



**Planning Board
Regular Planning Board Meeting
Minutes
April 24, 2018 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

B. Approval of Minutes

- B.1. Consider approving the March 27, 2018 Regular Meeting Minutes

Catherine Graffy made a Motion to Approve. Joe Sailers seconded the Motion, and the vote was 8-0.

Absent: Swanick

The Chairman made a Motion to add to Other Business a discussion about the Communications Subcommittee. J. Davis Seconded the Motion, and the vote was unanimous.

C. Public Comments

D. Action Agenda

- D.1. TA 18-04 TIA Adjustments

Jennifer Davis made a Motion to Approve the proposed amendment, TA 18-04, amending Sections 14.2.1(a), 14.3, 14.5.3 of the Zoning Ordinance based on the amendment being consistent with ED 14.1 of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance to be consistent with state law and to acknowledge road improvements within the NCTIP in preparing a traffic impact analysis. Joe Sailers seconded the Motion, and the vote was 7-1, with Bankirer opposing.

Hal Bankirer made a Substitute Motion that Section 1 be separated from Sections 2, 3 & 4 for separate votes. The Motion did not receive a second, and therefore failed.

Absent: Swanick

Discussion:

Jack Simoneau, Planning Director (also referred to herein as “staff” or “Simoneau”), entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. The proposed amends the standards for requiring a Traffic Impact Analysis (“TIA”) when exempted by State statutes, and the TIA to consider projects in the NCDOT’s delivery portion of the State Transportation Investment Program. The Adopted NCTIP 2018-19, Town CIP 2018-22, Huntersville Area Projects map (“Projects”) was shown and explained. Max Buchanan, Public Works & Engineering Director (“Buchanan”), was present to assist. Staff recommends the proposed amendment. Staff further noted the link found on the General Assembly website for the Transportation Oversight Committee to which the Chairman requested the link be sent to the members. Buchanan confirmed it would be sent.

The Chairman called for questions. C. Graffy questioned if anyone felt the two Sections should be voted on separately, and staff noted that a Motion could be made with separate votes. No comments were made. J. Sailers asked about the impact of the Projects to intersections, and staff indicated the Projects are in lengths and sections, and not just intersections. Buchanan explained that each Project is on a large scale, and the design of a corridor, and is projected for a horizon of 2040. J. Sailers question the Gilead Road Project (#14), to which Buchanan explained the two Projects; US 21 and Gilead Road intersection and the I-77 Interchange. J. Sailers questioned the Project on NC73, and Buchanan commented about the public hearing held for US21 to Westmoreland, and a multi-lane superstreet with all intersections along the Project limits for 2040 traffic. Buchanan explained that secondary streets will not be widened by a Project. Buchanan explained that it does not make sense to study an intersection that is going to completely change, and the amendment is giving the authority to not require studying intersections that fall within Project limits. J. Sailers asked if the Town has input with the State for improvements, and Buchanan replied, no. NCDOT will require and only look at safe ingress and egress to the (school) site. The cost of improvements will be borne by NCDOT, and NCDOT will not require offsite improvements. If the Town wants to require additional improvements beyond what the State requires, the Town will have to pay for it.

R. Smith asked when implementation of the amendment will take place, and staff noted the Ordinance will become effective upon the Town Board’s adoption (Section 4). Buchanan noted there are a few applicants on hold pending the outcome of the amendment, and they are aware of the current legislation. C. Graffy noted that the Town could still request a TIA, and pay for it, and engineering staff wants to wait until a school is built and then assess the traffic impact. There is a delay in doing the study. Buchanan confirmed there would be a delay, and historically improvements are in place when schools open its doors. Since the Town will be responsible for the cost of a TIA, whether it is done in-house, or the Town requires a school to do a TIA and reimburse them, the Town will be on the hook for any improvement we may require from the TIA. Given the magnitude, half a Billion dollars’ worth of transportation projects, and all the changes in traffic patterns that are coming, the TIA projections are just guesses.

Buchanan suggested to wait to see where the traffic is, and then analyze and fix the priority problems. That is the approach. It is better science to count, measure and evaluate where the trouble spots are instead of guessing the future as one Project can change the whole (traffic) pattern. It was asked how quickly data from an analysis can be made, and Buchanan responded that an in-house analysis is a month at most. Improvements would become a prioritization of the Town's public dollars, and up to the Town Board to identify the funds to do improvements. All the improvements from schools is rolled into the greater transportation needs.

S. Thomas asked if the Town has any safety concerns about the implications of not having a TIA or study until after a school is in place. Buchanan noted that the focus will become safe ingress and egress to the site. Improvements can still be required, and most schools will come off a State road system, and the State will not allow a school without proper turn lanes off a State maintained road. That is regardless of legislation. The Town will also require guaranteed safe ingress and egress to a site. It also does not preclude us from requiring on-site improvement such as circulation, stacking and queuing be maintained on site, which is part of the site plan review and has not changed. The only thing it changes is the ability to require off-site improvements, unless we want it and pay for it. This is not a safety concern, but more as a standard minimum level of service ("LOS").

J. Davis asked about other municipalities adopting this type of ordinance, and if there is an increase of schools in those communities. Buchanan noted this is new legislation, and did not know if this alone will encourage more school development.

H. Bankirer asked how they are assured a study will be done, and when? Article 14 lays out a process, but the change does not indicate how this adjustment to the process will work. Simoneau commented that Buchanan's job is to keep traffic moving in the Town of Huntersville, and this is brand new. When a school opens, the Engineering Department will keep up with traffic. Chances are, the problems will be somewhere along the State maintained roads. Article 14 should not need to say that staff will do this, and Bankirer disagreed. If there is a process, it should be memorialized, just as the rest of the process has been. Simoneau suggested the Town Board adopt a policy about when a school open that Town staff will do a TIA within x days. Buchanan submitted that the concern is about the global picture, and suggested a better approach is to look at Town traffic as a whole, and not just a piece due to a school opening. It may not be beneficial to do individual TIAs for each school, but to do one for traffic as a whole, which would be a Town-wide TIA study. An individual study may show we need to spend 2 Million dollars for a (off-site) turn lane to meet the minimum level of service, and we would commit local dollars to the State system that we may or may not have to improve, because of the Projects. H. Bankirer expressed his concerns for a process, and noted the global view, but the process needs to be transparent and understandable to the public, which should be in writing. With each new school it will form a black hole in knowledge about the impact of traffic. Information goes in and nothing comes out, and soon there were will black holes dotting our landscape. If we do a global study then we have to do

multiple global studies because of multiple construction times and what if a huge school comes in that totally skews the traffic in the area. Bankirer gave an example of how the process may go wrong by noting that the Town Board recently approved a Davidson school zoning request, and agreed to \$50,000 being provided toward road improvements over the current list of Town road projects. It was questioned how many times will this happen without residents knowing what to expect. Simoneau asked if the Town Board should adopt a policy, and Bankirer felt that the issue needs to be address and the amendment does not resolve the process. The knowledge of information from a TIA will be an issue, and the Town will need to be aware of how it impacts resources, including staff, its budget and transportation planning. Buchanan questioned doing a TIA for each school, and what the data will be used for. If three intersections are impacted, what will we do with that information? Are we going to spend local money to fix the impacts according to the TIA, or are we going to evaluate that impacted intersection to every intersection in town. In the greater need of Huntersville, some intersections that are impacted do not rank in comparison. Bankirer said that Buchanan took his comments incorrectly and that he agreed that a TIA was not the answer, and clarified that something more streamlined than a TIA can be done, and we will want to know an impact that may only be a mile down the road. Buchanan noted that his department does traffic counts at every intersection, every two years. The CIP is prioritize for the top 10 projects, and addresses the needs of our Town as a whole, and the process is very transparent. Bankirer noted that the process for addressing school impacts also needs to be transparent. Buchanan noted the current thought process is to do a Town-wide analysis of the transportation needs, as a large scale in-house analysis, but not tied to the delivery of any school. Sailers noted there may be two schools now on hold, which Buchanan confirmed. Sailers commented that with the two pending schools that will be four schools within a year, and expressed his concerns for future schools, funding, and traffic.

J. Miller commented that the Planning Board needs to recommend the amendment, and the Town Board can decide if they want a policy, or not.

The Chairman called for further discussion. R. Smith asked about the outcome of a TIA, and how improvements would be ranked versus other projects. Buchanan noted a TIA would be done 30 days after a 1400 student school opens. If mitigation is expected to meet the minimum LOS, that encumbers significant local funds that would not be available. Smith commented that the outcome of the study could be included in the overall priority list for the Town. Buchanan clarified that he is suggesting that the TIA not be required in advance of an approved school, but wait until the school is open, and then an analysis be done to see where the cars are being distributed. When I-77 is completed we do not know the volumes on US21, nor on Ranson Road when Project #14 is completed. Each Project will change the traffic patterns, and a TIA completed prior to a school opening will be based upon guessing. The study should be done after the development occurs. It was further noted that the school impacts are not as great as compared to a subdivision when looking at peak hours. S. Thomas asked if there was any information helpful in strategic planning, and Buchanan could not think of anything not already committed to looking at. Schools will bring traffic

to its site, and we will insure they get in and out safely, and do not stack on the public road, which is all part of the site development. Projecting where the students come from and the volumes on a particular day for LOS may not be the way to go. Buchanan reiterated the upcoming transportation Projects. S. Thomas commented about public and private schools and asked Buchanan if anything different was needed between schools. Buchanan commented there are differences between public, private and charter schools, and even High School and Elementary Schools, with public transportation, student driving and carpools. It is easier to project public schools due to the boundaries. H. Bankirer asked if NCDOT has created any rules in support of the legislation. Buchanan noted the provisions in the Session Law that a school must satisfy the State educational requirement, whether it is a church school or not; as long as they are educating students to meet the minimum educational requirements (K-12). Bankirer asked if the study that NCDOT does for a school will be a public document for review, and if a school hires its own, will anybody be able to look at the study? Buchanan noted that the State is not going to do a formal study, but make a decision on turn lanes and driveways. A school, if they want to do a TIA, will be a package submitted to NCDOT and becomes public record.

The Chairman called for a Motion (see above). The Chairman called for discussion after the Motion(s). R. Smith asked for clarification, and Simoneau noted that all staff is doing is syncing the Ordinance with State law. J. Davis addressed the Chairman's concern of separating the Motion, and H. Bankirer stated the amendment is needed to line up with the law, but more thought should be given rather than to say "when road improvements are excluded". The Town has to protect its interest and not let the State law drive every single factor on how we approach transportation planning. The public needs to understand what the Town is going to do in response to the new law. The Town Board needs to get involved, along with transportation, and land planning to accommodate the ripple effect. Changes in Article 14 other than that one line need to be made, and if not, the Town Board should commit to addressing it as suggested by Simoneau as a policy. Bankirer recalled his experience as Chief of a Defense Department's Operations Research Office, and noted he would not vote for the amendment. All impacts need to be thought of and how they are going to be addressed. This is systemic, and will be a big deal. S. Thomas questioned if the Ordinance could be adopted with a later date to work through some of the issues. Bankirer noted the legislation is now in effect, and reiterated his concerns about a study, a single global study, and timing of the studies. J. Davis noted she relies on the experts and staff. Bankirer noted he is not a traffic engineer, but is an expert in systems analysis, and this system needs to be addressed. J. Miller commented that a study and intersections are identified that need improvements due to a school, the Town will be explaining why another project took precedence over a recommended off-site improvement by a school. H. Bankirer noted the responsibility is upon staff and the Town Board, and reiterated that transparency and a process is needed. J. Sailors expressed that the Planning Board needs to approve the amendment. Buchanan noted that traffic is an issue and it is systemic, and expressed that Article 14 may not be the right place to approach Town-wide transportation. It needs to be a more global approach with another policy or ordinance, but the TIA ordinance should not be used to dictate how we approach traffic issues.

Buchanan was questioned, what other tool would be used in its place, and he responded that most other communities use the State approach. According to Bill Coxe, Transportation Planner, the Town needs to approach a data driven process to determine the priorities with a process in place to look at all the transportation needs taking into account all the approved Projects. There may not be another tool, but it should be looked at globally, and not individually. C. Graffy noted that a study after a school is in place is the tool, and many intersections would be ruled out due to the Projects, and noted she was in favor of the proposed. She further expressed her concern that at the beginning of the discussion she asked if anyone felt the issue should be separated, and no one did at that time. H. Bankirer responded that as the Chairman he did not want to seem to be driving discussions or decisions, and reiterated his concerns. The Chairman called for a vote on the Motion (see above). There was no further discussion.

E. Other Business

Added Item: The Chairman noted that membership attendance for the Communications Subcommittee must be less than quorum (5). The members of the subcommittee are S. Thomas, Chairman, C. Graffy, J. Davis, and J. Miller. Commissioner Walsh attends the meetings along with David Peete from the Planning Department. The group has decided to meet monthly before the regular Planning Board meetings. If other members attend they are not to participate, but can observe.

F. Adjourn

Approved this 22nd day of May, 2018.

Chairman

Secretary