Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, June 27, 2023.

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

Approval of Minutes
Item 2A. Consider approval of the May 23, 2023, Regular Meeting Minutes
Motion: J. Wright made a Motion to Approve the amended May 23, 2023, minutes. J. Henson seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments
Held prior to Item 4C

Item 4A: Petition #TA23-03, a request by the Huntersville Planning Department for a text amendment to amend Article 2 of the Subdivision Ordinance and Article 7.5 of the Zoning Ordinance to limit Minor Subdivision to five lots or less and to require a 10' buffer for Minor Subdivisions within the Rural and Transitional Residential zoning districts

N. Farber, Planner I entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed text amendment to limit minor subdivisions and require a 10' buffer within Rural and Transitional Residential zoning district.

S. Swanick asked for confirmation that the buffer would be the external buffer adjacent to neighbors, not internal to the lots. Staff confirmed that is correct.

C. Boyd asked how staff determined five lots or less would be the maximum for minor subdivisions, and how an alley access or rear access design may affect development. Staff stated the five lots or less was based on research of local area municipalities. A development with it's own streets would either become a farmhouse cluster with a maximum of six lots and developed on 10 acres, or a major subdivision.

F. Gammon asked if multiple lots could share a driveway to address the issue of multiple driveways. Staff confirmed that a minor subdivision can be built on an NCDOT road and have a shared driveway easement that accesses the entire subdivision. This must be approved by NCDOT and there is an existing development like this on Beatties Ford Road.

Motion: C. Boyd made a Motion to recommend Approval of TA23-03 based on the amendment being consistent with policies LU7.1, LU9.1, LU11.1, EOS 1.1, EOS 6.1, T4.1, and T4.3 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will result in a higher quality development that will protect the character of Huntersville and is safer for the community. S. Hensley seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4B: Petition #TA23-04, a request by the Huntersville Planning Department to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity.
N. Farber, Planner I entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed text amendment to clarify solar energy facilities.

S. Swanick asked for clarification between a major and minor solar facility, and if scale of the facility should be a determining factor. Staff confirmed that a minor solar facility is an accessory use to the primary use, such as rooftop solar for a single-family home. A major solar facility is industrial in nature built to generate electricity for use off the primary site. Scale of facility was not a consideration because limiting the minor to an accessory use act to limit the scale.

F. Gammon asked if a developer came wanted to create a development that was strictly solar. Staff responded that the developer would be able to if the solar was an accessory use to each home on each lot, or if they developed a major solar facility on 10 acres or more to serve the development. F. Gammon commented that he thinks this will have to be adjusted in the future to address future development needs.

C. Boyd asked if we should be concerned about a minor facility being installed on ground level in the side yard facing a thoroughfare and the possible hazards that could occur because of the glare. Staff stated that the accessory use setbacks would apply and typical applications for freestanding units are a minimum of five feet off the ground. J. Sny followed up that in previous solar discussions it was identified that technology has improved to reduce glare.

Motion: T. Loomis made a Motion to recommend Approval of TA23-04 based on the amendment being consistent with policies EOS 9.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will encourage the use of solar and clarify language regarding the use of residential solar panels. C. Boyd seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments
Bob Baer, 15802 Lavenham Road
Mildred Paranich 12824 Westmoreland Road
Suzanne Villar 17130 Bridgeton Lane
Jennifer Hunt 12838 Lavenham Road
Melanie Griffin 12900 Westmoreland Road

Item 4C: Consider recommendation on Petition #R23-05, Lagoona Bay Beach Club, a request by Bi-Part Development, LLC to rezone +/- 263.01-acres generally located north and south of NC 73, south of Mayes Road, east of Westmoreland Road, north of McCord Road and west of Black Farm Road from

existing Rural and Transitional Residential to Traditional Neighborhood Development - Conditional District, Neighborhood Residential - Conditional District, and Highway Commercial - Conditional District for a mixed-use development consisting of approximately 1,183 residential units (250 single-family homes, 201 townhomes, 432 apartment units and 300 condominium units), 210,000 sq. ft. of retail, 200 hotel rooms, 36,000 sq. ft. of convention center space and a 41.16-acre commercial lagoon. D. Peete, Principle Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff requested to enter into the record the documents handed out prior to the meeting by the applicant illustrating the five area breakdowns with an increased buffer. Staff reviewed the proposed project and modification requests.

C. Boyd asked staff to clarify what the buffer requirement is and if the proposed project is meeting that. Staff responded that the zoning ordinances required a 20-foot buffer and were adjusted two weeks after submittal of this project to 40-feet for a by-right development. This is not a by-right development so the recommendation for buffer requirements would be to look at holistic to the project, proposed use, and adjacent land use.

C. Boyd asked staff if the proposed street connection to the existing street is still within the plans. Staff confirmed that the connection to Willow Brook is still proposed.

F. Gammon asked staff if the Planning Department is asking the applicant to make a modification to increase the buffer since the requirement based on when the application submitted was a 20-foot buffer. Staff stated that since this is a conditional rezoning it opens the proposed project up to requests and considerations that would not be considered if the development were being proposed as a by-right development.

S. Swanick asked staff what buffers were finalized and negotiated with the North Creek development at the node. Staff responded that to their knowledge the buffer to the south was 40-feet where the proposed density is 1.5 units per acre. As the density increased to 1.7 units per acre the buffers increased to 50-feet. The apartment buffer was 200 feet but that was a unique feature of this site because there was an existing creek.

S. Hensley asked staff if the North Creek Village is an Activity Center or Mixed-Use node in the Huntersville 2040 Community Plan, and what the differences are between those. Staff confirmed the node is an Activity Center and reviewed the differences between the two types of nodes as outlined in the Huntersville 2040 Community Plan. The Mixed-Use would be more intensified such as a Birkdale.

T. Loomis asked staff to confirm what the applicant is proposing versus what they would be allowed to build by-right. Staff confirmed that the density would support 340 single-family homes and the applicant is proposing 1,100.

F. Gammon asked staff to clarify for the Board the Activity Center node circle denoted on the Future Land Use map in the Huntersville 2040 Community Plan, and the distance of measurement associated with the Activity Center at this intersection which it appears could include this project. Staff stated that it is general indicator intended to center at the intersection of the major thoroughfares within the circle.

F. Gammon followed up with the statement that he doesn't use the circle as a rule, he looks at the area and it's potential.

J. Henson asked staff if the TIA for this project will only be reviewed by NCDOT. Staff confirmed that is correct, the proposed project will only affect NCDOT roads. Staff stated that the Town Board only controls the rezoning so the value of having the TIA information to consider is it paints a complete picture and allows them to see the total impact that the Town will experience when considering approval of the rezoning.

F. Gammon asked staff if the applicant has addressed the buffer concerns and the stub connector to Willow Brook. Staff responded that as of the document provided tonight by the applicant it is staff's understanding that the developer has increased the buffer to 40 feet adjacent to Willow Brook. The proposed project has a connector to the stub in Willow Brook which would be staff's recommendation. F. Gammon followed up with questions regarding recommendations not to connect to the existing stub or installing emergency gating based on concerns of Willow Brook neighbors. Staff confirmed that it is the Planning Board's option to include that in their recommendation.

The applicant, Jake Palillo 17532 Sailview Drive Cornelius NC advised that the buffer has been updated to include a 20-foot undisturbed per the code and a 20-foot disturbed and rebuilt buffer that will be shown. The applicant presented their project and stated that they have addressed all of the 56 conditions, they are requesting 11 modifications and the buffer has been corrected.

F. Gammon disclosed that he met with several members of the opposition present this evening at the end of April with one of the Town Board Commissioners. He stated that he explained the Planning Board process and that the plans had not yet been submitted to them. Also, the applicant requested to meet with the Planning Board members, there were three members present on June 14 at that meeting and the Town Manager appointee, Brian Richards was present. The meeting allowed for Planning Board members to ask questions. He disclosed that he shared with the applicant the importance of meshing with the Planning Department so that a good clean staff report could be presented regarding how this meshed or does not mesh with the Zoning Ordinance and Huntersville 2040 Community Plan. He stated that neither meeting will influence or affect his decision this evening.

The applicant followed up with the statement that the Town encourages developers to either go to the Pre-Development meeting or to go to the Board members directly to explain the proposed projects, entertain questions, and determine if they can support it. They do not make an approval, they give you some guidance prior to investing.

S. Hensley and C. Boyd confirmed they also met with the applicant with Brian Richards present. He stated it is a benefit to allow for more in-depth and thorough understanding of what the developer is proposing and to attempt to bring the best plan forward for the benefit of the Town. He stated he has no reservations about the process, and he thinks it is a positive.

J. Henson confirmed he was at the same meeting as Frank and he agrees, just as Planning Board members read every email that are sent to the Board for/against the goal of the Board is to find as much information as possible to make a good decision.

J. Wright confirmed she was also present at the same meeting as Frank and stated that it will not influence her decision this evening. C. Boyd confirmed it will not influence his decision this evening.

F. Gammon asked the applicant to confirm his plan for the buffers. The applicant confirmed he will do a 20-foot undisturbed and a 20-foot disturbed and relandscaped for a total of 40-feet.

F. Gammon asked the applicant if he will build the connector to the existing stub street. The applicant stated that he will build the connector. F. Gammon commented that not doing this is a subject for another time. The applicant followed up with the comment that they are in discussion with Willow Brook to assist with improving their pool and clubhouse and would accept that as a condition of approval for this project so that their development is a help to the neighboring community as well.

F. Gammon commented on the outstanding comments due to staff. The applicant responded that hey have addressed all the outstanding questions and there are only 12 modification requests remaining as part of the proposed project.

S. Swanick asked the applicant when they addressed the comments. The applicant responded that they began immediately following the Town Board Public Hearing. He then continued that they received the Staff Report last minute before the Town Board and they were primarily notes related to the construction process in detail. The applicant identified the document that was submitted identifying the staff note, how it was addressed, and the page that it can be located on.

C. Boyd asked the applicant to confirm that they are stating that someone advised them to keep the hotel in the proposed project, but they are okay with removing it from the proposed project. The applicant confirmed that is correct and stated that he likes to develop unique projects and with the Town not having a unique, luxury, resort style hotel destination there is a need that should be filled. This requires him to have his traveling business investors stay in Charlotte due to the hotels not being full-service (restaurant, cocktail area, and some amenities). The proposed hotel would have a rooftop bar, spa, so it is a really full-service hotel that the Town is lacking. In speaking with Mayor Anarella and Mayor Bales, there has been conversation that there is need for a civic convention center, there is a need for a place to gather. Angels and Sparrows, a local charity, is going to the Peninsula Club, in Cornelius, because they can't find an area big enough to hold a sufficient size group for the fundraising efforts they are trying to achieve.

C. Boyd asked the applicant if he thinks the proposed location is the best location in Town for the 200-room hotel. The applicant replied that it will fit here with a strong amenity associated with it. That could be Birkdale, or this location in the summer would offer a lagoon and tropical pool.

T. Loomis asked what happens in the wintertime. The applicant responded that the lagoon is open year-round and can be used for kayaking, paddleboarding, etc. just like we use Lake Norman during the winter. Activity would slow down similar to a golf course in the winter but the community would also offer a 30,000 square foot full-service fitness club and tennis facility so there are alternate activities.

S. Hensley asked the applicant to review the language for the membership because the currently proposed language does not seem to suffice that the membership will be limited to annual and priced accordingly versus day-use membership. The applicant concurred that is a good point and the wording can be modified since that is not the intent, it will be modeled like a country club like River Run that is like a larger equity membership that you can sell in the future.

J. Wright asked if there is any other options to cross Highway 73 other than driving or the shuttle given the proposed layout. The applicant reviewed the topography of the land and stated that they will talk with NCDOT about a possible tunnel under Highway 73 because they are in agreement that the community would benefit from it. The timeframe to get that approved with NCDOT is lengthy. The applicant stated that NCDOT will not give them a full signalized intersection but has said they will give them a 10-foot multi-purpose path with signalized crossing to allow golf carts and foot traffic to cross Highway 73.

C. Boyd asked the applicant if the development could be sustained with less than the currently proposed density of 1,200 homes. The applicant stated that it goes back to the development philosophy of rooftops and traffic and the mixture of needing the membership to make the concept work. The applicant stated that he has already eliminated 25 lots which is a reduction of $5 million dollars of revenue so at a certain point it becomes cost prohibitive. He commented that the more people you have in close proximity the more you increase walkability and reduce traffic with a number of areas available for gatherings and events.

C. Boyd asked staff what existed prior to Birkdale and what was the proposed density for that area prior to that development. Staff responded that the Greens at Birkdale Village were one project that was split between the towns of Huntersville and Cornelius. Birkdale proper there are 330 multi-family units. None of the projects south of 73 were part of those developments, those were separate projects. The land was a dairy farm prior to development. The land would have been identified for a mixed-use area within the long-range plan at that time.

Staff responded to comments that have been made thus far to establish that speaking to the Board versus the Pre-Development group is not a necessity it is an option. The land and future road improvements on Highway 73 each present extensive constraints and creative solutions will need to be presented. At this time the golf cart crossing has not been presented to or reviewed by staff.

C. Boyd asked for further explanation on the sewer capacity comments related to the proposed project. The applicant responded that there is no issue, the capacity is available. Charlotte Water and Sewer currently forecast out capacity for 50 years and stated that they would have to plan sooner than later for more expansion if this project is approved. Staff confirmed that is correct. Charlotte Water reviews the long-range plan in forecasting capacity. They can provide the capacity; this use is just out of character for what they have planned for the last 20 years.

J. Sny asked how the hotel associated with this project is being submitted without a special use permit. The applicant responded that staff advised them that it can be included in a conditional rezoning request and does not require a separate special use permit request. Staff confirmed that the additional height being requested for the hotel can be included in a conditional rezoning as a modification versus a separate special use permit, which is the path the applicant selected.

J. Sny asked the applicant if they could share how they achieved the $900k-$1m price range estimated for the single-family homes, which is relevant to the tax base commentary and overall success of the membership format and project. The applicant commented that they intend to develop and sale the lots to homeowners at $185-$225k per lot. There will be an approved Builder List which has already includes Simonini, Classica, Grandfather Homes, Meeting Street, and more that the homeowner can select from. If you look at those builders' current projects in town, you will see 50-60 foot wide lots. Our lots are projected to be longer lots that are rear loaded. Current construction costs on new custom single-family homes are ranging $250-$300 square foot price. These homes will average 2,500-3,000 square feet. That is the price point as demonstrated by Classica right off of McCord and Ranson Road. Simonini are doing it right off of Mayes Meadow in Cornelius. Bowman's project in this area is starting in the $800k range for track-built homes. J. Sny commented that it seems like an average then, and smaller lots might not hit that estimated amount. The applicant responded that Birkdale currently is priced at a premium at $2.20 a square foot because of the amenities that it offers and those proposed condo's will go in the $500-600k range.

J. Sny asked for confirmation on the lot size requirements for alley-fed lots. Staff confirmed it is 50 foot or less requires alley-fed. The applicant confirmed that they are looking for the development to have custom home charm. They want porches, 10-foot multi-purpose path on one side, planting strips, parking on one side so there is adequate room with a good streetscape to build the trees up. We want to encourage keeping the cars in the alley with a 20-foot wide alley, and two parking spaces next to the garage.

J. Sny commented on the need to properly craft the note on the project that the applicant will meet any road improvement requirements stipulated as that seems too carte blanche. The applicant stated that the typical TIA process is that the Town will list requirements, then it is submitted to NCDOT, and they will increase the requirements to more than you think the individual project would need so that they do not have to improve that section of the road. The applicant pointed out that another stipulation they included was that they will not begin construction on the retail component (hotel and village) until equipment is on the ground for widening Highway 73.

J. Sny commented on concern over all negotiation being removed from the rezoning discussion with the TIA report not being available and knowing what NCDOT is requiring in advance. He then commented that he also has concerns about this setting any precedent for future projects and what that can create if they are not amenable or do not follow through on completing the required improvements when that information becomes available. The applicant responded that the current state laws remove the ability to negotiate. Additionally, rezoning is a risk with a price tag on it to the developer. From a development side it would be nice to have the staff able to review something in concept and then if there are modifications the applicant can return for Board Approval to request those modifications. J. Sny replied that he was not implying impact fees could be assessed which are illegal, he was referring to negotiations to improve the overall plan.

Motion: S. Swanick made a Motion to Deny R23-05 as the plan is inconsistent with policies LU1, LU2, LU3.1, LU5, LU6, LU7, LU9, LU10.2, LU11, LU12, EOS1, EOS2, EOS3, EOS6. It is not reasonable not in the public interest to approve this plan. These inconsistencies, of which there are numerous, include but are not limited to, a total transformation of a rural corridor into a fully intensified one. Tonight, we have been nibbling around the edges on minor plan changes and buffers, it doesn't change the overall incredible tripling of overall allowed density. This would be a complete departure from our TIA requirements. In eight years, we have kicked projects for not meeting the TIA, here we don't even have one. There are numerous design insufficiencies, including buildings that don't front public streets or open space, parking lots that don't comply or are missing on street parking, inappropriate or omitted setbacks, excessive block lengths, insufficient open space, failure to meet tree save and mitigation requirements, and so on. This proposal and any pending changes would be a radical departure from the 2040 Plan. Approval of this project would set a realistic precedent to completely disregard that plan and the planning process forever. T. Loomis seconded the motion.

S. Swanick commented that he took notes regarding the items that have been resolved but getting back to one of the main issues raised by one of the speakers, we need to maintain the character and livability of Huntersville. This does not do that, and this application fails in that in every way possible. There has been an immense disregard for that as shown in this process as this is now the fourth submittal. This has been an incredible investment of staff resources and every time something is pushed forward another deal is struck, another concession made, what is handed to staff requires starting over. Most of what has been presented has been negotiated verbally and on social media and not resulted in putting together a coherent plan that makes any effort at addressing the long-range plans. There were six pages of deficiencies but that is 10x more than anything he has seen in eight years on the Planning Board. This is made for somewhere, dropped on this map to try to shoehorn this into Huntersville. The overall design is not how Huntersville design principles work regarding street frontage, open space, and block length. Again, it was drawn up somewhere else and dropped here. This is a total revolutionary departure from the 2040 Plan which is the guiding document for the Planning Board to make decisions. It is unreasonable to expect others to comply with these requirements and then simply toss it out the window because someone doesn't want to do it. The node was held to a standard of thinning density and to be adjacent to that and ignore that principle is clearly unfair. In his opinion no number of deferrals will change this, and the Planning Board needs to do their job and enforce the plan they were selected to defend.

J. Sny commented that there are elements of the motion he agrees with but felt that it would be best to inform the applicant that in the past the Planning Board has typically advised the applicant that they have the option to defer, and he would like to be fair and make sure the applicant understands he has that option as well. The deferral time may allow the process to catch up and for staff to complete their review. He then asked the applicant if they would like to take advantage of one of the deferrals, to move the Planning Board recommendation to the July 2023 meeting and allow staff to complete their review, provide a more proper staff report, and allow the applicant to possibly address some of these things that have been discussed. The applicant commented that if deferring will make the Planning Board like the project better than he will defer. If they do not think that there is the support, then he does not know how many things they can do. They believe in it strongly and believe it adds value to the community. In their opinion they disagree with the 2040 Plan because they believe Highway 73 is a commercial corridor. There are fewer and fewer pieces of land remaining in Town and while you will approve single-family and multi-family, you will end up losing the ability to make it commercial. He would not be opposed to the Planning Board making their recommendation and keeping this moving forward. F. Gammon asked staff to confirm that the applicant could still utilize his option to defer prior to the Town Board meeting if he so chooses. Staff confirmed that is correct.

T. Loomis commented that she cannot reconcile the by-right density of 340 with the number of proposed residences in this project. This area is not zoned to draw people from outside areas. She commented that she cannot use the 2040 Plan as a guide for other decisions and then ignore it for this project simply because you do not believe in it. The 2040 Plan is intended to guide the development in our community to see what we collectively want for the next 20 years. She commented that she likes portions of the proposed project, but it is too large for that area.

S. Hensley commented that he lives in East Huntersville, and he thinks it would be a welcome addition. Regardless of what he personally thinks, there is a 2040 Plan, and he cannot reconcile this project with that. He understands the argument that Highway 73 will carry a lot of traffic and increased density may make sense. He goes back to policy LU3.1 that says, "growth management was the number one priority for survey response." Just because a road can carry a lot of traffic does not mean that a lot of density must be packed around it. Part of the charm of Huntersville are the rural areas, even if a highway is cutting through it. It's a great idea but in his opinion, it is in the wrong area. Even in the Activity Center that is nearby he cannot reconcile this project since it is not a Mixed-Use Center.

C. Boyd commented that he went back to the by-right uses permitted for this land and how he does not think he would like just single-family homes here as a development. He likes the lagoon idea; it is a cool amenity and if run correctly it could be nice. He does not care for the hotel in this location because he does not think four miles off Highway 77 is the right location despite the adjacent amenities. He also does not think that the currently proposed 1,100 dwellings is correct, maybe something in between would be. In his opinion, a developer could come in and ask for a rezoning to allow 500 or so single-family homes and it would probably be approved and miss out on the amenities all together. So, while he understands that there need to be rooftops to support the restaurants and amenities, he wonders if a lower number could accomplish that and be a better fit for this location. He complimented the applicant for his work on other projects and stated he thinks the applicant would continue to deliver a good project.

F. Gammon commented that he planned to vote against denial this evening, but he relies on the Staff Report as a tool to consistently make his decisions. For this project he cannot do that because of the incompleteness. He has no reason to distrust the applicant regardless of what is on social media, and he trusts what the applicant says that he has addressed every item, but that has not been vetted by the staff. He needs it to be vetted by the staff so that their comments can be taken into consideration as well. The Planning Board and Planning Staff do not have to agree, but the Planning Staff needs to have an opportunity to provide their input and identify how the modifications are and the impact of that as it relates to the Zoning Ordinance. The 2040 Plan is a guide, adjustments have been made before so it can be argued.

F. Gammon asked staff if a new Highway 73 corridor plan has already been funded that will include a review of the land use. Staff confirmed that the plan is funded. He then commented that this is important and needs to be done because between the boundaries of Highway 77, Interstate 85, and Interstate 485 you have a population of over 100,000 people spanning Huntersville, Cornelius, Davidson, and Mooresville. You have around 160,000 people to the east in Concord/Kannapolis. Then you have the Huntersville population, and 890,000 people in Charlotte. Charlotte is the third fastest growing urban area in the United States which we see daily by the amount of people moving into our area, and they are still coming. That is a major east-west corridor. In his opinion, that study and implementation is a number one priority to make sure that it does not turn into a Independence Boulevard. Prosperity Church Road is slated to connect from Eastfield Road to Highway 73 and be a four-lane highway someday and go right through North Village. When that improvement is done this area will be developed commercially and it will be dense. The intersection at Highway 21 and Highway 73 is identified as high-density and this will be just as important of an intersection for this Town in the future. Maybe we need to look beyond 2040 and identify what this Town will be for our kids if you want them to stay here. The farmers cannot keep their kids here with their land and their selling it, which is their right. The only thing holding him up from supporting this is he does not have a clean staff report to write a clean motion. He likes the project, and he thinks that the lagoon and everything is within arguable distance of the Activity Center.

F. Gammon then commented regarding the applicant, Jake Palillo being a member of the Huntersville Ordinance Advisory Board (HOAB). As the Planning Board representative on the HOAB he meets with them and stated, he has heard only common sense come from him when he is on the HOAB. Jake's appointment to that Board is legal. He cannot serve on any other Board in this Town. Jay Henson, fellow Planning Board member was previously a member of the HOAB. That Board needs a developer perspective.

J. Wright commented that she likes the plan and the creativity of the development, she believes that future developments would have more mixed-use plans when possible. She thinks that a subdivision that allows you to have some way to get out and use amenities, visit a restaurant, without getting in a gas-powered vehicle (walk, bike electric bikes etc.) are a good idea for the community. She commented that there could be some work on the density. For residents to safely access both sides of the project, due to the split in the acreage with 73, possibly with a tunnel to provide safe access for the residents to access amenities would be suggested. In her opinion this could be beautiful and exciting.

J. Henson commented that he thinks it is a great project that is unique and adds something different to the Town. He asked how many long-range plans would have a placeholder for something this unique so there would have to be some variations for that. If you look at most land here 20-years ago it was in a similar situation, it was farmland and someone proposed an idea and it became a subdivision. The Town has obviously grown, and we have a lot of people moving in here, where are they going to move? The plan has a lot of merit and could be a great attraction on Highway 73 which for all intents and purposes is a commercial corridor. There are shopping centers both east and west of this are in close proximity. The TIA we can debate, years ago we debated getting rid of the TIA and eventually adjusted the numbers because NCDOT controls most of the roads it really is their decision what they want to do. If the Town had required additional studies, then it may be a different discussion. The 2040 Plan is a great guide that will change. If we followed it by the book then the Planning Board wouldn't need to be here. He commented that he does not support the motion and he does support the project.

J. Sny shared with the audience the role of the Planning Board and the reason for explaining their positions on a motion. He then shared that he agrees in many ways with Frank Gammon's comments and the reality is that the 2040 Plan will change. The traffic count supports growth along this corridor and at some point, a plan will come along and the 2040 Plan will change. At this time, plans do not align, and it is too much of a stretch for this project. The spirit of the 2040 Plan is a big thing to consider in this and there are both things that justify and do not justify that in this project. He commented to the applicant that he just appears ahead of his time. He commented that the discussion regarding the project has gone awry over the last year and that has been disappointing as a citizen to witness from both the applicant and community positions. He also commented about the number of petitioners who signed versus the number of votes needed to be elected mayor which highlighted how few voter eligible people pay attention and participate so for all who have been active and participated and are present he thanked them and encouraged them to keep doing so respectfully in person and online in a manner that demonstrates the values of being a small town.

S. Hensley commented to the discussion regarding the many modifications and changes that have occurred to the plans through the process. He commented how the project encompasses 250 acres which is very large. The ordinance is very detailed and there are going to be many modifications to meet those ordinances. That is what we want, compliance. The developer is investing a lot of time and money into investing into our community and that is what we want to get the end product. Let's remain reasonable.

Vote: The motion to deny passed (6-2) with J. Wright and J. Henson opposed.

Other Business
The Planning Board recognized outgoing member S. Swanick and thanked him for his years of service to the Board.

S. Swanick thanked staff and commented that he entered this role with a low opinion of government and is walking away with a admiration for the Planning Department, staff, everybody. He commented, "if government doesn't function it is because elected officials do not listen enough." He thanked Hal Bankirer and Jennifer Davis, his predecessors for being effective mentors and examples. A lot of what has been set up such as the outgoing Chairman, Chairman Emeritus has helped as an information transfer, and he encouraged Jeff to continue that process with his successor. He also thanked Joanne Miller, Joe Sailors for the long-time service. He thanked all current Board members for their service and the good discussion, debating, agreeing, disagreeing that has occurred and wished them all the best. He concluded by saying, continue to participate but do so with kindness. The only way that this whole thing works is if those who have opinions share them but do it in a way that doesn't alienate people that could be persuaded. As Dale Carnegie said, "It is possible to disagree agreeably. Your opponents do not have to be enemies." We, as a society can and should do better and he hopes that how tonight went can and will be how it continues to occur in the future.

Adjourn
Motion: J. Sny made a Motion to Adjourn. S. Swanick seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this 25 day of JULY 2023.

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Chairman or Vice Chairman

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Board Secretary