



Planning Board
Regular Planning Board Meeting Minutes
June 25, 2019 - 6:30 PM
Town Hall

A. Call to Order/Roll Call

B. Approval of Minutes

B.1. Approval of May Minutes

S. Thomas made a Motion to Approve, and C. Graffy seconded the Motion. The Motion carried unanimously (9-0).

C. Public Comments

Commissioner Dan Boone (1317 Southland Road, Huntersville) expressed his appreciation for Joe Sailers years of service to the Town and to the Planning Board.

F. Gammon made a Motion to hear Items D2, D3 and D5 first, and S. Hensley seconded. The Motion carried unanimously (9-0).

D. Action Agenda

D.2. R18-10: Oak Grove Hill is a request by the applicant for no action to be taken until new public hearing is held on amended petition.

M. Nesbitt, Senior Planner, presented the applicants request for the Planning Board to take no action on the initial rezoning request and request that the Town Board call a new public hearing on an amended request. The applicant has additional land under contract that they will be adding in to the rezoning request.

J. Sailers made a Motion to Take No Action and Call for A New Public Hearing, and J. Sny seconded.

H. Bankirer asked if this would become a new rezoning request. Staff explained that the initial rezoning request would be amended and remain R18-10, a new hybrid rezoning request would include the two new parcels and receive a new rezoning number. The two rezoning requests would be considered together. S. Hensley verified if this was the standard action given one could be approved and one denied. Staff explained that this is not how this has been done previously but this situation is unique due to it intensifying the original request by the increase of parcels.

J. Sailers requested clarification on whether it would be easier for the applicant to pull the project off the table and resubmit with a public hearing in July, or start a

totally new application given the addition of parcels. Staff responded that in accordance with Huntersville Zoning Ordinance, Article 11; once a request goes through the public hearing it must complete the process. The public hearing on this request has already been closed. The applicant cannot simply walk away from an application once a public hearing has been closed. Also, per the Zoning Ordinance the legal method for restarting this process with the addition of parcels is to amend the original request with the addition of two new parcels, creating the hybrid process. The Town Board and Planning Board will be asked to make one recommendation on a hybrid request. It will be very clear that it is the initial site with the two new parcels added. The Motion carried unanimously (9-0).

- D.3. R18-10: Oak Grove Hill Tree Save Mitigation is a request by the applicant for no action to be taken until new public hearing is held for the amended rezoning petition.

M. Nesbitt, Senior Planner advised that similar to the previous request, the applicant is requesting no action be taken until the previous rezoning request comes back before them to take action.

J. Sailors asked for confirmation that this item will come back before the Planning Board under the new hybrid. Staff confirmed that it will.

S. Hensley made a Motion to Take No Action until the Amended Rezoning Request comes back to the Planning Board, and J. Sailors seconded. The Motion carried unanimously (9-0).

- D.5. R19-04: Thrive Athletics is a request by the property owners of 11031 Mt. Holly-Huntersville Road (tax ID #01703211) and 11431 Mt. Holly Huntersville Road (tax ID #01703206) to rezone their properties from Rural to Special Purpose Conditional District and Rural Conditional District to construct a 30,000 sq. ft. indoor recreational facility and associated outdoor ball fields.

B. Priest, Senior Planner, entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. An email received by the Planning staff from the applicant is included outlining a request to defer this item until the July 23, 2019 Planning Board meeting. The applicant is currently waiting for the TIA (traffic impact analysis) which has not been finalized as of yet.

J. Sailors made a Motion to Defer as requested by applicant until July 23, 2019 meeting, and J. Sny seconded.

H. Bankirer asked if there were any other known outstanding items that may cause further deferment. Staff stated that concerns about watershed and parking have already been reviewed with the applicant and they are working with the applicant to put restrictive notes on the plan to modify the full use of the plan. Currently they are working through those items and the TIA remains the biggest outstanding issue at this time. S. Hensley inquired if there had been any discussion regarding the grove of maturing trees in the front that Commissioner Boone had brought up at the public hearing. Staff stated that the current focus has been the TIA and there has not been discussion as of yet but that will happen within the next month regarding saving additional trees. F. Gammon would like a

better document that indicates the size and type of trees located on the property. The tree size and type that are indicated for cutting cannot be read as it is x-ed out. Additionally, there is no tree table, and no small hardwoods noted, that are easily readable, which seems unusual. S. Thomas asked if it was possible for Planning Board staff to go out and walk the property in coordination with the applicant. Staff indicated that they would request that the applicant make the request of the current property owner. J. Sailors inquired if there were any NCDOT improvements scheduled for the intersection of Hambright Road and Mt. Holly-Huntersville Rd, and stated that the applicant had called him to acknowledge that he was going to ask an arborist to review the trees in discussion. Staff indicated that that intersection does not currently have any planned improvements. The Motion carried unanimously (9-0).

- D.1. TA19-05 is a request by Frank and Ellen Loncz to amend Article 3.2.5(a) to allow temporary mobile food sales in the Neighborhood Center (NC) Zoning District.

S. Swanick requested to be recused. F. Gammon made a Motion to recuse, and J. Sailors seconded. The Motion carried unanimously (9-0).

S. Sierra reviewed and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. Temporary mobile food sales are already permitted with conditions in Town Center (TC), Highway Commercial (HC), Special Purpose (SP), and Corporate Business (CB). Currently, Neighborhood Center (NC) zoning accounts for a total land area of 0.3% within Huntersville, and the majority fall within or close to higher intensity areas. Staff supports the amendment.

F. Gammon made a Motion to Approve the proposed amendment, TA 19-05 to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the neighborhood center (NC) zoning district. Based upon the petition being consistent with Policy CD-2 and Policy ED-12 of the Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the majority of neighborhood zoned properties fall within higher intensity areas and temporary mobile food sales would provide added economic activity within the zoning district, and J. Sailors seconded.

J. Sny requested the applicants clarify where specifically the plan is to park the food trucks. Ellen Loncz (1320 Hudson Place, Davidson) stated that the location would remain nimble. There have been two key places that are currently used. One location is closer to the home during inclement weather and the second location is in the field down the pathway on sunny days. J. Sny confirmed with staff that there is a 15' off of right-of-way from Watkins Rd. required and asked how close the applicant planned to park food trucks in proximity to their neighbors. Frank Loncz (1320 Hudson Place, Davidson) confirmed that they take into consideration the neighbors and the current location is closer to 50' in distance to closest neighbor depending on which location is being used due to weather conditions.

H. Bankirer expressed concern about the open-ended nature of the wording, and the importance to be consistent in the conditions on mobile food sales between zoning districts. Staff confirmed that the conditions are the same for each zoning district that mobile food sales are permitted. J. Sny asked if the mobile food restrictions were reduced or lessened in the last few years. Staff identified that mobile food sales had been added to Corporate Business (CB) and Special Purpose (SP) over the past few years. S. Hensley stated that he supports the amendment and inquired if the permit that is renewed every year has any limitation to the number of food trucks permitted so that something approved does not morph into something greater. Staff indicated that the criteria of the conditions works to deter this problem and we have not had this problem occur, if it ever becomes a problem we may need to identify additional conditions in the future. F. Gammon inquired and Staff confirmed that the permit must be renewed each year.

C. Graffy stated that she was in favor of the amendment since it would support the business in a location of historical significance to the Town of Huntersville and would assist in ensuring the buildings preservation. The Motion carried unanimously (8-0).

C. Graffy made a Motion for S.Swanick to return, H. Bankirer seconded. The Motion carried unanimously (8-0).

D.4. R19-03: Ramah Church Flex Site is a request by Travis Adams to rezone 1.58 acres located at 11928 Ramah Church Road (parcel #01926407) from Corporate Business to Corporate Business Conditional District.

B. Priest entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. Staff noted that since the public hearing the applicant has submitted a new site plan to address the transportation staff concerns about a potential left-turn conflict. The 80' buffer modification, tree save mitigation, and unit street frontage are all staff supported. Staff supports approval with the contingency that the minor site plan comments be addressed prior to final plan approval.

J. Sailors asked if there were conflicts added inside of the property with the site plan changes for trucks to be able to get in and out, and what type of trucks would be accessing the property. Staff stated that the full review is not yet completed, however, the transportation and engineering staff are currently reviewing this and have verified that a big truck could get in and out of the facility. The updated site plan is a mirror image of the previous site plan with no parking lot changes, and there have been no conflicts noted so far. H. Bankirer asked if the owner expects any of the facilities to require generator use outdoors. Staff stated that the applicant added conditional notes on the plan that restricts outdoor activity to normal business hours with the only 24-hour operation occurring inside the building. Travis Adams, applicant, (11928 Ramah Church Road, Huntersville) indicated that he would be the tenant in the first space, he foresees the additional space being used as office/warehouse space that do not need big trucks. C. Graffy asked about the removal of the one specimen tree and if the parcel would permit additional tree plantings. Staff advised that their recommendation would be to accept the donation to the Tree Fund Bank versus attempting to increase the

number of trees being planted due to the limited area available for successful tree growth on this parcel with the existing mature canopy surrounding it. F. Gammon confirmed the required parking area tree's that are listed on the site plan, asked if there would be deliveries made to the facility, verified that there were second exit doors out of each unit, and requested confirmation that a fire truck could enter and exit the property. Applicant stated that he was sure there would be Amazon, UPS, FedEx, and things like that but he does not expect any tenants to require big truck deliveries, he will monitor things, does not want any problems with any of the neighbors, and each space does have a front and back access door. Staff confirmed that the fire marshal would review the site plan according to the applicable building codes. H. Bankirer revisited his earlier question as it relates to the space the applicant plans to lease and whether outdoor power generation will be required by those tenants. Applicant stated he would not allow outdoor power generation by tenants. F. Gammon asked about the proposed 35' undisturbed buffer on the eastern edge of the parcel. Staff confirmed that this would be enforced and applicant would have to confirm this prior to approval.

S. Hensley made a Motion to Approve based on the amendment being consistent with the 2030 Huntersville Community Plan specifically CD-2 and ED-13.1. It is reasonable and in the public interests to amend the zoning ordinance because the underline zoning district is not proposed to change and with the condition only uses permitted by right be allowed, this rezoning is less intensive then allowed by the current zoning. Also, this would be subject to the final site plan issues as noted by staff.

H. Bankirer recommended an amendment to the Motion to indicate that the buffer modification as indicated by the site plan be included. S. Hensley accepted the amendment and added further amendment that the Planning Board approve the tree mitigation to remove the one specimen tree with a total contribution of \$1,750.00 to the Tree Fund Bank. J. Sny seconded. The Motion carried unanimously (9-0).

D.6. R19-02: Lee's Firewood is a request to rezone 2.732 acres from Highway Commercial to Special Purpose Conditional District to allow outdoor storage and other uses in the SP zone at 15326, 15336, 15412 and 15430 (partial) Old Statesville Road

J. Simoneau entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. The center parcel was already rezoned to Special Purpose Conditional District in 2015, this request is for the rezoning of the adjoining parcels to the north and south respectively. The area to the south is slated to be the retail sales area and administrative offices. The area to the north would be the outdoor storage area. The Leyland Cypress trees that were planted as required with the previous rezoning had some disease and died off. Nellie Stevens Holly has been identified as more suitable and less susceptible to the problems they have experienced. The applicant is offering a list of additional conditions restricting the use of the rezoned parcels. A buffer modification has been requested from 80' to 30' on existing right-of-way and 11' from future right-of-way when Old Statesville Road is widened. That would include the landscaping and the fence. The applicant is also asking for buffer relief on the rear yard where they back up to the outdoor storage facility. This is

the same condition that was approved in the 2015 rezoning request. Staff recommends approval.

F. Gammon asked if there is a height restriction on the piles of wood as they can be seen over the top of the fence, how was the fence height determined, and who owns the property immediately adjacent to railroad tracks closest to the northern property lines where there are currently trees on the ground waiting to be processed. Staff responded that there currently are no height restrictions to piles of wood. The fence height was determined in 2015 during rezoning request and the Leyland Cypress intended to be the visual buffer.

Rusty Lee (15336 Old Statesville Road, Huntersville) stated that all conveyer belts go about 25' high and that creates the maximum possible height to the wood piles. Additionally, the future goal is to move the modular home, which is currently on the parcel zoned in 2015 to Special Purpose Conditional District, to an acceptable site. Ernie Lee (302 Watkins Street, Huntersville) explained that the trees located on the parcel in question are actually owned by CMUD.

F. Gammon followed up to ask what the provisions are for fire safety. R. Lee stated that the Fire Marshall does come out and verify practices. E. Lee stated that there is also a no smoking policy for all employees.

J. Sailors expressed concern about the delay in fulfilling the screening requirement as it relates to the 2015 approval and how the applicant may choose to handle this as it relates to the additional parcels to be rezoned particularly with the reduced buffer request. R. Lee stated that installation of fencing and landscaping could occur within six months of approval. Staff confirmed that installing landscaping in fall or winter would be ideal.

H. Bankirer expressed his disappointment with the delay in fulfilling the screening requirement along with the wood product that continues to spill through the screening gap and is an eye-sore going south on Highway 115. H. Bankirer would like the screening on the northern end to turn 90 degrees and continue a distance of 8'-10' from the fence line in order to create a visual barrier without a screening gap by the fence and house on the northern end. R. Lee responded that they would be agreeable to the fence, and with the very wet year, and pouring of concrete, they have had to move some things around to stay in business. H. Bankirer confirmed that is understandable and the Board desires to be supportive of the home-grown business while also being visually appealing to local residents and visitors who pass by. Staff stated that an exact distance would be preferred if this would be a condition of approval.

J. Sailors asked if the most southern parcel in question would be used for storage as there is currently wood there, and what screening will be added to the southern edge of the storage area. Applicant stated the wood currently being held there was due to the pouring of concrete; however, that area will be used as customer parking for retail sales. Staff indicated that the site plan reflects a kiln on eastern rear of property and parking area for retail sales. Applicant further identified that the southern access point to the wood storage area is where they receive logs for

processing so additional screening would make it not possible for them to receive deliveries.

J. Davis inquired if the existing driveways are wide enough for tractor-trailers. Applicant confirmed that they don't typically receive from tractor-trailers, typically it is a dump truck and the driveways will have to be improved. Staff confirmed that NCDOT will require improvements to those driveways for their intended use, so as not to bring dirt onto the road and to improve the turning radius.

S. Swanick made a Motion to Approve with Conditions based on the amendment being consistent with Policy CD-2 with the condition that 10' length of fence be placed on the Northern edge of the proposed screening area as indicated on the site plan. It is reasonable and in the public interest to amend the Zoning Ordinance because SP zoning is located at the center of the site (R15-01) and immediately adjacent to the proposed rezoning area. With buffers proposed, the Lee's Firewood will be compatible with the character of the surrounding area. The use can be removed easily when it is appropriate for the property to be redeveloped since there are no new buildings associated with the use. F. Gammon seconded.

Discussion was had about the diagram of the proposed screening to confirm lengths and proposed additions. J. Sailers asked about the height of the fencing and it was confirmed that the additional fencing would be consistent with the existing fencing. He expressed additional concerns about the screening being completed in a timely fashion. S. Hensley asked if a timetable could be added to the motion to identify when the screening would be completed. Staff confirmed that the Board could do this and the applicant confirmed that they were agreeable to this stipulation. S. Hensley amended the motion to include that the screening, fence, and trees be installed within six months of final decision from the Town Board. S. Swanick accepted the amendment.

S. Thomas spoke to the impact of the tree cutting for the power lines which continues to impact the aesthetics, ecology and noise control in that area. With the coming modernizations of Town Center, more people will be traveling through this region, and while there is a desire to support local business there is also a need to look at how it impacts the citizens and other businesses in our area. She looks forward to the addition of fencing, landscaping, and a swift improvement moving forward. The Motion carried unanimously (9-0).

E. Other Business

Chairman J. Davis thanked J. Sailers for his years of thorough and diligent service to the Planning Board along with his willingness to make motions, and ask great questions. She then stated that H. Bankirer's wife made a cake and she presented him with some golf balls on behalf of the Planning Board. J. Simoneau presented J. Sailers with a gift on behalf of the Planning Department. J. Sailers thanked everyone and complimented staff. S. Thomas thanked J. Sailers for his advice and mentorship.

E.1. Election of Chairman and Vice Chairman

Chairman J. Davis indicated that it is her intent to run for Town Board along with J. Sailers. While she does not know if she would be elected she realizes she would not be able to continue with the Planning Board and so she would like this to be transparent prior to the Board's recommendation. She would be honored and willing to continue to serve if the Board desires. S. Swanick nominated J. Davis as Chairman. J. Sailers seconded. The Nomination carried (7-1) with H. Bankirer opposed.

J. Sny nominated S. Swanick to serve as Vice-Chairman. C. Graffy seconded. The Nomination carried Unanimously (8-0).

F. Adjourn

Approved this 23rd day of July 2019.

Chairman or Vice Chairman

Board Secretary