# TOWN OF HUNTERSVILLE
# PLANNING BOARD MEETING
# MINUTES

**December 15, 2020**
**6:30 PM - Huntersville Town Hall**

## Call to Order/Roll Call

## Approval of Minutes

Consider approval of the November 17, 2020 Minutes

## Public Comments

Elaine Kerns, 301 Hillcrest Drive in Greenfield Park commented that the high density in the neighborhood has always been the chief concern. The existing residents do not feel that the neighborhood is prepared to absorb the additional impact due to narrow roads, a lack of sidewalks, added traffic, pedestrians, particularly school-aged children, forced to walk in the ditch when two cars are passing each other, and existing stormwater issues. Due to the proposed density and lack of transitional zoning, she requested that the Planning Board not support the request. The developer would still be able to develop the apartments and commercial uses and she requested that the Planning Board hold the developer to the 50% commercial requirement either by reducing the top floor of the building or reducing the footprint of the building. This would also reduce the necessary amount of parking which will take up valuable downtown land. If the Planning Board chooses to support this application, she requested that they require a reduced density, greater transition, and progressively larger lots as they approach the existing development.

Lee Hallman, 100 Cambridge Road, and owners of 119 Gilead Road spoke as representative for Save Downtown Huntersville which is not opposed to development and growth, they are pro-smart growth and development as determined by some of the existing Town documents. In his opinion, there will not be a transit center, and the outdated existence calling for higher density downtown should be corrected and not used as a basis for approving this development. It is his belief that in the future this development will be regretted and that there should be a consensus agreement that Greenfield Park begins at Holbrook Street. He then quoted Policy DT-2 of the 2040 Plan as a reason for reducing the density allowed. His final request was for the Planning Board to consider the public responses to the 2040 Plan which indicated that the top priorities were traffic and managing growth and one of the least desired items was apartments.

## Action Agenda

Consider Recommendation on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by North State 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, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 134 apartments, 50 townhomes, 7 detached-homes and12,000 sq. ft. of non-residential space. *(David Peete)*

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Stephen Swanick, Chairman stated that he previously recused himself due to what was perceived as a potential conflict due to his minority interest in a commercial property on NC-115. He stated he has no perception of bias and sat out while the Town Attorney completed her research. The Town Attorney confirmed that there was no legal conflict with his participation so he will fulfill his responsibilities as a member of this Board and Chairman and be hearing this item and providing his opinions and feedback.

David Peete, Principal 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 location and neighboring zoning. In the final plan for review, the apartments have been reduced to 134 units, townhomes reduced to 50 units, the 7 detached homes have been spread out more on Greenway Street and Street “C” now has a more traditional cross-section. There is a proposed 12,000 square feet of non-residential uses which would face Gilead Road and a part of Discovery Place Kids on the first floor. There are 3 proposed urban open spaces.

The modification requests include: 1)12,000 square feet or 34% non-residential use versus the required 50% along Gilead Road and part of Street “A”. 2) The buffer between the building, parking lot and adjoining lot to the West is reduced to 10 feet with a 6-foot opaque fence and that the buffer also serve as the landscaping for the parking lot. 3) Full planning of urban open spaces to be completed as plan moves forward in compliance with Zoning Ordinance. 4)To modify the building height to 53 feet which is higher than the allowed zoning use but in keeping with Discovery Place Kids adjacent building and the architectural elements which have been included. 5)Reduction of rear-yard setbacks for the detached homes to 15 feet.

Three areas previously outstanding that staff requested that the applicant provide responses on include: 1) Provide data to ensure required parking is provided. The applicant has included a note on the plan regarding parking limitations. 2) Modify the site plan so that public trash service can be provided. That has not been finalized by the applicant and provided to staff. The applicant has been looking at an alleyway connection which will need to be reviewed by the engineering department. 3) All outstanding redline comments be addressed. Staff is still reviewing the remaining redline comments.

Given the non-residential use increasing to 12,000 square feet the applicant needed to complete a TIA. The TIA mitigation results added a southbound right-turn lane on NC 115 with 100 feet of storage. Given the unknown future traffic impacts of two pending DOT projects, staff would not be opposed to the applicant offering funding towards future improvements in-lieu of constructing the right-turn lane at this time.

The third and final CMS report given the currently proposed units indicates an addition of 29 students to CMS.

Proposed elevations for the non-residential and apartments were reviewed.

S. Swanick asked why trash pickup continued to be such a point of concern for staff and if there is a sidewalk along Hillcrest Drive included in the plan. Staff responded that since alleyways are privately held and not built to public road standards making sure that they are adequately developed for real-life scenarios of traffic and multiple trash cans must happen at the planning stages to ensure that the development does not become unnecessarily congested. The sidewalk along Hillcrest Drive was a recommendation that upon further review it appears would best be undertaken by the Town as an improvement to the entire street versus a piece-meal approach, so it is not currently included in the plan.

C. Boyd asked why modification 1 was being recommended by Staff versus requiring the 50% as the Ordinance states. Staff responded that 100% of the first floor building facing Gilead Road with a minor wrap around on to Street “A” nearest Discovery Place Kids building will be non-residential, this was seen as a reasonable compromise given the poor visibility of the remaining first floor space along Street “A”.

J. Sny asked which building would be taller, the newly proposed building with the height modification or the existing Discovery Place Kids building and if the existing parking deck would be accessible for occupants of the proposed project. Staff responded that the Discovery Place Kids building is 52’ tall so the new building would be slightly taller and the existing parking deck was built to accommodate Discovery Place Kids building and a yet unbuilt sister building to front Old Statesville Road, it has not yet been decided if adjustments will be made to this use.

C. Graffy asked where the quarter-of-mile radius overlaps the existing development from the unbuilt transit station which is being applied as the rationale for the density, and if the areas that fall outside of the radius are still subject to the intensification. Staff

confirmed that the transit location identified is at Huntersville-Concord Road where it crosses the railroad tracks and that if the radius hits a project then it is viewed for the project.

J. Davis asked if the step-down density requirement is required with a plan of this type and how the sewer/stormwater issues are being addressed. Staff commented that there is not a requirement but a recommendation to taper the development which has been met with proposed application. The existing sewer/stormwater issues are managed by Mecklenburg County, staff does not have updates on how the County is addressing any existing concerns placed by existing residents. The applicant will be required to meet all Mecklenburg County and Huntersville requirements for current sewer/stormwater management practices which will include review to make sure that the new development does not intensify any existing management systems.

G. Baber asked for clarification to the outstanding rezoning notes. Staff confirmed that this is in reference to the five modifications that have been requested which staff outlined their support on and which the Planning Board would then either be recommending or not to the Town Board for final decision.

D. Partee asked what the statement, ‘on-street parking may count as parking’ refers to and where evening non-residential users will park when residents are home in the evenings or during downtown events. Staff responded that per the Ordinance, on-street adjacent parking is counted within the required parking spaces for a project and therefore no modification to count this is required. The Town has approached providing parking for events and customers through multiple solutions including the parking decks, parking near Veteran’s Park and parking at Veteran’s Park in addition to the existing non-residential parking that will be provided by the project. All these parking solutions are deemed within a reasonable walk.

Susan Irvin, Irvin Law, 19726 Zion Avenue Cornelius NC provided a presentation on behalf of the applicant.

S. Swanick confirmed that the applicant is willing to mitigate the TIA recommendation and asked what conversations had been held regarding the buffer between the proposed townhomes and existing single family homes to ensure when this buffer would be installed and that it would not take 20 years to mature or how the proposed fence would be received. S. Irvin confirmed that the applicant is willing to mitigate the TIA recommendations so that the Town can implement the changes in conjunction with the NCDOT improvements as they see fit. David Dupree, Northstate Development 18825 W Catawba Avenue, Suite 250 Cornelius NC 28031 reviewed the conversations that had been had with many of the neighbors. He stated that they went around and contacted many of the owners, particularly the ones who would be affected by the Holbrook extension, they all requested a fence with planting buffer on either side of the fence including evergreens that would shadow some of their view and be an improvement on what is existing in the buffer areas currently. In the area near the pond, a 20-foot undisturbed buffer has been left to protect the adjacent homes. The buffer installation cannot happen sooner than the grading of the lot and while there is

not a specific timeline, they plan to revisit each adjoining neighbor to identify any special needs to be sensitive to safety through the process.

S. Hensley asked staff if there is any open air/patio space planned in conjunction with the non-residential space to accommodate a possible restaurant, and what type of by-right development is allowed in General Residential (GR) zoning. Staff responded that there is some space possible on the currently proposed sidewalk given the 15-foot build-to-line on Gilead Road. The GR zoning was a zoning district that accommodated Mecklenburg County zoning regulations that were implemented prior to our local Zoning Ordinance being adopted. The by-right uses are limited to single-family and family care, with additional uses allowed with conditions. Additionally, the 2030 Community Plan recommends rezoning the GR lot in Downtown to Neighborhood Residential (NR) which would allow all the uses proposed by the applicant.

S. Hensley asked the applicant if the public trash collection issue is resolved, and if the product mix of apartment unit types should change from what is proposed how the parking will be addressed. S. Irvin clarified the discussions regarding public trash collection and stated that the current proposed design has been reviewed with the current trash collector used by the Town and confirmed to be a workable design for them. D. Dupree stated that market research will continue to be utilized to determine the appropriate mix of 1 or 2-bedroom apartment units, as of today what is proposed has been determined to be the best fit for the market and whatever the final determination is the mix of apartment unit types must meet the parking criteria to be approved.

J. Sny asked what is proposed on the Ground Floor level of the building facing Gilead Road to the West of the Admin/Leasing area and behind the non-residential area, what amount of parking is needed for the Admin/Leasing area, and what the approximate square footage of the Admin/Leasing proposed area is. D. Dupree confirmed that this is currently reserved as an apartment and that could change if a restaurant leased the space and needed access to the rear of the building. Staff confirmed that the parking is determined under the 1 per 500 square feet ratio.

J. Sny then provided a review of his counts of the parking spaces and asked the developer how they planned to address the possible shortage. D. Dupree responded that they will have to adjust the plan to accommodate whatever the Ordinance requires.

J. Sny asked the applicant to explain what the TIA results meant that were quoted of 94% (AM) and 91% (PM) of additional traffic from projects commercial development and how are the traffic counts determined given the current reduced traffic due to the pandemic. S. Irvin responded that the TIA report indicated that of the traffic generated by this project, 94% of AM peak hour traffic and 91% of PM peak hour traffic is generated by the proposed 12,000 square feet of commercial space. Michael Wickline, Traffic Engineer; 2459 Wilkinson Blvd., Charlotte explained that a conservative approach was taken in calculating the commercial space at shopping/retail space, how they would likely arrive at the site and depart from the site. The proposed residential

traffic is likely going to head to and from Highway 77 whereas the commercial traffic is likely going to come from the existing and surrounding neighborhoods. Due to the pandemic the generally accepted method is to use the 2017 traffic counts and include a 2% annual compounded rate of increase to account for growth which was how this project was calculated.

J. Sny asked how the cost benefits analysis value was determined and what the margin of error was to the calculations. S. Irvin explained the IMPLAN product that was used, other industries and regions that utilize this product for cost analysis, how the benefits are determined based on the scope you select, either benefits to the county or just the local Town. The margin of error can be identified and shared with the Board later.

C. Graffy confirmed the dumpster trash enclosure use, elevators, package and delivery plans and open space requirements as indicated on the plans. D. Dupree responded and confirmed that all uses comply and in keeping with like services at similar developments.

C. Graffy asked what the developers plans are with the BMP that has been referred to as a pond. D. Dupree responded that the engineers must still do their reviews and indicated their requirements. The goal of developers is to make this a well maintained, landscaped buffer for the neighbors that is enjoyable for their community.

J. Davis asked if tree repurposing could be considered for some of the trees that will be lost from this area into either a public art piece or useful object to be included in the project under the oversight of the Arts Council or similar agency. D. Dupree stated that this idea had not been considered but they are willing to entertain the idea.

S. Hensley made a Motion to Approve, in considering the proposed rezoning petition R20-03; Town Center Mixed-Use Conditional District Rezoning, the Planning Board recommends approval along with modifications 1, 2, 4, 6 & 7 based on the Plan being consistent with the 2030 Huntersville Community Plan specifically: Policy H-1 & H-9: Development Pattern, Policy H-3: Mixed-Use Development, Policy H-7: Housing Affordability, Policy H-10: Redevelopment Areas, Policy T-5: Context-sensitive Design of Streets, Policy T-6: Pedestrian Connections, Policy T-8: Street Connectivity, Policy CD-2: Commercial Development Pattern, Policy CD-3: Commercial Development Principles, Policy CD-5: Infrastructure, Policy CD-6: Architecture and Place-Making, Policy DT-1: Downtown Development, Policy DT-2: Architectural Design Standards

Furthermore, the Downtown Master Plan Small Area Plan supports this project through the following Implementation Strategies: 1) Extend existing streets into new developments. 2) Encourage sensitive redevelopment/infill that maintains the urbanism of the Downtown while permitting new/modern architectural styles. 3) Require buildings within 800 feet of the intersection of Gilead Road and Old Statesville Road (NC 115) to be a minimum of 2 stories. 4) Permit and encourage infill development consistent with the Master Plan.

It is reasonable and in the public interest to approve the Rezoning Plan because many of the elements incorporated into the plan are supported by both the 2030 Huntersville Community Plan and The Downtown Master Plan Small Area Plan. It is a truly mixed-use project that has commercial as well as 3 different residential property types including for rent apartments, for sale townhomes as well as for sale single family homes. The transition from higher intensity commercial and apartments to the existing single family residential is appropriate. Based upon recent resident surveys associated with the 2040 Community Plan there is overwhelming support for a more vibrant downtown and this project will help the town achieve this goal.

With the following conditions: 1) The plan that was presented tonight that shows the alleys will be incorporated into the plan that goes before the Town Board, to help alleviate the concern for trash collection; 2) The location of trash collection procedures are identified and approved by staff; 3) Construction traffic will be prohibited on adjoining residential streets, Greenway Street & Hillcrest Ave; 4) Parking will meet all applicable zoning regulations. 5) Applicant will commit to the required TIA payment. 6) Applicant will build the western buffer as soon as possible to help mitigate negative impact on adjoining property owners. 7) And all outstanding redline comments are addressed.

The Planning Board recommends that the applicant work with staff on the current 15% tree save to mitigate, if needed, and/or repurpose those trees into artwork, or the like, for the property.

G. Baber seconded the motion.

S. Hensley commented that he participated in the public meetings and community meetings and he is sensitive to the citizens who have opposed the development. He feels that this is an important location in Downtown and while he does not feel that this is a perfect plan there really is no perfect plan. He thanked staff for hearing the concerns of the community and working with the applicant to be responsive to those concerns in the product that is now being presented. He appreciates the reduction of density and the tapering of the design and supports staff's position that this mix of development is beneficial to the future of Downtown.

J. Davis stated that she is in support of the plan and while she has had her concerns particularly with the reduced commercial space she agrees that where they are putting it is the location that makes sense and the proposal as it stands today is well-suited for Huntersville and an improvement over the initial proposal.

G. Baber commented that the traffic concerns were heard and the requests for Downtown development made through the 2040 Community Plan process were also heard. While he is sensitive to the comments made from the nearby residents, he views it as one block of Downtown in an area that is zoned for Downtown, not an area intended to remain rural. The scaled back commercial raised concern initially but he trusts staff and the developer to make the best business decision and he is hopeful that this will encourage more developers and more businesses to be attracted to

developing Downtown Huntersville.

C. Graffy expressed that she has debated this and heard the residents' concerns along with realizing that there is a need for residents to draw the businesses and the businesses to draw the residents so at least this project offers a mix of both. One of her greatest concerns is the loss of the very mature trees to accommodate the project and she is in support of J. Davis idea to recognize the loss and utilize it as an art piece for the project. In her opinion while she may prefer less density, she trusts staff's recommendation and engineering staff's ability to ensure a proper BMP and stormwater solution.

S. Hensley recommended Tree Cycle America, a local Charlotte based company, as an organization that takes trees from urban infill areas to make furniture or incorporate the wood into the project.

J. Sny asked Staff if the Developer removed the portion of the project requiring rezoning would the use or public street not be permitted by-right. Staff responded that there is nothing prohibiting the use or the connectivity of a public road with just that portion of the project.

J. Sny then asked if the western most units of building C and H would be considered to remove to reduce the density and to increase the buffer with the neighbors. D. Dupree responded that they spoke with Mr. Tuttle who will adjoin where building C abuts. He was aware of the right-of-way and requested a fence with a buffer on his side be installed. The unit on building H is overlooking the large green space of the BMP and will meet all buffer requirements.

S. Swanick stated his initial concerns regarding the proposed density and he has since then seen the Save Downtown movement bring attention to the project and the developer act in good faith to address the concerns that have been brought including addressing stormwater/sewer concerns, traffic concerns, protecting the neighboring residents by not having construction traffic enter/exit through those streets, and building the buffer as soon as possible.

The motion passed unanimously (8-0).

## Other Business

Consider approval of the 2021 Planning Board Meeting Schedule

## Adjourn