

TOWN OF HUNTERSVILLE PLANNING BOARD MEETING MINUTES

January 26, 2021
6:30 PM - Huntersville Town Hall

Call to Order/Roll Call

Approval of Minutes

Consider approval of the December 15, 2020 Minutes of the Meeting

Public Comments

Jeremy Berry of 11919 Everett Keith Rd submitted a written comment as follows: "I was looking at the Bryton Phase III staff report, and it says that a fire-access gravel road easement has been established. No such agreement has been reached. Please have the report corrected to reflect that no such agreement has been established to provide emergency access to Everett Keith Rd."

Ann Harrison of 6200 Jim Kidd Rd submitted a written comment as follows: "I noticed a small sign just past Beatties Ford Rd on Hwy 73 about the Cook Farm. Googled this when I returned home only to find the plans to develop the property with 135 homes. We are losing the livability of Huntersville at an alarming rate! This many additional cars on our roads, along with who knows how many additional projects are in the works, will crush our ability to move around the area safely and with ease."

As a tax paying member of this community I would like to express my objection to such a large development. If it is not possible to stop this from proceeding, can the number of homes at least be limited? Increase in lot sizes? Natural areas? We are pushing wildlife in this area to the brink!"

Action Agenda

R20-05: Vermillion Village (no action requested)

S. Saumenig, Senior Planner advised the Board that the following the hearing of R20-05 at the Town Board, the applicant elected to revise the plan. These revisions will require the item to restart the public process. This is allowed within our ordinance and upon submission of the revised application the applicant will hold a new Neighborhood meeting, Public Hearing and then it will be considered by the Planning Board.

R20-04 Statesville Road Mixed Use

B. Richards, Asst. Planning Director entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the application which includes a request to rezone the 37 acres from Corporate Business to Corporate Business – Conditional District, Transit Oriented Development – Conditional District, and Highway Commercial – Conditional District. The land is currently used for single-family residential, a mobile home park and vacant land. The proposed uses include flex/office space, 300 multi-family units, and hotel or flex/office and commercial space.

Staff reviewed that the applicant has two proposed uses for the southern half of the mixed-use plan. Plan A if you will include a 52,445 square foot flex office and 120 unit hotel with 4,500 square feet of commercial property. Plan B or the Alternate Plan include 95,000 square feet of flex office space for a proposed race team facility.

Staff reviewed the applicants requested modifications which include, 1) Reduction of the 80' buffer to either a 20' buffer with a double row of street trees and a private drive for Plan A or 60' buffer for Plan B (Alt Site Plan). Staff supports this request. 2) Reduction and mitigation of the I-77 buffer 50' buffer. Staff does not support this modification. 3) Request to allow parking in the side yard of Building B which would be located between the building and I-77 buffer. Staff supports this modification if the buffer disturbance is limited.

Staff recommends approval except for modification 2 based on the application being consistent with the 2030 and 2040 Community Plans.

C. Boyd asked when the TIA report would be completed and reviewed and why the applicant is requesting modification 2. Staff confirmed that the results was received this afternoon and was not available at the publication of the agenda. Town Engineering staff has reviewed the report and indicated that there is more than sufficient capacity for the development with the current infrastructure. Jake Palilo, 19520 West Catawba Avenue, Suite 200, *Cornelius, NC* 28031 explained that the high-profile race team would like to have some visibility from I-77 as the building and the team would be an asset to the Town. The building design would be more park-like on the I-77, it would not be just the rear of the building with a sign.

S. Swanick asked if modification 2 only applies then to Plan B (Alt Site Plan) and if the proposed race team is aware that the rezoning is required to develop the southern-most land in the future. The applicant agreed the request is limited to Plan B outside of some limited grading that may be necessary and then replanted. The applicant also stated that the water feature will have a sprayer and lights and be aesthetically pleasing both by day and night. Staff confirmed that a note could be added to the plan for future expansion so that future development would not have to go through the rezoning process again if the proposed plans met the Zoning Ordinance. The lawyer for the race team is aware that rezoning will be required if future expansion plans do not meet the Zoning Ordinance.

C. Graffy acknowledged that the purpose of a buffer is to act as a visual and sound barrier and asked if there will be effective sound barrier if the modification requested is granted and asked if there is a timeline for the development and for the proposed CATS park and ride that is expressed as a reason to permit the apartment development. The applicant responded that the addition of the buildings and the tree save would be the only sound barriers. The race shop tenants have expressed a desire to be open by February 2022. The apartments would likely begin development in the summer of 2021 with completion in 2022. Staff shared that the public meeting updates for the CATS projects is scheduled for the next few weeks, currently the proposed timeline is to begin construction in 2022-23 with completion about 18 months following that.

S. Hensley asked for confirmation that the current zoning is Corporate Business. He then asked if the currently proposed uses for the southern end of the property would be allowed in CB zoning. Staff confirmed that the use would be allowed but modifications of the buffers would require a rezoning request.

S. Hensley commented that the 10-building residential feature at the northern end of the property which does not appear very mixed in its use and he does not believe that the Planning Board should make a decision simply on current market trends but on long-term Town needs. He then asked if there is an option for the Board to require or recommend that the apartments not be constructed until a percentage of the commercial space is developed.

J. Sny asked if we are only the municipality with a control of the I-77 border and what the Town's goal is with the buffer. Staff stated that the buffer is unique to Huntersville and the state has regulations related to billboards but there are no other regulations that we know of and to the best of our knowledge the goal of the buffer was aesthetic. The applicant expressed that the attractive buildings along a highway adds value to a Town and helps a passerby recognize a Town. (36.21)

G. Baber made a Substitute Motion to Approve the rezoning R20-04 Statesville Road Mixed Use, the Planning Board recommends conditional approval for the rezoning if staff and TIA comments are addressed. This petition is consistent with policies H-3, H-9, T-6 and CD-2 of the 2030 Plan as well as policies LU-2.1, LU-5.1, LU-6.1, LU-7.1, LU-8.3, ED-1.2, and ED-1.3 of the 2040 Plan. The recommended conditional approval is reasonable and in the public interest because the rezoning is consistent with the existing development that is in the area and the proposed density of 15.25 units per acre is in keeping with the requirements of the TOD-R zoning district. The non-residential uses are consistent with other developments in the area. Further, regarding requested modifications, for proposed plan A (hotel): the Planning Board recommends approval of modifications: 1) buffer yard reduction and 3)– side yard parking as they are in keeping with the spirit of the ordinance; for plan B (race team): the Planning Board is open to consideration of modification 2) changes to I-77 50-foot buffer.

C. Boyd seconded the motion. The motion was approved (6-2) with F. Gammon and C. Graffy opposed.

Bryton Single-Family - Phase 3 Subdivision Sketch Plan Revision, a request by LStar Management, LLC to revise the existing approved Sketch Plan to reduce the lot count and re-design the streets and lots.

D. Peete, Principle Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed that the application is relative to changes to phase 3 only. The previously approved plan was for 80 single-family homes and the revised plan being considered today is for 73 single-family homes.

Staff shared that the Fire Marshall will require two means of ingress/egress and it will be the burden of the applicant to accommodate this to the satisfaction of the Fire Marshall and the Town's standards, similar to when NCDOT requires a turning lane, it falls on the applicant to identify how they will accommodate that requirement. Currently the proposed plan cul-de-sac includes an emergency vehicle connection to Everett Keith Road, if this is satisfactory or not will be determined by the Fire Marshall. Staff shared that no new TIA report was needed for this revision however this is a major revision since it affects external connections and open space adjustments.

C. Graffy asked if the open space total area has been finalized. Staff commented that it has not been provided as of yet, but it will be more than compliant as the creek area alone exceeds the open space requirements.

C. Boyd asked what the fire access would look like and if that would funnel traffic down Everett Keith. Staff stated that it would only be accessible by the fire department and would be designed to meet their specifications.

The applicant, Scott Munday, 6700 Windy Rush Road Charlotte, NC stated that the topography is the reason for the revisions, the lot size changes are to provide some variety to the product.

S. Hensley asked the applicant if the product price points would be like the existing phases and if they are proposing a small pocket park. The applicant stated that it is more or less a continuation of the current development with similar price points and there will be a green space for this phase.

J. Sny asked who would maintain the fire access road.

F. Gammon made a Motion to Approve the Bryton Single Family – Phase 3 Subdivision Sketch Plan, the Planning Board finds that the application is complete and applies with all applicable requirements of the Zoning Ordinance, the Huntersville 2030 and 2040 Plans as stated within parts 2-4 of the finding of facts in the Staff report. The Planning Board recommends approval with the condition that all minor site plans/redline comments are addressed. C. Boyd seconded the motion.

The motion passed unanimously (8-0).

Cook Farm Subdivision, a request by M/I Homes of Charlotte, LLC to subdivide 92.18-acres located south of NC 73 along Oliver Hager Road into 133 single-family lots.

D. Peete, Principle Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed that the application is for the development of 92 acres in the TR zoning to be developed as 133 single-family lots. There are currently 4 proposed urban open spaces.

The TIA report reflects minor NCDOT improvements since most of the improvements will be completed by the overall Highway 73 improvements already slated to occur. The applicant will build a portion of the thoroughfare and dedicate the remaining portion of the right-of-way for future development while keeping the easements for the existing homes that exist along the dedicated portion of the right-of-way.

Staff reviewed that the applicant will likely need to request an 80-foot buffer modification at the entrance to the development given the width of the lot that they acquired to access Highway 73. Staff would support this modification, if requested, as it would be in keeping with the local development and the purpose of the 80-foot buffer requirement is to match more rural or natural landscapes which do not exist in this specific area.

A modification for the cul-de-sac length is requested and staff is comfortable supporting that due to the challenges created by the utility easements in this area.

Staff commented that more clarification related to the programming of the urban open space may be needed as to how they envision the space being utilized and how they will ensure that the residents adjoining those open spaces will either know where their properties end or how it will be maintained.

G. Baber asked for details related to the Highway 73 improvements and how the new tie-in road would adjust the existing road. Staff confirmed that Highway 73 will be widened and there will be a turn-around bulb to the west of the proposed tie-in area. NCDOT has reviewed and made their comments related to the proposed plan and what is presented reflects that. A portion of the tie-in would be completed with the balance remaining in an easement and remain a gravel road as it currently is until the future connections are completed, the balance of the western road stubs will create connectivity to Gilead Ridge neighborhood.

D. Partee asked if the applicants will be extending the city water and sewer services to all of the lots. Staff confirmed that all lots will be serviced by city water and sewer.

S. Hensley asked if there is a size requirement associated with the urban open spaces and what the applicants plan is for the maintenance of the open space. Staff commented that it is subjective, and some types of urban open spaces have size requirements as indicated in Article 7.7 of the Zoning Ordinance.

Chris Todd, Timmons Group 610 East Morehead Street, Suite 250 Charlotte NC commented that the open space behind the lots is not currently planned for programming, they would likely plant shrubbery along the perimeter with a design to allow for mowing to happen only 3-4 times per year under the care of the HOA. Given the limitation to the amount of grading permitted in the utility areas there will be areas that are left in their natural state with the utility company coming through annually to do their clean up. Staff commented that they have recommended some short quick growing trees or some soft surface trails to connect the two utility areas as a definitive area. The applicant followed up that the construction documents would outline what would be possible with the necessary grading and he did not see them being opposed to the soft surface trail concept.

J. Sny asked about the density of the project. Staff confirmed that this project complies.

C. Graffy asked if consideration could be given to preserve some of the very large trees indicated on the tree save list that appear to be located at or near the proposed first entrance to the neighborhood as a focal point versus removing the trees. Staff and the applicant commented that it would be a significant site plan change to accommodate this and given the constraints of the wetlands, easements and topography which are already being addressed with the proposed plan they are open to replanting a variety of hardwoods but do not believe those trees can be saved.

C. Boyd asked if the street connection to the EPCON community is necessary given that it could bring a lot of traffic to an age-restricted community. Staff commented that the spirit of the Ordinance is to encourage connectivity and the EPCON development was stubbed for this future connection.

S. Swanick made a Motion to Approve the Cook Farm subdivision as the application is complete and in compliance with the applicable requirements, the Planning Board recommends approval based on completion of all staff comments on pages 6 and 7 of the Staff report to staffs satisfaction. F. Gammon seconded the motion.

S. Swanick commented that he appreciates that this is a by-right subdivision request that is complying with the density of the zoning.

Staff commented that the adjoining future County park will be quite large with multi-programmed areas and there is a greenway connection that runs through this parcel as well creating a lot of opportunities that are balancing the densities and outdoor uses.

G. Baber commented that he had a difficulty understanding what items are still outstanding and appear to be extensive and he would recommend deferral to address more of these items prior to a vote. Staff commented that the typical process is for the applicant to begin addressing these with staff and for the application to move on to the Town Board for them to review the progress made up to that date and based their decision on the Planning Board recommendation along with comments related to any remaining outstanding items.

S. Hensley commented that he values connectivity, but he agrees with C. Boyd's

comments that a connection to a 55+ community may be a good example of an unnecessary connection. S. Swanick agreed and stated that possible selective connectivity based on development may be a good option, if possible, in the future.

J. Sny asked if there are any outstanding comments that the applicant is concerned about or feels that they will not be able to comply with. The applicant commented that they do not see any issue with resolving these with staff. The two comments that have been discussed and will have to be addressed as they determine what the grading allows them to meet are related to the 36-inch oak and the community garden. Staff followed up that the plan is compliant with the tree save regardless of the outcome of the 36-inch oak outcome.

F. Gammon commented that he initially had the same concerns related to the comments, but he believes that the motion addresses the need for the applicant to be compliant and address all outstanding comments to the Staff's approval.

The motion passed (7-1) with G. Baber opposed.

Other Business

Review 160D Text Amendments

J. Simoneau, Planning Director shared with the Planning Board that the state statutes have been updated and Chapter 160D ordinance will be updated as of July 1, 2021. Staff is currently reviewing the ordinances to make the largely technical and some procedural changes but not largely substantive. One major change resulting from this is the requirement of a reasonably up-to-date comprehensive plan being a requirement to enforce zoning. The rule of thumb for current being 5-10 years. With the recent adoption of the Huntersville 2040 Plan we have met this requirement.

Staff provided an overview of the timeline for presenting this to the Planning Board, likely in April, for consideration to achieve having these updates in place prior to the July 1, 2021 deadline. Staff provided the Planning Board with copies of Articles 1 and 2 which have been reviewed by Staff and the Town Attorney with the proposed changes. Staffs intentions are to continue providing a few articles at a time so that when we arrive at the April meeting the Board will have had time to review the changes and ask questions along the way.

Adjourn