



**Planning Board
Regular Planning Board Meeting Recap
June 26, 2018 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

B. Approval of Minutes

B.1. Consider approving the May 22, 2018 Regular Meeting Minutes

Jennifer Davis made a Motion to Approve, and Stephen Swanick seconded the Motion. The Motion carried with an 8-0 vote.

Absent: Miller

C. Public Comments

Commissioner Dan Boone spoke during the Public Comments section to thank Hal Bankirer for his years of service as Chairman.

D. Action Agenda

D.1. R18-03: Arbor Ridge

Jennifer Davis made a Motion to Approve. The rezoning is consistent with the 2030 Community Plan, and other applicable long range plans. The Planning Board request that all site plan related issues be addressed (correct any inconsistencies on the plan to include build-to lines). It is reasonable and in the public interest to rezone this property because it is a viable business for the area. Stephen Swanick seconded the Motion. Jennifer Davis amended the Motion to include that the applicant work with staff for additional parking and railing along the sidewalk and steps. The amended Motion was re-phrased that the Planning Board is approving the rezoning request based on the applicant looking at the parking. S. Swanick seconded. The Motion carried with an 8-0 vote.

Absent: Miller

Discussion: Bradley Priest presented the rezoning request and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. The proposal is for an assistant living, independent living, and memory care facility on Statesville Road. The zoning and location was described. The outstanding issues from the public hearing that have been resolved are the, 1) emergency access drive will be a controlled access,

and NCDOT can accommodate, and 2) The applicant has agreed to put a note on the plan that during construction of the facility they will go into the creek where the floodplain violation took place to clean and remove the culvert. The build-to line needs to be updated on the plan, and with this change staff recommends approval.

Board questions began with the violation, and when it would be corrected, and Jay Henson, with Henson Foley (8712 Lindholm Dr., #202A, Huntersville), stated that the current property owner was unaware of the violation when purchased. The County was contacted, and it will be coordinated with the stream restoration project, which will take place approximately the first of the year (2019). The retaining wall and hand-rail was questioned, and J. Henson described the section. The retaining wall does not go all the way around the site. The creation of the emergency access was questioned, and staff responded that the function from Statesville Road to the parking area will not be designed for people to drive on, but sturdy enough for fire trucks. Fire trucks will have a key to access the gate, as a required. NCDOT has okayed this as an emergency access, and staff guessed it would be okay for ambulance to use in an emergency, but they would have to get a key for the gate. Staff can check on this. The impervious was questioned at 79%, and that was corrected to be pervious. The site is not in the watershed area. Tree save was explained, and staff explained that the tree save is fine. The applicant has stated there are no trees less than 24" of caliber on site, and staff accepts that information. Most of the site is creek, and most likely specimen trees will be in the creek area and be saved. It was asked if the ambulance access under the canopy of the facility's front was sufficient access, and J. Henson replied that there is a wide entrance, and probably 40' from the middle of the sidewalk to the first parking space in both directions. The parking seems to be far enough away that it will not interfere with access. There is a two lane road there (24'). Sidewalk space and hand rails was questioned if planned, especially where there are steps. J. Henson noted that if there are steps, or a retaining wall against the sidewalk, there would be a hand rail. There are no rails on ramps that are shown as of yet. The site will be made flat with fill, and the building is one level. The immediate perimeter of the building will be all flat. The HVAC placement was questioned for location, and J. Henson stated he did not know at this point what mechanic system they will have. If they are ground units, or rooftop they will comply with the ordinance. There are a few areas in the rear that will accommodate ground units, and will be screened. The BMP location was questioned, and J. Henson explained how it would be created and would not encroach the floodplain. Phases was questioned along with a construction entrance, which was explained by J. Henson that it may be better to not come in off Statesville Road. There is another public road to use that terminates at the property line. Parking spaces was questioned if sufficient for 107 units. J. Henson noted that the data from other similar facilities was used, and it included visitors, and staff parking. The parking numbers exceeds similar sites that the applicant has also done in the Carolinas. It was asked for additional parking at the front entrance, and J. Henson noted the existing pond in that area needs to be filled and it could be further studied. Compared to the existing sites and facilities, this site exceeds them, and they have worked. Brad Priest noted that the civic building type does not have a parking requirement. The independent living is what staff made sure that they have one space per room, and

it meets this requirement. The senior living center, as far as the use, will not be driving a lot. The Traffic Impact Analysis (“TIA”) takes into account all visitors and traffic and this use is reduced. The parking meets the ordinance and the needs of the applicant based on their other facilities. The sufficiency of parking was further questioned and examples of other facilities in Town were mentioned. The diagram in the Staff Report for the roadway and setbacks was questioned, and staff noted that the location of the building is certain, but the assigned labels are varied. Staff noted an actual measurement is needed, which is simple. There will be no impacts. Staff is looking for a distance of the future right of way on the plan. Staff answered an earlier question about the utilities, and informed the members there is a note on the plan that utilities cannot be on the Statesville Road side. It would not be permitted as it is a zoning requirement. It is usual to have a conceptual drawing with no knowledge of where actual plumbing and utilities are located, and a general note is acceptable. It is common knowledge to an applicant and developer that utilities cannot go on the street side. The sidewalk being bonded was questioned, and it was asked if that was due to the future widening of Statesville Road. Staff confirmed, and stated that if the sidewalk is installed immediately and the (US21) project has not yet been completed, the sidewalk will be torn out. It is best to wait for the road widening to be completed, and the connection can then be made.

There were no further questions. After the Motion, J. Davis expressed her opinion and support of the plan, and S. Swanick stated his concerns were addressed during the presentation. J. Davis then requested to amend her Motion (see above). S. Swanick asked if the applicant should study 2 or 3 nearby similar properties and report back to the Town Board, and J. Davis replied that they have their own properties and she would like them to work with staff. Bradley Priest commented that staff has already asked that question, and the extra parking lot to the north came from staff’s concern. The applicant increased the parking, and has already made a study. If the Board feels the parking is still low or inadequate, staff can express that to the Town Board. J. Davis noted she was good with that. J. Davis rephrased her amended Motion (see above). S. Thomas commented that the plan is providing options for our seniors, and the project still has questions, but it is a plus in that location, and she supports the request. J. Sailors asked staff a question about the elevations and the facility being one story. J. Henson stated it is one elevation; meaning the floor of the building is flat. There are no ramps inside. Staff asked to clarify if the railing was supposed to be on the retaining walls, and H. Bankirer commented, along the steps. H. Bankirer noted his support for the plan, but wished the plan would have been cleaner coming to staff and the Planning Board. There was no further discussion.

D.2. R16-04 - Lake Norman Charter Elementary - Rezoning Amendment

Stephen Swanick made a Motion to Approve. The rezoning is consistent with the 2030 Community Plan, and other applicable long range plans. The Planning Board recommends approving the conditional rezoning amendment as shown in the rezoning petition. It is reasonable and in the public interest to rezone this property because the modular unit will be temporary, screened from the street and adjacent properties, and allow the school additional administration space. This is based on three (3) contingencies; 1) subparagraph 13.1, all text after “conditional

rezoning plan” shall be removed. The removed text will be based upon the remaining time to implement the replacement plan already in place; 2) The second sentence in 13.2 shall be re-written to say, “the unit shall remain on the campus until sold, but shall not be used” and strike all other words; and 3) The final sentence in 13.3 shall be re-worded to state, “Lake Norman Charter School expects this to occur within 3 months and will make every effort to insure this happens barring acts of God”. Joe Sailers seconded the Motion.

The Chairman summarized the three points in the Motion, and the members discussed the sections individually. The Motion includes screening, and the 7 year timing was again discussed. Staff reiterated the intent about the 7 years, which is to give a deadline to the plan. The Chairman requested a poll on the Motion, in parts. The Motion was requested to be re-read, in parts. S. Swanick noted he would amend 13.1 to only strike “already in place”. J. Sailers seconded. Further discussion was made on the amended Motion (i.e. acts of God). A vote for the amended Motion was 8-0.

Absent: Miller

Discussion: Bradley Priest, Senior Planner, presented the rezoning request and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. The issue with the amendment is there are notes on the plan from 2016 that says the Phase 1 temporary modular units would be removed after Phase 2 (permanent building) is constructed. The applicant would like to use one modular for administrative office space, and the note needs to be changed so they are not limited by the existing note on the plan. The Ordinance prohibits permanent units and there should be a plan to replace them with permanent structures. Since the public hearing a note has been proposed with a 7 year period. The intent of the language is to allow enough time for the school to use the space as needed, but if need more time is needed the language says that after 7 years the applicant can rezone. When, and if rezoning, the school will have a specific plan with an amount of time to complete.

Board questions began with “kicking the can down the road”, and staff noted the request is by the applicant, and staff is fine with the proposed language. Staff is open if the Board wants to discuss changes. The language in 13.1, “already in place” was noted by a member as confusing, and Staff stated the intent is when, and if the school needs to rezone they will have a plan in place adopted by the school and be able to show the Town the plan. The interpretation of temporary was discussed for the remaining one unit.

Scott Abel with Lake Norman Charter Elementary (“LNCE”) stated that the current Middle School design is not conducive with the safety standards for education. In the front of that building is the central administration offices along with the Middle School administration. Next summer, it is planned to redesign and cure that space to make it conducive with safety standards for education. Allowing visitors to come through the office before they can get back to the hallways to keep the kids safe. The administrative trailer is on the LNCE site now, and it is wanted to move the central office staff from the Middle School to that trailer once the permanent building is built to free up the space for

construction of the redesigning of that front office. It is not intended to build a permanent structure for central office staff on the LNCE site. The property south of the Middle School is the ultimate goal for that space, but it is not known how long that will take to happen. Worst case scenario is to come back if that land is not yet available and present a plan to build the central office.

Questions from Board included clarification of the 7 year timeline, to which Mr. Abel stated there was only one trailer being kept. All other trailers will be removed. If there is not a viable option, LNCE will come back with a specific plan. He further commented that when developing the LNCE site they originally weren't going to build the permanent building until 2022, and ended up doing it in years. This is just a buffer of time for planning purposes. The language in 13.2 was questioned about use of the two units, and there was no statement that someone else could not utilize the two buildings (units). It was requested to strike the word "expects" in 13.3 for the three remaining units. The Chairman requested to review each paragraph separately:

13.1: Concerns with "occupancy". Brad Priest noted that under the current Ordinance they have the ability to have the units until occupancy. Questions about other units at other schools were mentioned. The Chairman suggested to take the words "the remaining" out, and substitute with the word "additional" and strike "already in place".

13.2: The Chairman noted the paragraph needed clarification. The units are not wanted there forever, and there are things that LNCE cannot control. A short phrase of time should be added. The use of the units should not be used by anyone, or for storage, and it was suggested to state "shall not be used for any purpose".

13.3: J. Sailors suggested that the last statement should read that "this will occur within 3 months...", and strike "expects". Scott Abel pointed out that some of that is not in their control (logistics in moving units). 3 months is reasonable if all goes well. A member suggested to start the permitting process prior to occupancy, to which Mr. Abel noted NCDOT's time frame with permitting. The building is scheduled for occupancy in August 2019, and noted delays that are not in their control, including weather. Scott Abel commented a history has been shown by the school to be expeditious. The goal is to get students into a permanent building. The units are not conducive to a great educational environment. The units are wanted to be removed as quickly as possible, because that space is for athletic fields and uses. The Chairman explained the Board's option in approving and/or deferring to the next meeting, which was discussed with staff. Staff noted that the applicant does not want the rezoning to hold up the permits for Phase 2. It was questioned about the public facilities and road improvements, and Scott Abel confirmed it is in the budget. It was questioned about screening of the unit, and staff confirmed.

The Chairman called for a Motion, and after the Motion received a second, the Chairman summarized the three points in the Motion (see above). After the vote was made on the amended Motion, there was a question and discussion with staff about the TIA (Transportation Impact Analysis).

E. Other Business

E.1. Communications Subcommittee Update

S. Thomas updated the members and presented a handout reflecting its goals and objectives to improve public notice of land use and plan development, a copy of which is attached hereto and incorporated herein by reference. A timeline of meetings and focus, past and future, is indicated on the exhibit. S. Thomas thanked the members for participation.

E.2. Elections

Hal Bankirer commented about his service to the Planning Board as a member and Chairman in representing the citizens of the Town of Huntersville.

Chairman: Jennifer Davis

S. Swanick nominated Jennifer Davis. No other nominations were made, and the vote was unanimous.

Vice Chairman: Stephen Swanick

C. Graffy nominated Stephen Swanick. H. Bankirer nominated Susan Thomas. Votes for Stephen Swanick were made (5). Votes for Susan Thomas were made (3).

F. Adjourn

Approved this 24th day of July, 2018.

Chairman or Vice Chairman

Board Secretary