5k/spaghetti dinner.

Commissioner Walsh

- Announced upcoming Greenway, Trail and Bikeway Commission events.
- Next meeting of the Public Art Commission is March 11.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

The Greater Charlotte Auto Dealers Association presented a \$10,000 donation to the Huntersville Police Department.

Mayor Aneralla proclaimed March as Irish-American Heritage Month.

Town of Huntersville Proclamation

Whereas, the Town of Huntersville is proud to be the home of citizens of Irish-American descent; and

Whereas, more than 40 million Americans are of Irish-American descent and since our nation's inception and throughout our history, brave men, women and children, longing for a better life and yearning for freedom and opportunity, made the journey to the United States in search of a better life; and

Whereas, Irish-American citizens have made significant economic and cultural contributions to our nation and their influences can be found in every walk of life.

Now, Therefore, I, John Aneralla, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim March 2020 as ***Irish-American Heritage Month*** in the Town of Huntersville and commend its observance to all citizens.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 2nd day of March, 2020.

Stephen Trott, Director of Engineering, provided transportation projects update. *Update attached hereto as Exhibit No. 1.*

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board concerning historic Torrence-Lytle High School.

AGENDA CHANGES

Commissioner Bales moved Item 9.D (Adopt Resolution of the Town of Huntersville to Approve and Ratify Contract for the Purchase and Acquisition of Real Property at 103 N. Old Statesville Road) to Item 8.A.

Amended agenda adopted by unanimous vote.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members Present: Jennifer Davis and Catherine Graffy.

Petition #R19-17. Mayor Aneralla called to order continuation of public hearing on Petition #R19-17, a request by South Creek Construction to rezone 35.8 acres from Transitional Residential to Neighborhood Residential Conditional District for a 320 unit congregate housing development, Parcel 01123104. The applicant has requested the public hearing be continued to April 6, 2020.

Commissioner Walsh made a motion to continue this hearing until April 6, 2020 at 6 p.m. at Town Hall.

Commissioner Hines seconded motion.

Motion carried unanimously.

Petition #R19-15. Mayor Aneralla called to order public hearing on Petition #R19-15, a request by the Bowman Development Group to rezone 37.52 acres from Neighborhood Residential to Neighborhood Residential – Conditional District for a 101 lot single-family detached subdivision; Parcel 01908137A, 01908139, 01908118, 01908136, 01908108, 01908134, 01908143, 01908142, 01908141, 01908102 (partial). Staff requests the Town Board call a new public hearing when the applicant is ready.

Commissioner Boone made a motion to cancel the public hearing on Petition #R19-15.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Traffic Calming – Pembroke Road. Mayor Aneralla called to order public hearing to receive input on traffic calming for Pembroke Road.

Stephen Trott, Director of Engineering, reviewed the traffic calming process, data results and proposed solutions. *PowerPoint Presentation attached hereto as Exhibit No. 2.*

The initial speed study showed that 85 percent or 85th percentile speed was 33 mph. The speed limit out there is 25 mph. The neighborhood completed an Awareness Campaign and Type 1 Solutions were implemented, which included increased police presence and temporary installation of radar feedback signs. A second speed study was then conducted which showed that the 85th percentile speed was still 33 mph. Two options were developed to try to mitigate the speed. Option 1 is four speed humps between Overhill Road and where Shields Drive/Wedgewood Drive come in. Spacing as proposed is around 400' to 600' to help keep speeds low. Option 2 is two speed humps. Spacing on this is around 750' to 800'. This spacing matches the spacing already out there in the neighborhood.

Commissioner Walsh said so the 85th percentile were people going 33 mph or less. So they could have been doing 20/25 so that's 7 mph over the speed limit or 8 actually. For those 15 percent that were in excess of that, what are our thresholds? How do we determine is 15 percent or more speeding.....at what point do we decide we are going to put in speed bumps, what's the threshold?

Mr. Trott said our current Traffic Calming Policy looks at if the 85th percentile speed, in this case for a 25 mph posted street is 31 mph or higher, then we would look at continuing in the process and then looking again to see if physical solutions are needed. The number we were looking for in this case is was it 31 or higher and it was.

Commissioner Bales said under current code would this block length be allowed. You said the spacing on this is about 750' between them.

Jack Simoneau, Planning Director, said no.

Commissioner Bales said so no this wouldn't be allowed now under current zoning.

Mr. Trott said if it's over 800'.

Commissioner Munger said on Pembroke Road how many speed limit signs are there.

Mr. Trott said I know there's one if you are traveling eastbound on Pembroke. I know there's one on Westminster. The road name changes at either Wedgewood or Shields Drive from Westminster Drive to Pembroke Road. I know there's some coming in the other direction. In order for a street to be enforceable it has to be posted in both directions of travel.

Commissioner Munger said you had mentioned some traffic calming devices in other areas.....Wedgewood, Shields and I believe Overhill. Have those proven to be effective.

Mr. Trott said we went out and did a post study as part of this evaluation process and speeds were below 30 mph for the 85th percentile.

Commissioner Hines said on the Westminster section, how many speed humps are there.

Mr. Trott said it's either two or three.

Commissioner Hines said I've noticed in some of the emails that were received, I don't know where stop signs are at – are stop signs effective calming devices or would they not be applicable in situations like this.

Mr. Trott said stop signs are not to be used for traffic calming. Part of my logic is if people aren't observing the speed limit signs, putting more signs out there is not going to work. Also where would you put them. If you put them at Miriam Drive, the vast majority of traffic is going to be going through the intersection. If there's no conflicting traffic, people are going to tend to roll through those and then it becomes a constant enforcement issue.

Commissioner Hines said of the two options, are these options proposed by Town staff.

Mr. Trott said that's correct.

Commissioner Hines said so you're indifferent to either option or are you recommending both options.

Mr. Trott said I am presenting two different options. The current pattern out there has been keeping speeds below that 30 mph when we've been measuring them, so that would equate to the two humps. If you really want to control speeds and not have to worry about going back and putting in anymore, then the four would be recommended. My recommendation would be to go with the four, put four in and you're done.

Commissioner Hines said do you have a preference, a professional opinion based off which would be better. We've got to take into account fire trucks, police vehicles, and those kinds of things as well.

Mr. Trott said to control speed which is the perspective I would come from, we would recommend four speed humps out here.

Bill McElroy, 9547 Pembroke Road, addressed the Board in support of the four speed humps. Suggested the hump be about an inch higher than the ones on Westminster.

Joe Sailers, 9332 Westminster Drive, addressed the Board in support of the four speed humps and suggested a four-way stop sign be installed at Wedgewood/Shields/Westminster and a three-way stop sign at Kent/Westminster/Wedgewood.

Marilyn Wallace, 8913 Oxford Place, addressed the Board in support of the four speed humps which may do a better job of controlling the speed over the entire length of the road. Expressed concern that excessive speed that could be gained between the proposed speed hump at the top of the hill and the proposed speed hump at the bottom of the hill.

Trish Reagan, 9616 Pembroke Road, addressed the Board in support of the four speed humps.

Amy Curtis, 9220 Wedgewood Drive, addressed the Board in support of the four speed humps and agreed with the idea of a stop sign at Westminster/Wedgewood/Pembroke/Shields.

Commissioner Phillips said how long did the citizens have to give their input into the options. When did they first get told they could contribute.

Mr. Trott said we advertised the public hearing. Actually the public hearing was called I believe a month ago and then we advertised it in the paper. I did e-mail out the options to Marilyn a couple of weeks ago and said if anybody wanted to provide feedback they could pass it on to me or come to tonight's meeting to share that.

Mayor Aneralla said the stop sign issue – would that be a separate issue than the speed humps.

Mr. Trott said it depends on what you are looking for the stop signs to do. Stop signs aren't to be used for speed control. If there's a sight distance issue or a crash history there, then those two issues would be something that stop signs could address.

Mayor Aneralla said if you wanted to address the stop sign issue, would that slow down the speed humps.

Mr. Trott said if speed humps is a solution that is chosen by the Board, we could put those in and then evaluate them and see how effective they are before we look to do any other calming measures. One of the things that was mentioned earlier is speed humps. These are elongated humps. Just to kind of

clarify and give you some more information, those aren't like speed bumps that you'd see in a parking lot and so they are not meant to go over at 0 mph or 5 mph, they are meant to go over around 15 mph. They are meant to slow you down, not make you stop.

Mayor Aneralla said do you happen to recall when the McCoy Road/Beatties Ford intersection is on our CIP.

Mr. Trott said I believe Beatties Ford and McCoy is next fiscal year.

Commissioner Phillips said if we proceed with the speed humps will that mess up in the future if the neighborhood wants sidewalks.

Mr. Trott said no.

There being no further comments, Mayor Aneralla closed the public hearing.

Petition #R19-19. Mayor Aneralla called to order public hearing on Petition #R19-19, a conditional rezoning request from the owners of 12218 Old Statesville Road, 12132 Old Statesville Road, and 12212 Old Statesville Road (parcels 01911106, 01911111, 01911109, 01911133, 01911132, 01911112) to rezone their property from Neighborhood Residential to Highway Commercial Conditional District.

Brad Priest, Senior Planner, reviewed the request. *Staff Report and PowerPoint Presentation attached hereto as Exhibit No. 3.*

Commissioner Hines said one of your concerns was the glare. In the Staff Report is a compliance report. On Page 3 it says "The provisions provided within this lighting design allow for full cut-off at all fixtures and prevents glare to the adjoining properties, thereby adhering to the constraints of 8.26.1(c)." This comes from an engineer, it's a compliance report. Staff doubts these findings?

Mr. Priest said yes, sir. We would disagree based on the aiming and orientation of the lights there's a high likelihood in our mind that the element is going to be visible from all site locations.

Commissioner Hines said with the compliance report coming from a third party, don't they have to adhere to those because they have findings within here based off of bleed and full cut-off and those kind of things. They have to adhere to this report and the findings in this report as well.

Mr. Priest said yes, if they add that as a condition that would be the case. It's staff's opinion, though, that with that angle and degree there's going to be visible bright light coming from it, depending upon where you are.

Commissioner Hines said if you look in that direction or if it's just apparent, because we've got full cut-offs so it can't bleed over the property line.

Mr. Priest said the definition of full cut-off doesn't necessarily remove the glare in our opinion. I think that's the issue. The proposed lights are full cut-off in the sense that they are directed at a somewhat angle down. You see the picture in the Staff Report at an 18 degree angle down and therefore there's no light going up and the intensity from 90 degrees to 80 degrees is less than 10 percent because the shield. The top shield does help it and the tilt down does help it meet the full cut-off requirement, however the light being shined up and out is indicative of a light that's going to produce glare.

Essentially it meets the definition of full cut-off but in my mind it also meets the definition in the dictionary of a floodlight and floodlights produce glare. So yes we are doubtful from the information submitted to say that a light that's only pushed down 18 degrees won't be visible and produce bright light at 40' high off the subject property at this time.

Commissioner Hines said in the paragraph before it even talked about an effort to further reduce glare, all range fixtures are aimed to focus light towards the center of the property away from 115 and adjoining properties to the north and south. So we are taking this finding of a third party and we are just throwing it out the window.

Mr. Priest said I wouldn't say I'm throwing it out the window. I would like to see some more elements to say at this height, at this angle, here's some views from the property lines to say this would not be visible. Another thing that I think would be helpful too and that's put in the Staff Report is to be able to flip foot candle readings vertically above the property lines to see how much light is above the property lines and not horizontally at grade. That would help us to see how much light is getting past the property lines, not just on the ground but in the air.

Commissioner Hines said Exhibit 2 Site Illuminance Measurements, it looks like there's a bunch of 1's and 0's and I don't understand what all those mean. I assume the 0's mean that the light is not really measurable at that point. Right now if I look into the light I would probably say that I could see the light, but what do those numbers mean. Do we know what those numbers mean?

Mr. Priest said those are foot candle requirements at grade.

Commissioner Hines said can you explain a foot candle for everybody.

Mr. Priest said a foot candle is a measure of light that from perspective of trying to understand if you take one candle one foot away from a wall, the amount of light hitting the wall is one foot candle.

Commissioner Hines said we went over glare a lot and here we are hearing about it again.

Mr. Priest said we went through this issue and we talked about it for the special use permit. It's the same type of lights. Glare was an issue. The only difference I see between those lights then and the lights now are they are lowering them 18 degrees. So glare was an issue and discussed being non-conforming to the ordinance, now the applicant is saying these lights are conforming to the ordinance. The SUP specifically said the Town Board had the ability to approve something not conforming to the ordinance as long as they are meeting the intent of the ordinance. Here, the implication is that they are adhering to Article 8.26 and staff is not comfortable with that because this is essentially saying that they could take a fixture like this, a floodlight/full cut-off and light a parking lot which is essentially a floodlight and I don't think that's the intent of the ordinance and I don't think that meets the ordinance.

Commissioner Hines said I'm going to go off lights for a second. There's two other things, one was septic, don't know if it perks. And the other was the crossing. Why should we consider those because that's the risk of the applicant. If you can't get it to perk you can't build it. Why should we consider those in this type of plan issues.

Mr. Priest said it's a practicality issue and a feasibility issue that staff is just raising a flag to say as an FYI from a conditional zoning standpoint when you rezone a property for xyz then that property is then zoned for xyz, then if the applicant cannot move forward because of whatever issue remains then the

property is stuck and then it's going to have to get rezoned to do something else to be able to do that. It's just an FYI to say here's some practical issues that need to be overcome in order to do this and not rezone it to something that might not be able to be used for.

Commissioner Hines said could we make a decision based off of those things that are just FYI's, maybe that's an attorney question.

Angela Beeker, Town Attorney, said I think that you have a choice of to go ahead and issue it and then subject to that. I don't think that would be an unreasonable condition to place that the property be able to perk. But as a practical matter they are not going to be able to develop it anyway so it's not going to change the end result. I'm sure Ms. Irvin is going to address the Board and may be able to answer some of those questions, but for a conditional rezoning it's not actually a requirement that it perk. It's not something you typically take into account in a legislative decision, but it is a practical issue.

Commissioner Hines said this is Highway Commercial, would this be considered spot zoning.

Ms. Beeker said spot zoning in and of itself is not illegal. Illegal spot zoning is an arbitrary decision that you make when you make a decision to zone one property differently than the surrounding properties for no reason and so you have to look at the property and say what about this property makes it appropriate to zone it differently than its neighbors. You can look at existing uses, you can look at the zoning and so on this property immediately to the east is Corporate Business and so I'm not the planning expert but it seems to me that Corporate Business and Highway Commercial, especially when it's being limited to this particular use, it's not like you are zoning it to a general Highway Commercial where anything could go there, you are zoning it for this particular use so it is limited so you have to consider that as well. The property to the south is zoned Residential and there is an electric substation and then there's property owned by the Town/Electricities I think there and so would this be incompatible with that use and I'd say probably not. It is incompatible Highway Commercial traditionally with residential but again you look at is this particular use going to be incompatible and that's a policy call that the Board actually has to make based on the considerations that that I'm talking about.

Commissioner Walsh said going back to the right-of-way just, the Church Street Extension that we talked about, is it my understanding that you are suggesting that property go farther east and that's because the assumption is we'll get a light.....if there's a light at Old Statesville and whatever the street would be called, that there wouldn't be enough stacking between Church Street and Old Statesville, is that your concern.

Mr. Priest said yes, correct. This is just a little exhibit that was done to try to explain kind of those big picture issues. On the left is how the rezoning plan is shown. The red lines would indicate the future thoroughfare. You see at the little crossing, the little red bars for the railroad, as it is shown with the future railroad right-of-way and the future Church Street Extension right-of-way you've only got about 50' to stack vehicles between the two thoroughfares. It would be better if you move or bow out or shift the thoroughfare to the east because that allows more hatched area, more blue area for stacking and it makes the intersection more functional. That's the recommendation. The issue with the applicant is you've got the parking lot and everything right behind that proposed right-of-way, so pushing the right-of-way back pushes everything else back. It's a tight site in that regard.

Commissioner Walsh said we're trying to get Old Statesville widened, so if we widen Old Statesville, not all the widening would happen on that side, it could even make it even smaller.

Mr. Priest said perhaps.

Commissioner Walsh said with regard to the netting for the golf balls, the applicant looks like they're not wanting to immediately put up a net but you are suggesting balls will encroach onto adjacent property.

Mr. Priest said there was a note placed on the plan saying that they would put in nets at a future time if it becomes a problem.

Commissioner Walsh said how do we define a problem.

Mr. Priest said that's an enforcement issue where there is interpretation there and just from looking at the site plan and the distance from the tee boxes to the side property line, the distance from the tee boxes to the creek, it seems like it would be very common from our perspective. We are not golf experts but I can hook and slice a shot pretty far. So just knowing that it seems like golf balls would be encroaching and nets would be prudent.

Commissioner Walsh said and you are worried about to the north mostly.

Mr. Priest said exactly.

Susan Irvin, introduced the applicants Eric and Julie Herberth who provided reviewed their background.

Ms. Irvin said I don't want to go into more detail about too much about the site plan or the details of Brad's presentation. What I'd really like to do is just kind of address some of the comments. I thought that would be the most expeditious thing to do. In my mind I just grouped them into two categories. One is incompatibility with surrounding areas and uses and in that the comparisons to the Rural 73 location.....lighting, golf balls and the uses around it. The second category was just generally traffic and road improvements and the issue of frontage, the Norfolk Southern crossing, the access easement, a question that Brad had about the restaurant possibility and the Church Street Extension.

The first thing is there were a few mentions in the Staff Analysis about the prior case. I was not involved in that case but I did go back and take a look at the Staff Analysis and this is the map from that Staff Analysis. That property was in the Rural area and it was surrounded by rural property as you can see from this map. This is the map from the current Staff Analysis. This is just a hybrid comparison. On the left is the Rural site and on the right in yellow is the location of the proposed site here on Highway 115. To the north is Prairie Packaging and to the south is Bryton. You can see industrial buildings and Walmart in Bryton and there will be some more commercial pieces at the intersection of Hambright and Old Statesville Road. And then the question on lighting that was discussed earlier. The electrical engineer is here tonight in the audience, A. J. Molnar. Southeastern Consulting Engineers is the engineering company who presented the Compliance Report and filed it with the town. They have been in business for over 50 years and their expertise includes lighting. One of the things that Mr. Molnar told me before the meeting was they specifically went through every single aspect of the Huntersville Ordinance and they took that into account line by line to make sure that the lighting met the requirements of the ordinance. The foot candles and the intensity will be lower on the lighting that they are using on this site. My understanding is that foot candles will be less. These are just a few things from the Compliance Report. Basically it says that it eliminates peripheral light onto adjacent properties and also it focuses light toward the center of the property and away from 115 and the adjoining properties to the north and south.

This is just something else that was in the Compliance Report. I thought it was interesting the traditional full cut-off lens disbursement versus the new technology that's included with these fixtures. This is another view of what Brad had mentioned. The fixtures are aimed between 18 and 30 percent down and the 30 percent are the ones that they are using at the tee boxes and the parking lot which are closer to 115. And this is the Illuminous Measurements Table which I kind of like this table because it's coded and I can see that light blue equals 0 foot candles and in the.....is that the way the tee boxes are designed the light is directed toward the center of the range. Another issue that was raised was where the golf balls would go. There's some industry standards that are taken into account by the design firm and this is a letter that he wrote that I will submit into the record. As he said that while it's impossible to state that a golf shot would not leave the property and enter the adjacent parcel, it would be safe to say that such a shot would have to be played intentionally. I thought that was interesting. I did want to just show some comparable driving ranges. Now this is the driving range that we are proposing. The blue shows the hitting angles.....the blue goes from the tee boxes to the center. The tee boxes are arranged in a way that directs those angles to the center of the property and the yellow is distances to residential. The top one shows that if someone hit behind or actually backwards and through the covered tee building they could potentially hit that residence that is 384' away. The other measurements are 1,220' and 842'. That didn't mean a whole lot to me so we looked at Northstone. The Northstone driving range shows the blue or the hitting angles and you actually hit from either side and the yellow shows the distances to residential. Our shortest distance was 384'. Our longest distance was 1,220'. The distances I'm showing you at the bottom – 247, 275, 178 and 201 – those are all the distances to the nearest residences from the Northstone driving range. Many below the shortest distance that we are proposing and really none even close to the distance of the other two.....our 864 and 1224.....this is Myers Park, really same thing. That is the hitting angle again going towards the center and then much shorter distances to nearby residential.

I wanted to talk about compatible development. I think we are all familiar with Prairie Packaging. I did have some conversations with some of the folks at the community meeting, specifically the property owner to the south. She said that the noise from Prairie Packaging is not very disturbing to them. Some of the debris apparently landed in their yard, so it certainly has not been the easiest neighbor but they've worked on trying to resolve some of those issues.

The other is a substation. There's a photograph kind of from the ground. This is from the site itself. It kind of shows you that substation. The arrow is pointing where the substation is relative to the site.

I did want to point out here the property location. The previous location in yellow that Eric and Julie looked at that became before this Board was in the Rural area, a much lower intensity and so they went back to the drawing board and they found a site that is in a higher intensity corridor. The Huntersville 2030 Plan does talk about that high intensity corridor and recommends focusing higher intensity development within that area.

Elevation concepts are very preliminary at this point. They do not have an architect. What they are really wanting is a rustic barn style. They are looking at a two-story high building but really there's an interior loft for meeting space, for corporate events, but it is not a full two-story building. It's just got the height of a two story building. The covered tee and maintenance building will be completely compatible with that design.

I wanted to talk a little bit about some of those additional issues kind of in relation to where the main buildings and amenities of the driving range are. The range itself with the outside and inside tees, the putting green, short game area and the clubhouse is that gray building.

I did think it was important for us to keep in mind that this property is zoned Neighborhood Residential. It is a 26.96 acre piece of property. If it were developed by right at four, or less than four units per acre, I just have a traffic table here that shows that the daily trips would be over 1,000 for the Neighborhood Residential use by right. If you look at the golf driving range, it's 819. And I think maybe this is a good place to point out that I got involved in this kind of after the very preliminary stages but the TIA determination that I saw said 60 tee boxes, not 70 and a 2,000 sq. ft. drinking establishment, so those were taken into account in the TIA determination. And 2,000 sq. ft. is just kind of in the clubhouse, the bar area.....it's not going to be more than 2,000 sq. ft. and very likely will be less. There will be a bar area there. There is not going to be a restaurant on site and I want to make that very clear. There was some discussion about possibly having some food trucks or a food truck and maybe having it on the weekends or having it for an event or something like that, so I made a point of asking the Traffic Engineer and I received an email back which I didn't include here but I can provide. What he said is that in the old ITE manual or the one that they had been using until just recently, food trucks have zero trips associated with them because they are an accessory use. In the new ITE manual they actually do have trips associated with them and it's three in the PM peak hour, a total of three trips. So even if there is a food truck on site the total trips in the PM peak hour would be three. This is a good indication of why a driving range is better than the by-right Residential zoning from a traffic standpoint and that's what I really wanted to show here especially in the morning. In the morning your total trips for the current zoning is 76. For the driving range it's 18.

The other thing we really didn't talk about was with the NR you do have school impact and I know that's something that we've always been very concerned about. Certainly 100 single-family homes would add school aged students to the local schools.

I want to talk a little bit about the frontage condition that Brad mentioned. If this were developed for 100 single-family homes.....the thoroughfare plan shows Church Street being in the location that is shown on the plan which is parallel to the railroad, so the thoroughfare plan is what is currently planned for the Church Street Extension. I'm showing you in red where the railroad easement is and Church Street is adjacent to that. The discussion about moving the future Church Street into the parking lot and requiring a reconfiguration of this, that would not be something that could be done for the 100 single-family homes because the development of the property has to follow the thoroughfare so the condition to require that seems unreasonable to me especially when the driving range creates less trips than the by-right residential zoning.

David Jarrett has had some discussions with representatives of Norfolk Southern about the crossing. Discussions have seemed positive and hope to get that back before the Planning Board meeting. Certainly the crossing is important but it is, as Brad said, a practical consideration.

I probably should talk a little bit about that access easement. I looked up the access easement. I didn't do the title work on this project but it's easy to find. It was in the old vesting deed, and so it's a 60' access easement that benefits the property in the back, however there's no road there and the property in the back actually has access through Bryton, so it's not landlocked, it has road access through Bryton.

About the septic system. I was sitting next to the owner of the property tonight and at the community meeting she told me this too, there are already three septic systems on the property. But there are above ground options for golf courses, specifically for golf courses because they can recycle water for irrigation. And so even she told me it does perk because there are three septic systems there now but even if they find that it's not feasible they can provide above ground alternatives.

I think that covers it. Again we have Mr. Molnar the electrical engineer here tonight. David Jarrett with Jarrett Engineering is here. Unfortunately Jay Henson who prepared the site plan is not here, but I think David can answer any site plan questions that you might have.

Commissioner Walsh said I have just a couple of questions. I know it's a bunch of slides back but you had a slide there regarding golf balls being hit off to the side properties. What you're showing us 384' to that house or buildings there that are much closer than that, nor would that preclude since that is currently zoned Residential from houses being built along that property line.

Ms. Irvin said that is true if that were the case. I think it's reasonable to say looking at where that property is and I did talk to that owner and she said that she was not moving. But let me show you again where that property is relative to Prairie Packaging.

Commissioner Walsh said I understand that. What I'm saying is there are buildings on that property currently that are not 384' away, they're significantly closer. It looks like an outbuilding or a barn or something like that.

Ms. Irvin said the point of that was really to say that the way these are oriented if you are standing in front of the tee box and those are covered tees, so that red outline is a building that's behind you, so if you are standing underneath that building in the covered tees and you hit the ball, the direction that you really have to hit it is where the blue line is. But if it were possible for you to hit it behind you, you'd pretty much have to go through that building to do that. I think what would happen if you hit behind you it would be inside the tee box.

Commissioner Walsh said my second question is the building. You said that there would be a loft area with meeting rooms, etc. and you are including that square footage or not wanting to include that square footage for the purposes of the TIA.

Ms. Irvin said that's where footage is a part of the clubhouse. It is not part of the bar. The bar is the 2,000 sq. ft.

Commissioner Walsh said so we have 2,000 sq. ft. plus whatever loft area.

Ms. Irvin said there's a pro shop and there's a meeting room.

Mayor Aneralla said I would like to hear from your expert.

A.J. Molnar said I'm with Southeastern Consulting Engineers.

Mayor Aneralla said what is Southeastern Consulting and who do you typically work with.

Mr. Molnar said actually we are consultants to the Town. We do power engineering but we work for municipalities in general and in that aspect we come across anything from generation plans to lighting projects, streetscapes and that sort of thing. We have a pretty wide breadth of knowledge over just about any kind of electrical engineering.

Commissioner Boone said what if Norfolk Southern says you are not going to cross our railroad, what happens then.

Ms. Irvin said if that is not the case then there is a connection to the south and there would have to be a connection.....or a connection to the north on the future Church Street Extension.

Commissioner Boone said on the 200' buffer to the north, you want that reduced to 60'. Is that correct?

Ms. Irvin said yes and the tee boxes.....actually one of the things that we talked about today I wasn't aware until I got Brad's Staff Analysis that there was an old access easement in the vesting deed because I didn't do the title work, but we talked a little bit about it and that tee box is over the 60' line of that easement, so they would have to pull it out of that 60' access easement even though as you can see you know it's a wooded area and there's no road there. That would still be something that they ought to do is to pull it out and the purpose of the access easement would be to provide or was to provide a driveway back from 115 to the property behind the driving range however since that time there's been a road connected that stubs in from Bryton directly into that back property that's already paved and improved.

Commissioner Boone said I think if you bring this to the Planning Board they would want to see this on a map. I can't speak for them. And then if that tee box is in the easement there, they could bend that further south and push everything closer to the middle of the property. I would like to see this without any net. I think once you put a net up there it just takes the eye appeal from the property.

Ms. Irvin said I probably could find lots of other examples where there aren't any nets. Again, unfortunately, I got the Staff Report Thursday and I was out of town so we really pulled all that stuff together just the last day or two.

Commissioner Bales said in your report you say that light trespass shall be prevented by employing lighting shields, hoods, walls or fences which control light projection. In no case shall the spillover light level from site lighting onto adjacent property or a public road exceed 1.0 foot candle measured at the property line.

Mr. Molnar said yes, that's actually from the ordinance.

Commissioner Bales said but it's not of your opinion.

Mr. Molnar said it is our opinion that the lighting design does meet that. The charts that you referred to earlier with all the blue zeros, that is light intensity, it's not measured on the ground which the ordinance addresses basically. It says that any one place you can't have more than 10 foot candles and then off the property it has to be zero.

Commissioner Bales said this is saying at property line at ground level.

Mr. Molnar said that is correct, yes.

Commissioner Bales said so if I'm living in that house right there am I going to be able to visually see the light coming onto my property even though it may not cross the property line at ground level, am I going to see it in my second story bedroom.

Mr. Molnar said I think part of the issue is the ordinance speaks specifically to lighting intensity and it is as measured on the ground. It also speaks to glare as well. Glare in the ordinance at the very least it's

not quantified, so there's not like a number. Now we can say for a couple of things in this design that are actually really helping to prevent that glare and one of them is that the light is directed at the center of the range and it has the hoods and the side hoods basically that prevent the spillage of light in other directions. Now one of the charts actually did take lighting intensity levels at 200 yards, so about halfway through the property and at about 15' and at that level it was down to like 4 foot candles at that. The reason they did that wasn't to provide that there wasn't light going off the property, but it does give you some indication. The reason they did it was because that's the lighting design that Qualite uses to design a driving range basically. It's part of their criteria but it's a good indication that as you approach the property lines there's practically no light. Glare is actually not necessarily.....it's more of by definition a light that bothers your eyes. All indications by all the calcs on here say that it's not going to be something that's going to be unpleasant for somebody. I don't think you can go as far in the ordinance to say that if you are standing outside the property you can't see that there's a light there, but it's a matter of how this is actually directed and maintained.

Commissioner Bales said have you physically seen this type system anywhere else.

Mr. Molnar said no. Our position was Qualite did the design and we don't manufacture lights, don't have that kind of information basically, so they've produced it. We took what they produced, verified that the information looked accurate, and said yes this meets the ordinance.

Commissioner Bales said so this is a different lighting system than was with the old project. I think the old project was Top Tracer and this is Game Changer. I don't know if it's a different company.

Ms. Irvin said I wasn't involved in the last one but my understanding is the foot candle and intensity of the light of this project are lower than what was proposed in the last one.

Commissioner Bales said in the Technical Guide that we have in front of us, it can be controlled by smart phone?

Commissioner Bales said I think it's kind of cool that you can use your phone to redirect the lights.

Mr. Molnar said when we got the initial design from David, he asked us to verify if there were actually some foot candle intensities that were higher than 10. I mean they weren't in line with that and so we've actually asked them to dial it down a little bit and there's some dimming and things that are going into this design that actually make it meet criteria.

David Jarrett, Jarrett Engineering, said I'm the engineer on the project.

Commissioner Bales said I guess the two questions were this is a different lighting system.

Mr. Jarrett said it is the same lighting system with different applications. It's got the hood now. It's got shielding on the sides and the top and it's a different lighting intensity. We've lowered the intensity of lights. Before we were asking for a variance from the ordinance to go above 10. Here we are staying below the 10. Much of the lighting last time was at 15, 16, 17. The tee box lighting was at 15, 16, 17. We've reduced all of that. Everything now is 10 or below.

Commissioner Bales said are they going to be able to utilize.....

Mr. Jarrett said again, two different projects. Top Tracer is what we talked about before that needed it to be able to use that. We're not using that, we're not depending on that. It's got nothing to do with what we are asking for this time. This time we are just asking to light the range so we can hit golf balls at night. There are different systems out there that don't require the lighting, so we're probably going to use a different system, but we just don't know what that is yet. It's not something we have to have for the project, so really the lighting is just to light the range for nighttime hitting.

Commissioner Bales said the parking lot lighting. Is this the same lighting in the parking lot where they are directional or are they going to be your standard parking lot light that's straight down.

Mr. Jarrett said these will be the exact same lights. So the exact same lights that are lighting the range will be this, they will be angled much lower. That's down to the 30 or whatever it is directly into the parking lot. So those will be shining much more direct like the tee box lighting, shining more straight down. It is the same lighting used to light the parking lot.

Commissioner Bales said is there a reason why you are using the same lighting versus your traditional lighting for a parking lot.

Mr. Jarrett said just for one vendor, one source, so that we don't have to go for 10 lights to another vendor and try to put two photometric plans together.

Commissioner Boone said if you were living on the west side of 115 what would the intensity be.

Mr. Molnar said by the calcs that are there even to the other side of the parking lot between 115, it's already gone to zero, so across 115 it would be zero as well.

Ms. Beeker said there have been a lot of representations that are being made and so I would like to ask the applicant if they would be willing for all of the representations that are being made to be in as conditions.

Ms. Irvin said I would like to put in as a condition that the lighting will meet the ordinance requirements for full cut-off lighting. That covers pretty much everything.

Ms. Beeker said but there are representations that are being made that I think help explain why glare may not be an issue and so the lowering of intensity and some of the other representations that have been made I think will be easier to enforce in the future as far as helping to prevent that glare onto the adjacent properties. And so my recommendation would be to the Board that if you approve it that you ask that these representations be put in writing and we could work out the language.

Ms. Irvin said I would like to have specifics in the conditions and so I'm fine with doing that.

Commissioner Phillips said has the applicant purchased the property yet.

Ms. Irvin said I am not familiar with the contractual situation, but my understanding is that the owner is here tonight and so my assumption is that they have not purchased the property.

Commissioner Phillips said if this doesn't pass, a multi-family neighborhood could be built in there in the future.

Ms. Irvin said certainly the property is zoned Neighborhood Residential now. If you look at the Bryton project nearby there are apartments just to the south of this property already on 115. So you can see even in this picture which is a fairly old picture where the apartments currently are on the corner of Hambright and 115. So I could not make a conjecture about what would be the appropriate use there. Based on common sense you probably are looking at something with some similar intensity that would be compatible with what's there now.

Commissioner Munger said my understanding of this.....that is a grass tee box area.

Ms. Irvin said those are outside tee boxes and you can see because of the angle of the tee boxes they are intended.....the direction of the tee boxes is where that blue line is so we are drawing those measurements to the adjoining properties to tell you the distances that are 1,220' or the 840'.

Commissioner Munger said this is a question about intent in terms of is there anything that would stop them from hitting it directly into that power station area.

Ms. Irvin said if they wanted to turn around and hit off the tee box from that direction.....if they just wanted to turn to the side and hit it.

Commissioner Munger said right, where that black line is.

Ms. Irvin said I think that there's probably something that you can put up next to the tee box to keep somebody from swinging in that direction.

Peter Hubert, 12222 Wickson Court, addressed the Board in support of the project, but expressed concern with the late closing time, lights coming onto his property from the cars in the parking lot, alcoholic beverages being served on the property that may cause rowdy customers and drunk driving.

Vince Fioramonti (spouse of Planning Board member Catherine Graffy), 15120 Pavilion Loop Drive, addressed the Board in support of the project. The facility proposed would be a public venue with easy access throughout all Charlotte.

Jason Darling, 13715 Chandlers Green Court, addressed the Board in support of the project. Family indoor/outdoor family recreation activities are missing from the area, so this facility would benefit the community and provide a quicker format for playing golf.

Mike Lefler, 10325 Washam Potts Road, Cornelius, addressed the Board on behalf of the three families that own the property in support of the project, which will benefit the community.

Commissioner Bales said something we haven't talked about, does the topography help with the lighting scenario on this and glare.

Mr. Priest said I'm not familiar enough with the offsite topography to know if it would help or hurt. I know that the site goes down and drops towards the creek so I can't give you a definitive answer on that. Let me add this to the record. It's understood that the numbers are going to work at the property line in regard to not being over one foot candle. I think that the statement that is problematic from staff's perspective is 8.26.1(c) no source of glare shall be visible from any adjacent property or street. Is the bright burning light going to be visible at all. When you increase the angle that makes it more likely. To the point directed by the dais and from the applicant, if they were to put a condition on the plan to

say no source of glare shall be visible from adjacent property or street, that would work as well and make that a condition of the plan, that way if there is visible light or glare bright intensity lamp then that would be a condition on the plan and they would have to angle those lights down. And the topography may or may not help to answer your question but I'm just not familiar with Bryton's topography and the property to the north's topography to know if they're downhill. If they're lower that's a problem. If they're higher that's less of a problem.

There being no further comments, Mayor Aneralla closed the public hearing.

Petition #R19-18. Mayor Aneralla called to order public hearing on Petition #R19-18, a request by Cambridge Properties, Inc. to revise the +/- 25.6 acre Huntersville Market Conditional District Rezoning located north of the Eastfield Road and Prosperity Church Road intersection (Parcel #: 02119171, 02119172, , 02119170, 02119169, 02119168, 02119173, 02119174, 02119175 & 02119101) from Highway Commercial - Conditional District to Highway Commercial - Conditional District REVISED.

Jay Priester, Cambridge Properties, Inc., requested the Board continue the petition for 60 days to allow time for additional tweaks to the site plan.

Commissioner Walsh made a motion to continue this public hearing to May 4, 2020 at 6:00 p.m. at Town Hall.

Commissioner Phillips seconded motion.

Motion carried unanimously.

OTHER BUSINESS

Resolution – Purchase 103 N. Old Statesville Road. Staff recommends the purchase of 103 N. Old Statesville Road to support trailhead for downtown greenway and other enhancements to the Town's core.

Commissioner Walsh made a motion to adopt Resolution of the Town of Huntersville to Approve and Ratify Contract for the Purchase and Acquisition of Real Property at 103 N. Old Statesville Road.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

CONSENT AGENDA

Approval of Minutes. Commissioner Hines made a motion to approve the minutes of the February 17, 2020 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

Design and Construction Services – Ranson/Rosedale Park. Commissioner Hines made a motion to approve Design Development and Construction Services Contract for Ranson/Rosedale Park. Commissioner Bales seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 5.

Construction Contract – Veterans Park Restroom Building. Commissioner Hines made a motion to approve Construction Contract with Dozier Built, LLC for Veterans Park Restroom Building. Commissioner Bales seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 6.

Budget Amendment – 103 N. Old Statesville Road. Commissioner Hines made a motion to approve budget amendment appropriating Fund Balance in the amount of \$365,000 to the Capital Land account for the cost of the house and related closing costs at 103 N. Old Statesville Road. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R20-02. Commissioner Hines made a motion to call a public hearing for Monday, April 6, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #R20-02, a request by North Mecklenburg Rescue Foundation to generally rezone 0.3944 acres from Neighborhood Residential to Highway Commercial. The property is located at 15503 N. Old Statesville Road (Parcel #01733141). Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA20-01. Commissioner Hines made a motion to call a public hearing for Monday, April 6, 2020 at 6:00 p.m. at Huntersville Town Hall on Petition #TA20-01, a text amendment application requested by the Huntersville Planning Board to amend Articles 7.2, 7.4 and 12 of the Huntersville Zoning Ordinance. Commissioner Bales seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 6th day of April, 2020.