

TOWN OF HUNTERSVILLE PLANNING BOARD MEETING MINUTES

**October 27, 2020
6:30 PM - Huntersville Town Hall**

Call to Order/Roll Call

Approval of Minutes

Consider approval of the September 22, 2020 Minutes of the Meeting

Consider approval of the September 30, 2020 Minutes of the Special Meeting

Consider approval of the October 14, 2020 Minutes of the Special Meeting

Public Comments

Elaine Kerns, 301 Hillcrest Drive stated, “over 2,500 citizens believe that this development is not the best use of one of the only remaining undeveloped parcels in our downtown area. It could be used in a better and more creative way to serve the greater good and build a unique and vibrant downtown that all would like.”

“According to Article 11.4.7.E of the Huntersville Zoning Ordinance and considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in it’s decision should consider three criteria. The first is whether the proposed reclassification is consistent with the overall character of the existing development in the immediate vicinity of the subject property. This proposed development is a blatant violation of this consideration, no one can argue that modern townhomes fit the character of an almost century old neighborhood that remains vibrant and relevant. This would clearly change the nature of the neighborhood. I assume that these guidelines recognize the consistency of the environment where people choose to make the lifetime decision of where they want to live and what will probably be their largest investment, that of buying their houses.”

“The second consideration is the question of adequate public facilities and services intended to serve the subject property including but not limited to roadways, stormwater drainage, etc. Due to the design of Highway 115 and Gilead Road, the streets of Greenfield Park have long been a very busy cut through area, especially during high traffic times. The neighborhood has been told by numerous people that the traffic impact will be negated by improvements the NCDOT will make at the intersection of Highway 115 and Gilead Road which have been changed and postponed until at least 2035. Without these improvements the residents are left with

only the negative impacts which will definitely worsen an already bad situation. The developer has told the neighbors that the old streets can handle the traffic but there is no proof of that and if any assessment of this has been made during COVID-19 restrictions when schools are not in session and people are working from home, this would not be representative of the large amount of cut through traffic that has been normal for this neighborhood for a long time. We request that the Planning Board keep Article 11.4.7.E in mind and delay any rezoning recommendation or decision until valid traffic concerns are fully addressed.”

Action Agenda

Hollins Grove Major Revision to Approved Plans - Sketch Plan, a request by Blue Heel Development to revise the approved plans for the Hollins Grove Sketch to add an additional three (3) lots to the already approved 40 lot subdivision and add approximately two (2) acres of open space.

S. Saumenig, Senior Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff provided an overview of the request to add 3 additional lots and 2 additional acres of open space from the previously approved project under the name Cashion Road Site Sketch in 2016. Under TA20-05 which was approved by the Town Board in July 2020 and the applicants increase of land the applicant would like to increase the project density to .9 units per acre or the additional 3 lots, make adjustments to lot width, lot size and side yard setbacks, all of which are within the approved Ordinance.

S. Hensley made a Motion to Approve Hollins Grove Major Revision to Approved Plans as the application is complete, the application meets or exceeds all applicable requirements and is in keeping with the spirit and intent of the Town's future land use plans for the area. The Planning Board recommends approval subject to all minor site plan comments by the Planning Staff. J. Davis seconded the motion.

S. Hensley stated that the tree canopy and specimen tree save are well above the requirements and the request by the applicant seemed straightforward and in keeping with the Ordinance.

C. Boyd asked if the speed limit would remain the same or be reduced. M. Gallagher, Blue Heel Development, 19003 Ruffner Drive Cornelius NC 28031 indicated that NCDOT has not indicated to them that the speed limit should be reduced and the curve in Cashion's Road has been of concern to many neighbors. In response to this concern the developer has proposed bringing the sidewalk from Hollins Grove to Cashion's Wood where the greenway can be accessed so that pedestrians will not have to walk in the street.

The motion was approved (8-0).

Consider recommendation on Petition #R19-18 - Huntersville Market REVISION, a request by Cambridge Properties, LLC to rezone +/- 28.569 acres located north of the Eastfield Road and Prosperity Church Road intersection (Parcel #s 02119101,

02119168, 0211969, 02119170, 02119171, 02119172, 02119173, 02119174, 02119175) from an existing Highway Commercial - Conditional District (HC-CD) to a REVISED Highway Commercial - Conditional District (HC-CD) to permit 175 age-restricted, active adult housing units and to eliminate a proposed public street.

D. Peete, Principal Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff provided an overview of the October 2020 revision changes from the June 2020 approved revisions. This includes the removal of 54,750 square feet of commercial space; elimination of a platted but unopened public road; approve development of 174, with a maximum of 175, active adult age-restricted housing units; the addition of 5,000 square feet of urban open space; and extend Rocky Ford Club Road to Prosperity Church Road row and extend 2-lane section of Prosperity Church Road to Rocky Ford Club Road.

Modifications also include a block length exception to exceed 500 feet but not 750 feet which is supported by staff due to added building articulation, mid-building entrance break and streetscape elements along Hylas Lane; height permit to exceed 36 feet but not more than 4-stories which is not supported by staff; removal of the platted unopened right-of-way which staff supports in connection with the CD rezoning request approval; and to permit side yard parking only with landscape screening or 3' wall which is also supported by staff.

Staff detailed that the block length exception would include an expanded sidewalk width to between 5-8', create physical separation and delineation between the private, ground-level units and public realm, add tabletop at intersection of Hylas Lane and Oyster Lane to calm traffic, add street furniture along frontage; add building indent to create a significant break in the façade; and add three pedestrian crossings of Hylas Lane.

Staff reviewed that the intensification and variety of walkable uses are supported by the 2030 Community Plan and Eastfield Road Small Area Plans.

S. Swanick asked what the vote was on this item at the June 2020 revision request. The vote was 8-1 to approve.

J. Davis asked if staff is suggesting that every ground floor unit have individual access to the street which it appears would result in approximately 45 sidewalks being connected to the street from the building and if the proposed fourth story would be stepped back. Staff confirmed that access to the street is a requirement of the Ordinance for units that face the street but individual sidewalks are not and meeting the Ordinance would not require the elimination of all of that greenspace for concrete but rather could be achieved in a number of ways such as shared sidewalks. A recessed fourth story is one option that could be implemented in conjunction with other elements to achieve a break in the design however what the applicant has currently proposed is staff supported.

S. Hensley asked what the rationale is behind a varied sidewalk from 5-8' versus being a uniform width and what the allowed height versus what the applicant is requesting. Staff responded that the new urban context and density made the varying sidewalk width a reasonable accommodation and the Ordinance allows for a maximum of 36' excluding some decorative items which may exceed that height and the applicant is requesting a total of 4 stories which depending on the height of each story could be much greater than 36'.

J. Sny asked if Bryton or Holly Crest have sidewalks coming directly out of the unit to the public access sidewalk. Staff expressed that it is their understanding that the units have various forms of shared access.

The applicant Jay Priester, 831 East Morehead Street, Charlotte NC provided a presentation of the project. Dane Suchoza, DSA Architecture, 1009 East Blvd Charlotte, NC stated that the trend in development is that active adults prize the first-floor units but do not like the public street access due to safety concerns. Additionally, a cluster of units without street access would create some quiet space to put in some street furniture and host some events intended to psychologically bolster the block length.

The building height request is specific in order to accomplish having a large enough community, culture and social structure amongst the residents to provide the feeling that you want to achieve amongst the neighbors while limiting the distance to elevators to not greater than 200' given the average resident age. The stacked unit design versus a stepped back fourth story is out efficiency of cost control for the market. The proposed material changes on the structure, the third-floor beltline being raised to just below the fourth story windows and lighter materials and colors have all been implemented to help reduce the visual impact of a four-story structure.

Within the courtyard at the mid-building break there is a proposed 1 to 2-story vestibule to provide a comfortable and convenient place to wait. This could be removed if it is not in keeping with the Ordinance and if the Board so desires. Staff agreed that a stepped back version would be a good convenience without reducing the visual break that the courtyard should afford.

Staff stated that our form-based Ordinance outlines that buildings built in relation to the street should address them and we have build-to lines and setbacks for that purpose. If the applicant does not wish to have their building address the street, then the Ordinance is such to set the building behind buffers and berms to remove the relationship to the street. Given the fact that only a handful of units on the first-floor face Hylas Lane, not all first-floor units, it does not seem to be a compelling reason to grant the applicant a waiver to this fundamental foundation to the Ordinance.

S. Swanick asked why the east side of the plan was removed from consideration. J. Priester responded that those proposed cottage homes became very difficult to build both from cost and primarily from stormwater perspectives.

C. Graffy asked what the view of the structure would be like spanning across the

parking lot from the north. D. Suchoza commented that a rendering could be provided if needed, the landscaping would be the heaviest along the street and at the covered drop off area with a focus being that the main entrance is proposed along this side so it would be a very nice entrance.

C. Graffy asked if the Ordinance requires a maximum of 36 feet. Staff responded that the applicant may request it and the Board may grant it as part of a conditional district if they feel that it still meets the spirit and intent of the Ordinance. As a matter of record, at the June 2020 hearing of this the Planning Board did not have an issue with approving the additional height of the structure.

F. Gammon asked for clarification on the requirement of accessibility with the ground floor units. Staff responded that any unit fronting a public street is required to have access to the public street, patios are optional.

S. Swanick made a Motion to Approve R19-18 Huntersville Market revision as it is consistent with many implementation goals and the 2030 Community Plan, the property is located within a mixed-use development node and Huntersville has made a commitment to active adult housing. The recommendation is contingent upon all staff recommendations on part 6 of the Staff report. The recommendation includes approval of the 4-story height substantiated by the commitment to this type of development and precedents set for intensification of congregation housing. With these provisions it is reasonable and in the public's interest to revise the conditional district and remove the 54,000 square feet commercial space because it is consistent with all application long-range plans. F. Gammon seconded the motion.

S. Swanick commented that in June he was opposed to the building height adjustment but in reviewing the precedent set to accommodate this residential base he now feels that the height adjustment request is warranted.

J. Davis commented that she supports the motion and requested that Staff work with the applicant to ensure the vestibule is set back and she believes the added height is warranted given that it serves a specific need of the residents related to the distance to the elevators, exiting the building safely and the distance to their vehicles.

S. Swanick made an Amended Motion to Approve R19-18 Huntersville Market revision as it is consistent with many implementation goals and the 2030 Community Plan, the property is located within a mixed-use development node and Huntersville has made a commitment to active adult housing. The recommendation is contingent upon all staff recommendations on part 6 of the Staff report. The recommendation includes approval of the 4-story height substantiated by the commitment to this type of development and precedents set for intensification of congregation housing. With the vestibule at the midpoint either recessed or modified to staff recommendations to improve the building break. With these provisions it is reasonable and in the public's interest to revise the conditional district and remove the 54,000 square feet commercial space because it is consistent with all application long-range plans. F. Gammon accepted the amended motion.

S. Hensley asked for clarification on the requirements for a motion for public street access. S. Swanick confirmed that his intent was to remain consistent with the Ordinance and Staff recommendation and require this.

The motion was approved (8-0).

Consider recommendation on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by NorthState Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center (TC), Neighborhood Residential (NR) & General Residential (GR) to Town Center - Conditional District (TC-CD) to permit a mixed-use development with 138 apartments, 53 townhomes, 7 detached-homes and 12,000 sq. ft. of non-residential space.

C. Graffy made a Motion to Recuse S. Swanick. F. Gammon seconded the motion. The motion was approved (5-2), J. Davis and C. Boyd were opposed.

D. Peete, Principal Planner reviewed that this item would be considered for discussion only and no action would be taken on this item. It is currently scheduled to be considered at the November 17, 2020 Planning Board meeting for action.

Staff provided reviewed the basic project proposal which includes 9.47 acres from Town Center (TC), Neighborhood Residential (NR), and General Residential (GR) zones to Town Center – Conditional District (TC-CD). The proposed uses include 12,000 square feet of non-residential use or approximately 34% of the ground floor space along Gilead Road. 138 apartments in one building, 53 townhomes, 7 detached homes, 3 new town streets and 3 urban open spaces.

Staff provided a summary of the modification requests associated with this application. Modification #1 includes more than 50% of the ground floor as residential, with 34% commercial. Staff supports this request with the modified square footage that has been introduced by the applicant. Modification #2 includes a 10-foot buffer along the NW property line adjoining the neighboring property to the West on Gilead Road. Staff supports this buffer size as-long-as the opaqueness and size of the buffer includes a wall within the 10-foot buffer since landscaping alone is not likely to sufficiently screen the parking lot from the adjoining properties. Modification #3 is not necessary as it requests that street parking be counted towards their parking requirements, which it already is. Modification #4 is for the urban open spaces to have the ability to change when they get to the construction level. Staff does not support this. Modification #5 is also not necessarily related to the fencing request south of Holbrook. Modification #6 is a height adjustment request from 48' to 53'. The additional height is not out of place as regards to the surrounding structures and due to some topography issues, staff is able to support that request. Modification #7 is to reduce the build-to line and rear-yard setback lines for detached homes along Greenway. Staff does not support the adjustment to the build-to line. Staff can support the rear-yard setback line as this is

more of a design element and there are other urban open spaces the resident could utilize.

Issues that staff was looking to address with the applicant include the large mass and scale of the apartment façade; the applicant has proposed a drive-thru under the building that would align with the exit from Discovery Place Kids, as well as articulation, building materials and a higher ground floor height to minimize some of that mass.

As it relates to the buffers and if the intention of the applicant is to leave them undisturbed or replant them, it appears that to date the only undisturbed buffer would be along Hillcrest with a sidewalk along their frontage on Hillcrest. The applicant is proposing to replant all other buffers as well as the slopes of the BMP area.

Staff and the applicants have already addressed the concern of the new development adequately transitioning into the existing development through the reduction of town homes and the addition of 7 detached homes along Greenway.

Staff has requested how many 1 and 2-bedroom units are proposed to determine compliance with parking and having adequate parking spaces. This information has not yet been provided by the applicant.

The applicant has indicated that the BMP may not have to be as large as indicated on the plans, staff would recommend that any additional area remaining be incorporated into the buffer. The stormwater bypass has been removed from the buffers so as not to further disturb those buffers. The BMP access path, the area at the top of the BMP that is required to service the BMP over time and is accessible to the public street, is currently leading to the urban open space. Staff awaits applicant's response on how this would impact the urban open space as well as what adjustments would need to be addressed as it relates to the mail kiosk and parking areas.

Additional tree save data has been provided to staff which is currently under review to determine compliance with the Ordinance. The trash collection solution has not yet been provided by the applicant.

Recommendations made by the staff include a request to provide full building elevations along both Gilead and Street A for the mixed-use building, the applicant has provided those. On-street parking along Street A has been added. An 8-foot-wide sidewalk along Street A was recommended to match the existing sidewalks which surround Discovery Place Kids, the applicant has opted for a 7-foot-wide sidewalk which is in conformance with the Ordinance.

A new TIA scoping package has been submitted due to the increased non-residential square footage. That is currently under review by staff.

Staff provided an overview of the plan elements which are and are not supported by the 2030 Community Plan, as well as how Article 11.4.7 (e) applies to consideration of this plan. The updated CMS report has been generated based on the new plans but

did not yield a change to the proposed number of students that would be added by this project.

F. Gammon requested that the Public Works department review the current stormwater issues as stated by the residents to the west and south of this project and provide a response on how the proposed development will likely impact this issue for the better or worse. Additionally, he requested that the applicant identify what the final proposed percentage of impervious area will be for the project. Staff stated that the proposed projects stormwater will be required not to add to any existing problems but may not be a solution to an existing issue and they will request the information from Public Works.

C. Boyd requested confirmation that the proposed 12,000 square feet will not be for residential use only such as a leasing office, gym, clubhouse, rather that it will be commercial space and if Hillcrest has the space to accommodate the sidewalk and street trees requirement without reducing the roadway. Staff confirmed that the commercial space may not be for resident use only and the improvements on Hillcrest will need to be added on the applicant's land to accommodate them without reducing the right of way on Hillcrest.

J. Sny asked if the wording of the Ordinance indicates that first floor non-residential use must be 50%. Staff confirmed that this is correct.

C. Graffy asked if there is first floor residential space facing Gilead Road. Staff confirmed that the proposed first floor residential space is only facing Street A.

Susan Irvin, Irvin Law Group 19726 Zion Avenue Cornelius NC 28031 provided a presentation for the applicant of the timeline of the project, current zoning of the project and by-right uses, the Town's plans which support higher density development of Downtown, the results of the traffic study that were completed and how existing streets would be impacted, the road infrastructure funded projects, and the resident and staff concerns that have been addressed by the applicant to date.

D. Partee expressed that his concern was with the resident's comments related to traffic and congestions. The 2040 Community Plan polled residents and 63% stated that traffic and congestion were their number one concern to be prioritized. Given the desire of the residents to focus on this issue with the fact that NCDOT road improvements have been placed on hold from 2020 to 2029, how will the project address the impact. S. Irvin responded that the Town's long-term plans have emphasized increased commercial in the Downtown area and the commercial users will not come to Downtown unless they have rooftops to come to the business, we can see that this has been a concern since this land has been available for commercial development but it remains vacant.

J. Sny asked why the applicant has not proposed the required 50% of non-residential space that the Ordinance dictates and instead is requesting a waiver. S. Irvin responded that the only way to accommodate 50% would be to have businesses facing Street A which simply is not good commercial space. Applicant David Dupree,

Northstate Developers 18825 W Catawba Avenue, Cornelius NC 28031 responded that an additional concern that they have is what kind of tenant's commercial space facing Street A would attract and the concern that the retail space would remain vacant.

J. Sny asked if making the BMP a walking feature/parklike setting has been considered. The applicant responded that they would like to be able to do this and they are working with staff to try to make this happen.

S. Hensley asked if the applicant did their commercial analysis with offices as a consideration versus simply retail. The applicant replied that all forms of commercial including offices have been considered for viability.

F. Gammon asked who the audience age-group is for the apartments and townhouses, what the saturation point is for Downtown given this is not the only project within a half mile of Downtown, and expressed concerns about what the social component would be for that audience. The applicant responded it would be largely single's, newly married and possibly retired couples, the product will not likely work for families unless it is temporary housing between homes.

C. Graffy made a Motion to Reinstate S. Swanick, D. Partee seconded the motion. The motion was approved (7-0).

Consider making a recommendation of the 2040 Community Plan

C. Graffy made a Motion to Recuse S. Swanick. F. Gammon seconded the motion. The motion was approved (5-2), J. Davis and C. Boyd were opposed.

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The applicant has indicated that the BMP may not have to be as large as indicated on the plans, staff would recommend that any additional area remaining be incorporated into the buffer. The stormwater bypass has been removed from the buffers so as not to further disturb those buffers. The BMP access path, the area at the top of the BMP that is required to service the BMP over time and is accessible to the public street, is currently leading to the urban open space. Staff awaits applicant's response on how this would impact the urban open space as well as what adjustments would need to be addressed as it relates to the mail kiosk and parking areas.

Additional tree save data has been provided to staff which is currently under review to determine compliance with the Ordinance. The trash collection solution has not yet been provided by the applicant.

Recommendations made by the staff include a request to provide full building elevations along both Gilead and Street A for the mixed-use building, the applicant has provided those. On-street parking along Street A has been added. An 8-foot-wide sidewalk along Street A was recommended to match the existing sidewalks which surround Discovery Place Kids, the applicant has opted for a 7-foot-wide sidewalk

which is in conformance with the Ordinance.

A new TIA scoping package has been submitted due to the increased non-residential square footage. That is currently under review by staff.

Staff provided an overview of the plan elements which are and are not supported by the 2030 Community Plan, as well as how Article 11.4.7 (e) applies to consideration of this plan. The updated CMS report has been generated based on the new plans but did not yield a change to the proposed number of students that would be added by this project.

F. Gammon requested that the Public Works department review the current stormwater issues as stated by the residents to the west and south of this project and provide a response on how the proposed development will likely impact this issue for the better or worse. Additionally, he requested that the applicant identify what the final proposed percentage of impervious area will be for the project. Staff stated that the proposed projects stormwater will be required not to add to any existing problems but may not be a solution to an existing issue and they will request the information from Public Works.

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D. Partee expressed that his concern was with the resident's comments related to traffic and congestions. The 2040 Community Plan polled residents and 63% stated that traffic and congestion were their number one concern to be prioritized. Given the desire of the residents to focus on this issue with the fact that NCDOT road improvements have been placed on hold from 2020 to 2029, how will the project address the impact. S. Irvin responded that the Town's long-term plans have emphasized increased commercial in the Downtown area and the commercial users

will not come to Downtown unless they have rooftops to come to the business, we can see that this has been a concern since this land has been available for commercial development but it remains vacant.

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C. Graffy made a Motion to Reinstate S. Swanick, D. Partee seconded the motion. The motion was approved (7-0).

Other Business

Adjourn