



**Planning Board
Regular Planning Board Meeting Minutes
May 22, 2018 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

The Chairman determined quorum and called the meeting to order. All members were present with the exception of J. McClelland, and J. Sailers.

B. Approval of Minutes

B.1. Consider approving April 24, 2018 Regular Meeting Minutes

J. Davis made a Motion to Approve, and S. Thomas seconded the Motion. The Motion carried with a 6-0-1 vote.

Abstain: S. Swanick, which is an affirmative vote.

Absent: McClelland, Sailers

C. Public Comments

Item D.2.: Jim Lane, 9035 Cool Meadow Drive, Huntersville. Mr. Lane stated he has lived in Mecklenburg County for 42 years, 12 year of which in Gilead Ridge. He is very familiar with the work that Mr. Coxe has done. He used to live off Randolph Road in Charlotte when it was a two lane road. He does not have a particular preference as a Gilead Ridge resident. He brought the property knowing that Hugh Torance road would go through the community based on the maps at the time. He bought there because it was going there. He bought there because of the connectivity to Birkdale. He bought there because of the potential connectivity without having to go through all kinds of hoops to get from one place to the other. In looking at it now, and thinking back to when bought, knowing that one of the options was that a thoroughfare went through the middle of the community, and looking at the option now looks better for the community with connectivity to Birkdale and Gilead Road. He looked at it very objectively, and also as a licensed real estate agent and consultant to HOA's for the last ten years having worked with the legislature. There are a lot of emotional issues for the community. He was on the HOA board when first developed, and wanted to say that Bill (Bill Coxe) has done a great job and wanted to publicly thank him. Unfortunately, when people buy into a community such as Gilead Ridge, they buy from builder's agents and they have no legal requirement to tell a perspective owner what might happen. If he had sat in the seat as the builder's agent and sold any of the homes on Hugh Torance, he likely would have lost his license, because the Real Estate Commission requires a real estate agent to tell perspective owners all material facts. This has been a material fact since 1986. There are a lot of people in the community that are upset and should not be in his opinion as a real estate agent. It is an emotional issue. They were in some ways misled by a builder, and thought there is a lesson here for future developments by builders and maybe a lesson for the Real Estate Commission. This is a matter of public record. He liked the option recommended with the Erwin Cook and Birkdale Commons extensions. He would love to be able to go to Birkdale in 5 minutes instead of taking 45 minutes going around the way it

is now. If you came out at 8:00 a.m. to see the traffic, you will see what this will do for the community. There are a lot of mixed feelings. This option (C-1) helps the community, connectivity, and him personally, and as a real estate agent. Good job.

Item D.2.: Sarah Gomez, 5228 Chapel Chase Lane, Huntersville. Ms. Gomez stated it is an incredibly emotional issue. She is one of the last homes on the new plan that would now be opened to the public. She indicated her location on the map, and stated it is her forever home. Everybody (showing areas at the connections) are now impacted by the recommendation in a very serious way. You are changing the lives of people with children on their streets by adding the connectivity points, and undermining the public preference, which was B-1 all along (she corrected herself to say, B-2). It does include a thoroughfare through the neighborhood, which was originally done like that. What it doesn't have is the north to west connectivity. From a resident's standpoint, while she understands there is a now a park impact and that is why these were brought to light suddenly after the public voted, the B-2 option was the one the public picked and wanted to see. She believes this will destroy home values for anyone who purchased on any of the roads where the connectivity points are, and ruin quality of life. Point blank. When she purchased her home this was not an option, and anyone who purchased on Hugh Torance (she apologized if they were in the room), that was always the plan, and this (C-1) was not. Because this went out to vote and a lot of angry people come out to speak their feelings about Hugh Torance connectivity; they purchased their home or townhome knowing that was always the case. It is not our problem for those of us on the outskirts of the neighborhood who specifically purchased in those locations for the privacy purposes. It is not our problem that Hugh Torance was always an option. You can tell it is a very emotional issue. It's a very angering issue, and she is especially frustrated that these two options that are now being presented as the most viable options the public never voted on. The public did state very clearly that B-2 was their preferred. Not to mention, from a cost standpoint, these are more costly. She does not want the quality of life for herself and family, and all of her neighbors that have children on these streets to be impacted because of a last minute decision.

Item D.2.: Al Lancaster, 16922 Hugh Torance Parkway, Huntersville. He voted for B-2, and is aware how Mr. Coxe got C-1 and A-1, and this (B-2) is what we all in the neighborhood voted on. The lady is right, there are a lot of issues. One of the big ones to us, is there are 114 units in Gilead Ridge that a Board okayed for these people to put extra townhomes there and it took away the parking. There are driveways in the back, but it is a narrow driveway and there is no parking in the back like the homes have. With that being said, there is absolutely no parking for us, so everybody has to park on the streets. That is the dilemma for the townhomes. If you approve this thing to go through there...what if we need emergency vehicles or somebody to come in? Where are they going to park? We have been told they can park on another street down the block. Who wants to come visit somebody and park a block or two away? The best option that Mr. Coxe has given us is C-1, but personally we all want B-2.

Item D.2.: Kathy Mahrle, 16934 Hugh Torance Parkway, Huntersville. She is a little taken back by C-1 and C-2. She is not sure exactly if she understands it, and hasn't had a chance to study the map. She is a little bit upset because this is about the sixth meeting she has gone to in regards to this one lane or another, and getting to feel a little frustrated. The numbers are a lot smaller because eventually you get worn down after about the fifth or sixth meeting, but we were all encouraged because we knew that B-2 was the winner on all of the surveys and voting. She thought that most everyone liked B-2 pretty well, and now she gets here and that is not even one of the ones you are voting on. She feels frustrated, like why did I go to all these meetings and everything...it is very frustrating. Al was right, I live in a townhome and there is a problem because we have no driveways. We just have the lane and a garage. If you have a carpet cleaner or plumber come, or anyone, they need to park on the street because there is nowhere for them to park. Not to mention visitors. She thought she was speaking for most people in Gilead Ridge that feel very frustrated with the whole process.

D. Action Agenda

- D.1. Petition #TA 18-03 - Amend Articles 3.2.7, 4 & 9.45 of the Zoning Ordinance to permit increased hotel & motel height with a special use permit in the Highway Commercial (HC) and Corporate Business (CB) zoning districts.

J. Davis made a Motion to Approve based on the amendment being consistent with the 2030 Community Plan, and it is reasonable and in the public interest to amend the zoning ordinance because it is seen as compatible with the uses of that district, and the Special Use Permit process will provide additional requirements, where appropriate. S. Swanick seconded the Motion, and the Motion carried with a 4-3 vote.

Opposed: C. Graffy, R. Smith, and S. Thomas

Absent: McClelland, Sailors

Discussion: David Peete, Principal Planner (“staff”), presented the Text Amendment, and entered the Staff Report into the record, a copy of which is attached as Exhibit A, and incorporated herein by reference. The proposed amended ordinance (see Exhibit A) was explained. Article 3 states the zones and uses permitted by right, with conditions, or by a Special Use Permit (“SUP”). Hotels exceeding the permitted building height, subject to 9.4.5. Section 4 describes how to choose the building types, with conditions, and the amendment would add a 5th subsection for hotels and motels to not exceed six (6) stories. The proposal is only adding to the Highway Commercial district (“HC”), and does not include Corporate Business (“CB”). It was noted that height is currently measured in feet, but the proposal is for “stories”. Staff explained that stories is a regulatory term and feature that allows variety. A story could be 9-14’ tall, and gives flexibility. If there is a height different between feet and a story, it is not significant to staff. Section 9.4.5 are the conditional elements to allow hotels and motels and the proposal includes that a hotel is subject to a SUP. The distance of at least 250’ from residential or mixed-use zones has not changed. Staff recommends the proposal. Staff further showed a map of the NC73/Sam Furr Road area that would apply to the HC zone, particularly in the Birkdale area.

Discussion was opened for member questions. Staff noted that the applicant is starting with the text amendment for future development. R. Smith raised the question from the public hearing about fire trucks and heights. Staff responded that the proposal has been reviewed by the Fire Marshall, and under the Building Code a hotel would have sprinkler systems. Staff will speak more to the Fire Marshall about equipment. J. Davis noted a Commissioner’s comment from the public hearing about property values, and asked how that is established. Staff explained that an appraisal would be needed to substantiate values. Jack Simoneau, Planning Director, commented that a property owner would need an appraisal for valuing property if felt their property value is impacted by a hotel. H. Bankirer noted that CB zoning is listed in the amendment description and asked for clarification, to which staff responded that the applicant is proposing hotels with six stories only in HC districts through a SUP process. CB is not being changed. S. Thomas questioned principal and accessory uses, to which

staff responded that a convention center was deemed predominant. A hotel would still be regulated under the ordinances. H. Bankirer commented about possible residences as part of future development of a hotel. Jack Simoneau replied that the initial design of the property (Birkdale Golf Course), has retail buildings, a hotel, and an apartment complex. J. Davis asked for clarification between feet and stories, to which staff responded with an example of six stories at 10' each (60 x 3=180) and the default of separation is 250'. Examples were shown with the heights currently in Birkdale Village and distances between the residential homes. There are methods for transitioning (landscaping and buffering), and the Board can do that in the SUP process. H. Bankirer asked why six stories, and if it was unique to the developer's request, or if there was another reason. Staff noted the request is by the applicant for six stories. H. Bankirer noted that the Huntersville Ordinance Advisory Board ("HOAB") approved the amendment, and further asked what the current tallest structure in Town to which staff replied, the tower. Jack Simoneau noted an occupied structure is 48'. J. Miller asked about the ability for Bryton, to which it was noted that Bryton can go to 13 stories. J. Davis questioned a recent matter for a five story apartment building that the applicant came back with 4 stories, Staff noted the setbacks for that project and that it was next to townhomes. J. Simoneau commented that project was for apartment buildings that are allowed in residential type zoning and it backed up to townhomes that did not have a separation. The ordinance limits apartments to three stories. The ground elevation dropped and staff was okay to modify it to four stories. This is different from a hotel that is allowed in a HC zone. C. Graffy noted the architectural traits of the apartments, and the stories might look and be higher. J. Simoneau commented about heights and visual perception. C. Graffy questioned hotels and motels in the ordinance. J. Simoneau described a motel as having rooms that are open to the outside, and hotel rooms are accessed by the inside space. J. Davis again questioned the heights of current buildings (excluding Bryton), and J. Simoneau noted this hotel would be the tallest with six stories, and D. Peete added the 250' setback.

Trent Gustafson (applicant) and Susan Irvin, Attorney at Law, addressed the Board. S. Irvin stated the application has gone through the HOAB, and the applicant has agreed with staff's recommendation for an SUP. It was further mentioned that not only the economic benefits, hotels also bring tax benefits to the Town, and are extremely low on traffic relative to offices, retail and apartments. The applicant commented about the need for the hotel in Town with the lack of supply of hotel rooms. Local events (such as fishing tournaments) have the participants staying in Concord or Charlotte. The Lake Norman community does not have the ability to provide for the groups of people. Also, Birkdale Golf Club does not currently have adequate banquet space, eating space, and the club house is 25+ years old. The future project (hotel) is paramount to having banquet, restaurant, and meeting spaces on the ground floor included with a lobby, and the ancillary spaces will make the Club stronger than currently today. The height was compared with the practice nets currently in place, which are 121', and the hotel would be just over half that height.

There were no further questions, and a Motion was made (see above). Discussion after the Motion included J. Davis expressing her support for the Motion and that accommodations are needed for special events in the area. R. Smith expressed

his concern for the maximum height and buildings across the street (in Birkdale Village), and fire concerns. S. Swanick noted the SUP and controls within that process. H. Bankirer noted his support and expressed his concerns about the fire aspects, and future request(s) with reduced setbacks and separation, and impacts. The Town Board who sees taxes and economic development at the expense of residents is a concern, and H. Bankirer will look critically at any reductions. There was no further discussion, and the Chairman noted that the vote will reflect the ambivalence of the Planning Board.

D.2. Northwest Huntersville Transportation Study update and system recommendation

S. Swanick made a Motion to Recommend Alternate C1 and C2, based on the concerns of the Gilead Ridge community by diverting Irvin Cook Road around the northeast corner of the property and will minimize potential destructive impacts on the property, but maintains connectivity in a less than thoroughfare connection, it will also have less impact on the planned park development; however, this recommendation under the request that special attention be made to the Birkdale Commons extension alignment to have minimum impact on the western side of Gilead Ridge subdivision. C. Graffy seconded the Motion. The Motion failed with a vote of 3-4.

Opposed: H. Bankirer, J. Davis, R. Smith, S. Thomas
Absent: McClelland, Sailers

J. Davis made a Motion to Recommend Alternate B2. S. Thomas seconded the Motion. The Motion carried with a vote of 4-3.

Opposed: C. Graffy, J. Miller, S. Swanick
Absent: McClelland, Sailers

Discussion: Bill Coxe, Transportation Planner (“staff” or “Coxe”), presented the update. The coversheet and attachments from the agenda package, and portions of the slide presentation are attached hereto as Exhibit B, and incorporated herein by reference. It is being requested that a recommendation be made to the Town Board. Staff described the history of the study from 2007, and explained the Comprehensive Transportation Plan (“CTP”), the process and studies made for the northwestern area of the Town with its partners, one of which is the Charlotte Regional Transportation Planning Organization (“CRTPO”). There are sets of highway maps, pedestrian, bike and transit rail maps, which can be overlaid to see any given corridor to what might be the desires for the different elements within that transportation corridor. The maps are adopted by the CRTPO. The existing roadways also show needed improvements, i.e. Asbury Chapel Road relocation and its need for widening. The highway map classifies the roads being talked about now as minor thoroughfares (2 lane roads with turn lanes, if necessary). The transportation plan is not fiscally constrained. In the middle of the plan is the widening of Highway 73 (“NC73”), and an element of that is whether or not to relocate NC73. It is believed that determination will be made later in the summer of 2018 by NCDOT. The options shown are with and without relocating NC73. It is a valid question as made by the Town Board

during the public hearing to consider waiting until after the NCDOT decision is made for NC73, and the Planning Board may also want to consider waiting. The pedestrian and bike maps need to be altered for the roadways, and the greenway alignments will not be altered. Whenever the roadway is moved the bike and pedestrian elements must also be moved to coincide. Preferred cross sections for roadway and preferred treatments have been identified, but not adopted. In 2011 the first part of the study was included with a decision from MUMPO (CRTPO predecessor). Decisions made now are planning decisions to help protect right of way and examine land development. Under the prevailing rules at that point in time in planning, whoever's money is being used (Federal, State or Local) are the rules to study under; i.e. NC73 relocation is being re-studied by the State for actual construction and the options are being compared again. Since March of 2017, the plans have been updated, and presentations have made. A timeline was shown for the decision schedule, to which staff reviewed, and in June 2018 the Town Board, the Technical Coordinating Committee, and CRTPO will be requested to make a recommended. Since the minor thoroughfares are solely within the Town's jurisdiction, and if the Town Board expresses a preference for alignments, CRTPO may not adopt something different. The 1988 Thoroughfare Plan was shown to which Vance Road extension was noted as crossing Gilead Road moving south to North Lake Mall. Stumptown extension traveled east to west through woodlands and farms, and without subdivisions at that time. Development in that area needed to respect the alignment (i.e. Wynfield Creek, McAulay, Gilead Ridge, etc.). The road is now known as Hugh Torance Parkway, and is constructed through Gilead Ridge. Staff showed the Gilead Ridge subdivision with the street view of townhomes and single family homes on each side. The street parking was discussed and it was explained about the width of the road being adequate for one travel lane and one bike lane in each direction. The bike lanes have never been striped, and parking was allowed on the road because the Parkway did not go anywhere except within the subdivision. The residents have become accustomed to parking on the street and not in the garages, and they now question where they will park as they perceive traffic going through the subdivision on the minor thoroughfare. It was noted that the pavement is not adequate for a thoroughfare and the cost estimate is inclusive of reconstruction of the pavement in the subdivision; but it does not include adding more parking along the road. There is the physical space to add more roadway for parking, but the additional cost is not shown. A public survey was made and the results were noted (see Exhibits). The first and second survey were noted for the connectivity responses. The surveys showed substantial support for separated pedestrian and bike paths, and round-a-bouts were supported for intersections.

The options for the roadways were shown. A-1, with NC73 in its current alignment, and B-1, with NC73 relocated. The way the minor thoroughfares connect to NC73 and Beatties Ford Road changes between the options. This is the closest shown in the CTP, as it shows Birkdale Commons Parkway going through the Pender property purchased by Mecklenburg County for future parks, and then follows Hager Road to Erwin Cook Road to Gilead Road. The Hugh Torance Parkway from Wynfield Forest is shown going through the Mecklenburg County proposed park, across Ervin Cook Road, and through Gilead Ridge to NC73. If NC73 does not get realigned, Hugh Torance Parkway will tie into NC73 across from Cramur Drive. A-2 option shows Hugh Torance along the

northern edge of Gilead Ridge subdivision with a round-a-bout connection with Birkdale Commons Parkway. Option A-3 was described with a different alignment for Birkdale Commons Parkway to follow the northwestern edge of Gilead Ridge and connects to Gilead Road. The Hugh Torance Parkway terminates at Ervin Cook Road. B-3 has NC73 being relocated. The publicly preferred option was A-3. A-4 and B-4 was described, with Hugh Torance going through the Gilead Ridge subdivision. It was noted that after the public workshops, staff and the consultants discussed the County's dissatisfaction with the additional impact of the county parks within some of the options, and the citizens of Gilead Ridge do not like the thoroughfare going through the subdivision. Options C-1 and C-2 address both. Huge Torance Parkway terminate at Ervin Cook Road, and the thoroughfare goes around the northern edge of the subdivision to NC73. It is important for connectivity that a minor thoroughfare stay connected to NC73. The State is currently studying NC73 with relocation while considering the crossing (or not crossing) of the gas pipeline. The pipeline is a consideration. A problem for the Town in not having the Vance Road extension connection to the new NCDOT alignment may not be possible. This point has been made multiple times with NCDOT, without a satisfactory response. The bike map was then shown, which gives what a map could look like showing the different elements moving with the road options. The information gathered through the study has been summarized in a matrix (see Exhibits). The cost estimates are not included for the A options, because the cost of the impacts track the different options (A-1 and B-1). The scoring has been made without weights. Total cost estimates range from \$20 to \$25 Million. The considerations for making a recommendation are first NC73 and how Vance Road will tie in. The options recommended by staff are either B-4 and A-4 options, or the C-1 and C-2 options, and those are purely in distinction of whether you go through Gilead Ridge subdivision, or not, as shown on the original 1988 Thoroughfare Plan. Staff again showed the options and described the different alignments and connections. There is limited technical basis for rendering one decision or another. There is a cost difference in the options. The impacts and proximity measurements used for people being disturbed is arbitrary. A distance of up to 100' was used for impacts, which is a consistent measurement.

The Chairman opened with questions from the members, and R. Smith asked about the matrix scoring for B-2 as being the most preferred, and Coxe noted it is the public preference. The second public workshop showed a strong preference for options A-2/B-2 as indicated in the survey. It is the numerically highest score, and the consultant supported C-1 as being a compromise. J. Davis asked for clarification of the maps, and S. Thomas asked if any impacts would sway a decision. Coxe responded that once the basic concepts are chosen, the Town and consultants will go back to do more detailed maps to produce map accuracy within 20', based on the underlying map accuracy data. The NC73 mapping has caused a lot of confusion. The measurements now shown are the best available at this time. The Chairman noted to the members that a recommended alternative is being requested, which staff confirmed, and pedestrian maps will change accordingly. S. Thomas asked what the advantage is in making a recommendation now, and staff responded that, for instance, an option will tell the State that if NC73 is widened it is the goal for a thoroughfare to hit NC73 opposite Cramur Drive, and the State can include that information in its planning.

Another advantage is for the people that are concerned with this will have a decision.

The Chairman called the public that had signed up to address the Board. See above Public Comments section. The Chairman noted after the public comments that the Planning Board is not restricted to vote only on the staff recommended options.

H. Bankirer asked staff to show the map of B-2. Mr. Coxe showed all the various options in pairs, and expressed that he felt C-1 offers a better system of future of roadways than B-2. The members asked about the connections, including Birkdale Commons Parkway, to which Coxe again described the alignments, and stub streets in current and future developments. R. Smith mentioned the Beckett subdivision is to the south of Gilead Ridge. J. Miller asked about the distance from the houses in C-1/C-2 from the thoroughfare, and staff responded there would be a requirement for an 80' separation. J. Miller noted that was a good distance and the road would not be right in front of a house. Coxe further explained that those homes would be side loaded to the roadway as they face the roads that are now in the development. The 80' buffer is based on current ordinances. J. Davis questioned how C-1 was more feasible with more roadway than B-2. Coxe explained that there is more roadway to be constructed under C-1. Birkdale Commons Parkway will be parallel to NC73 and provide local circulation to the developments that are parallel to NC73 (now and in the future). Highway 73 is going to become a superstreet, and access and turn movements will be severely restricted. Local connectivity will be needed, and you will not be able to rely on NC73 to do local trips. Having a roadway parallel with it at some point in the future will be very valuable, and that is why it is being recommended. B-2 option does not have that. The process of preserving future right of way was asked and explained. Coxe gave examples of Wynfield and Gilead Ridge subdivisions and adopted plans. Developments have to comply with adopted plans and dedicate right of way. There are multiple examples throughout the Town where rights of way have been preserved through development processes. Again, the options were shown in pairs and briefly described.

The Chairman called for a Motion (see above). Discussion after the Motion included J. Davis stating she would support option B-2, and felt it was a much better option for streets and the public. S. Swanick commented on his thought process behind the Motion that included impacts, and Birkdale Commons extending to Gilead would be essential as some point. A compromise solution has been weighed as diverting a road around Gilead Ridge to prevent from destroying it. Impacts will be ripples in a pond. C-1 and C-2 make sense, and we have a professional opinion on the plans. C. Graffy noted that C-1/C-2 and B-2 were the strongest contenders in her opinion, and would support either one. J. Davis commented about the rural area and thoroughfares, and did not feel that a roadway parallel to NC73 was necessary for this development and area. J. Miller noted that when Gilead Ridge was approve the Sketch Plan did not have enough connectivity and emergency services was a concern. The C options will give more connectivity and more ways to get people (and services) in and out, which might be good. H. Bankirer noted he would not support the Motion. After the second Motion (for B-2), discussion was made. H. Bankirer commented that B-2

has the least impact on Gilead Ridge, and was most popular. Staff used the comments from its meetings and came up with alternatives options. H. Bankirer noted he would lean towards supporting the residents. Mr. Coxe noted that the connection to the Ervin Cook Road from the stub street is omitted from the map, and that B-2 would be strongly opposed by the Mecklenburg County because of the impact on the park land. No further discussion was made.

E. Other Business

The Chairman requested the next Agenda include an update from the subcommittee Chairman. The Chairman requested the next Agenda include Elections for Chairman and Vice Chairman.

F. Adjourn

Approved this 26th day of June, 2018

Chairman or Vice Chairman

Secretary