Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, June 28, 2022.

Call to Order/Roll Call
Chairman Swanick called the meeting to order at 6:30 pm.
Present: S. Swanick, J. Sny, S. Hensley, G. Baber, C. Boyd, J. Wright, F. Gammon, J. Henson, and T. Loomis

Approval of Minutes
Item 2A. Consider approval of the revised May 24, 2022, Regular Meeting Minutes
Motion: F. Gammon made a Motion to Approve the revised May 24, 2022, minutes. C. Boyd seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments
George Solomon, 13600 Toka Court, the HOA Treasurer for Plum Creek neighborhood - shared there is concern with the proposed development connecting to Plum Creek neighborhood due to the transient nature of the proposed development and the potential for speeding and cut-through traffic and safety of the residents and children. Neighborhood would rather have the connection to the west (toward County Recycling Center).

Travis Aspy, 13303 Toka Court stated - stated the residents of Plum Creek have begun a petition that currently has over 100 signatures in opposition to the connection of the proposed neighborhood to the Plum Creek neighborhood. If concern over safety is the reason for the proposed connection then the residents would like to see a fire gate installed at the connection so that the safety needs can be met without increasing traffic in the Plum Creek neighborhood.

Action Agenda

Item 4A: A. Consider Recommendation for Hamlet at Huntersville Subdivision Sketch Plan, a request by Middleburg Communities, LLC to subdivide 43.91-acres located along Old Statesville Road (immediately north of Plum Creek Subdivision) at 12349 Old Statesville Road, Parcel # 017-361-02 and portion of 01736104 for a 265-unit, for-rent residential development.

D. Peete, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff stated that the proposal is to subdivide 43.91 acres along Old Statesville Road north of Plum Creek Subdivision into a rental community of 187 single-family homes and 78 townhomes.

Two neighborhood meetings were held, on January 26, 2022 and April 20, 2022 to discuss the plan with anyone concerned. The plan has been modified, in part, due to comments received...

D. Peete stated that an appropriate transition from the adjoining Plum Creek neighborhood to the proposed subdivision has been provided by lowering the residential unit density along the Plum Creek border to 4.69 units per acre, as opposed to the 6.19 found within the rest of the development. Plum

Creek has a density of 2.67 units per acre. In addition, instead of the minimum 20-feet wide landscaped buffer, the project is proposing a total of 50-feet with a six-feet tall opaque fence integrated within to buffer the adjoining neighborhood. Lastly, the street along the southern border, where the existing street stub would tie-in, was re-designed to make using that street less convenient for the Hamlet residents.

A TIA was required and the improvements have largely been noted on the plan with the exception of one comment that still needs to be addressed.

The proposed subdivision was supported the 2040 Community Plan, in particular, Policies EOS 8.3, EOS 10, EOS 10.1, LU2.1, LU 5.3, LU 7.1, LU 9.1 and LU 10.1.

Staff finds that the plan is consistent with the Huntersville 2040 Plan as the proposed density (6.15 units per acre) is permitted in the Town Core zoning district. The proposed development provides several urban open spaces through the development, however these must be labeled correctly on the site plan. Staff recommends that this subdivision provide trail connections to the Huntersville Athletic Park for future connection and the applicant has included these in several locations.

Staff finds the application complete and in compliance with applicable requirements of the Zoning Ordinance and Subdivision Ordinance, including: all urban open spaces be identified by type on the plans, (TIA) transportation comments must be addressed, water-quality concept plan must be approved by Staff, mail kiosk location identified, and all other plan comments be addressed. Additionally, staff recommends several sidewalks be moved closer to the street to provide greater open space in front of the residential units, the proposed "serpentine colonnade" does not qualify as urban open space and should be redesigned, parking provided near the clubhouse is inadequate and should be increased, elevations facing public streets should not have blank walls and should provide architectural interest and labeled as such on the plans.

The applicant Steve Farmartino, 1 Ashton Street Charleston SC 29403 commented that the TIA has been verified by the Engineering Department and storm water is okay. The sidewalk will be adjusted per staff's comments. The applicant does not want to increase the clubhouse parking. The elevations and grading for the right-of-way have been accounted for. The applicant cannot guarantee they will always own the development. They would be happy to accommodate public transportation options, though they are not sure how that could be accomplished with the current right-of-way plans.

In summary, the Board directed questions to the requirements of connectivity and the possible use of a knox box (first responder gate access only).

Staff stated that the street stub in Plum Creek has been there since the community was built and has always been intended to create connectivity. Currently Plum Creek has only one entrance/exit, the Ordinance encourages connectivity, and some cut-through traffic may occur, but the connection has been designed to make this less likely given the more direct entrance/exit remaining within the Hamlet community.

The applicant stated they would be fine not connecting to the adjoining development and the parking lot entrance near Plum Creek could be altered to be additional parking.

The Board weighed the concerns of the neighbors and applicants desire not to connect with the precedent of connectivity, and any potential time lost in response due to the use of a knox box.

The Board discussed concerns over what level of maintenance and upkeep would be involved in a rental-only community, what experience the applicant has with the ongoing maintenance, and what price points the rent would be. The applicant responded that the upkeep would be to ensure they could continue to keep the price point they are setting and to maintain the investment that they own. The proposed price point is $1,600-$2,200 and they have two similar developments under construction but not yet completed.

Motion: In considering the proposed sketch plan, Hamlet at Huntersville Subdivision Sketch Plan, the Planning Board recommends approval as the application is complete and complies with all applicable requirements and is supported by the findings of fact outlined in parts 2-4 of this report with the following conditions addressed: all urban open spaces must be identified by type on the plans, water-quality concept plan must be approved by Staff, all outstanding town transportation (TIA) comments be addressed, all outstanding redline comments be addressed, mail kiosk location be identified and that the applicant continue to work with staff to reach an agreeable resolution on staff's recommendations regarding moving several sidewalk sections moved closer to the street/on-street parking to provide greater open space in front of the residential units; the proposed "serpentine colonnade" should be redesigned; parking provided near clubhouse is inadequate, additional parking should be included; and elevations facing public streets should not have blank walls and should provide architectural interest with all facades identified and labeled on plans was made by G. Baber and seconded by S. Hensley.

G. Baber commented that while he is sympathetic to the concerns expressed in the public comments the connectivity is the precedent and having a secondary connection for the residents of Plum Creek is a valuable safety improvement for those residents.

T. Loomis commented that from her experience a property management company in ownership of all the properties is likely to keep the properties in a much better state than individual homes that are managed by various property managers or homeowners.

J. Sny concurred that the connectivity is a key aspect of the Huntersville Zoning Ordinance and while he sympathizes should be maintained.

F. Gammon recommended that Planning Staff review how many of these rentals are being approved in a community across the county and consider if a new zoning category should be recommended.

S. Swanick requested that the Town Board consider why connectivity be a requirement when both the existing and proposed development would prefer not to have the connectivity and the two products are not the same.

Vote: The motion passed unanimously (9-0).

4B. Consider a recommendation for R21-13 is an application by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District (TND-OD) for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328,

00544329). The purpose of the rezoning is to increase the units allowed and to modify the rezoning plan to a single unit senior living facility.

L. Speight, Senior Planner entered her staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff stated that the Caldwell Station development was rezoned from Neighborhood Residential (NR) to Traditional Neighborhood Development Overlay (TND-O) in 1998 and the parcels were proposed to be offices. In 2006 the rezoning was amended for this parcel to allow senior living condominiums rather than offices. The purpose of this conditional rezoning is to modify the site plan to increase the allowable senior living units from 108 to 134 units. The modification would reduce the proposed 3-story buildings from five to one.

Staff stated that two neighborhood meetings were held, a TIA was not required. This plan is vested under the 1998 rezoning as the proposed use is less intensive than the originally proposed office use. The applicants have requested to remain vested under the 1998 ordinance for tree save, storm water, lighting, landscaping, and TIA.

Staff stated that building massing along Will Knox Road was a concern and they have been working with the applicant to reduce the perceived scale of the building.

Staff finds that the proposed use, density and building height is located within the Town Core and is in keeping with the Huntersville 2040 Plan. Staff supports the proposed modification as allowing the added height to the street scape along Will Knox Road has already been established. The applicant is working with staff and has submitted significant changes to address the perception of the added mass and width of the building.

F. Gammon received confirmation that the HVAC units would be ground mounted, Staff has discussed the proposed rezoning with the Town of Cornelius which borders this project, and that the applicant will be building the project per Town of Huntersville Ordinances despite being vested under 1998 ordinances.

F. Gammon asked the applicant if they are proposing 32 or 34 garages given the discrepancy between the site plan and design drawing; and what the applicant's experience has been with garages being used for storage. The applicant responded that they believe 34 garages are proposed and in their experience no more than 10% of garages are used for storage.

In Summary, the Board discussed the concerns about the lighting being less than adequate for the safety of the residents if it remained at the level required in the 1998 vesting. The applicant agreed that the lighting would meet current standards.

Motion: In considering the proposed rezoning R21-13 Caldwell Station Senior Living Facility, the Planning Board recommends approval as the Planning Board finds the amendment consistent with LU 1.1 and 10.5 of the Huntersville 2040 Plan and with the character of the existing adjacent development with the condition that the plan meet or exceed current lighting standards was made by S. Hensley and seconded by F. Gammon.

Vote: The motion passed unanimously (9-0).

F. Gammon asked that staff provide the Town Board with the current number of approved age-restricted communities that are built and approved un-built when this item is considered.

4C. Consider a decision Petition #TA22-05, a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by changing subdivision sketch plan decisions from a quasi-judicial process (Planning Board recommendation, Town Board decision) to an administrative process (staff decision) and other clerical adjustments.

J. Simoneau, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the Town Board request for the text amendment, the split decision of the HOAB, the examples of how administrative versus quasi-judicial have affected recent approvals, and the proposed changes to the subdivision and zoning ordinance. Mr. Simoneau also pointed-out the proposed amendments also included technical clean-up of multiple sections of the ordinances. If the Town does not approve changing subdivision sketch plans to an administrative approval process, staff still recommends these changes (Attachment 8).

In summary, the Board had extensive discussion to clarify how the process would adjust, what this would change in terms of ability to require/negotiate with developers, the restrictions of the quasi-judicial process, what alternative Boards could potentially hear quasi-judicial cases and how that could potentially affect the appeal process.

F. Gammon stated he had the opportunity, on three previous occasions during the April, May, and June HOAB Meetings, to provide input into TA 22-05 and did not feel the need to reiterate which side of the issue he was on, and why, since my position and reasons are stated in the HOAB Meeting Minutes that were provided to the members of the Planning Board. He pointed out that he made a motion at the May HOAB meeting to recommend disapproval of making the process administrative - it was defeated in a 5 to 4 vote, and the HOAB went on the recommend approval with a 5 to 4 vote. Cleary this is not an easy decision and it was a split vote either way.

Motion: In considering the proposed amendment TA22-05, the Planning Board recommends approval of TA22-05 clean up language amendments listed in Attachment 8 to the Zoning and Subdivision Ordinance and to disapprove changing the subdivision approval process from quasi-judicial to administrative as this is not in keeping with policy LU 11 of the Huntersville 2040 Community Plan. Motion made by S. Swanick and seconded by F. Gammon.

Vote: The motion passed unanimously (9-0).

Adjourn
Motion: S. Swanick made a Motion to Adjourn. T. Loomis seconded the motion.
Vote: The motion passed unanimously (9-0).

Approved this 26 day of July 2022.

Chairman or Vice Chairman

Board Secretary