Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, September 24, 2024.

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

Motion: J. Sny made a motion to Amend the Agenda and hear Item 1.B. as Item 1.A. C. Boyd seconded the motion.
Vote: The motion passed unanimously (8-0).

Approval of Minutes
Item 2A. Consider approval of the August 27, 2024, Regular Meeting Minutes
Motion: L. Hallman made a Motion to Approve the August 27, 2024, minutes. J. Henson seconded the motion.
Vote: The motion passed unanimously (7-0-1) with J. Wright abstaining.

Public Comments:
W. DuPriest, Huntersville
N. Gould, Huntersville
S. Henson, Huntersville
E. McCormack, Huntersville
R. Hahn, Huntersville

Recusal: J. Henson notified the Board that he has a conflicting interest in Item 4B and requested to be recused.

Motion: S. Hensley made a motion to recuse J. Henson from the current item on the agenda. C. Boyd seconded the motion.
Vote: The motion passed unanimously (7-0) with J. Henson not voting.

Action Items
Item 4B: Consider a recommendation on Rezoning 24-04 located on Sam Furr Road. Project name: Northbrook Storage
B. Richards, Planning Director 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 rezoning and updated the Board on the items that have been submitted by the applicant including the removal of dog kennels as a proposed use.

M. Pollard asked what the status was of the completed TIA. Staff commented that NCDOT reviews the TIA requirements for each proposed use. NCDOT recommendations are non-negotiable and will be a condition of approval with the rezoning so whatever they recommend is what the applicant will be required to install.

S. Hensley asked staff to speak to the areas of concern brought out in the letters from the Northbrook and Oak Farm HOA submitted to the Planning Board. Staff responded that the plans in review are conceptual only and is approved will be required to meet all stormwater requirements in the final plans which will address the areas of concerns related to the SWIM buffer in the letters.

J. Sny asked staff to confirm what the limits of disturbance are related to the SWIM buffer and trees. Staff confirmed that trees required to be saved within the SWIM buffer identified on the construction plans would have a limit of disturbance set to the tree drip line plus 5 feet.

J. Wright asked staff to confirm that they are now recommending approval of the daycare. Staff confirmed that the applicant has met all the outstanding requirements staff had related to the daycare so yes, staff is recommending approval.

S. Hensley followed up and asked staff to confirm if a daycare is permitted there now by right. Staff confirmed that is correct. The rezoning has a modification to allow the building not to be on the corner due to topography and NCDOT right of way. The applicant has offered to add the additional the guard rail and additional evergreen screening.

G. Baber asked if there has been any additional regarding a stop light. Staff commented that they have requested NCDOT considered a stop light study, that will take some time, but the request is submitted.

J. Sny asked staff to confirm what the applicant is allowed to do by right. Staff displayed the uses permitted in Corporate Business and Special Purpose as by-right and conditions that must be met and approved administratively. J. Sny asked if it is common practice in a rezoning to have parcel uses unidentified during the rezoning process. Staff confirmed that is very common that a development will be approved for all uses under a zoning category but not yet finalized. Additionally, uses change and tenants are leasing space and will move out and new uses can be introduced. As long as the use is within the zoning category it is permitted.

C. Boyd asked staff to confirm what an "Inn" is in permitted zoning uses and to review the distance and topography between the proposed development and the existing residential area. Staff confirmed with the applicant that "Inn" would be removed from the permitted zoning uses. Staff reviewed the topography, distance and stated that they walked the walking trail with some of the neighbors and observed that under the current conditions you can see the backs of some homes and Highway 73 from the walking trail both obscured with some trees. Staff is the landscaping requirements would be looking to mimic if not improve the existing conditions.

M. Pollard asked what type of trees will be required for installation. Staff confirmed that they will be evergreen trees. They are required to be 2 inches in caliper and 8 feet in height at minimum.

The applicant, J. Palillo, Cornelius, NC commented that they had a tenant that was interested in a doggie day care but after hearing the concerns of the residents they will not allow that use. The applicant then reviewed the distances of the residential structures to the proposed development which is far greater than the 80-foot buffer required by zoning ordinances which is why the applicant is requesting that modification. Additionally, NCDOT will be taking easement along the front of the property for the

development of Highway 73. The intent of the commercial spaces is to bring more retail uses close the neighborhood that would be beneficial to the neighborhood, not to be underhanded or slippery about who the tenants will be. Corporate Business (zoning) is intended more for offices and industrial and would not serve the neighborhood well. If there are proposed uses on the allowed list that the Board still has concern over, he invited them to bring it to his attention for review. The current market indicates that air-conditioned indoor storage is at 90% capacity in our area so there is additional demand for this use. The applicant commented that there are additional trees buffering the use to the residential area and walking trail.

The applicant commented that he also walked the trail and that they may get involved to see about paving or making the trail out of concrete for the HOA to fix grading issues, if it meets the handicap requirements. The applicant commented that they intend to own the development, and it will be a very nice-looking development. The applicant also stated that they do not want to see any children hurt and there will be extensive safety measures to ensure this. The applicant expressed concerns about NCDOT proposing a 10-foot multi path just 2 ½ feet from back of curb on a 55mph road versus moving the multi-path further away from the street. The applicant then reviewed the common open space areas at the rear of the existing development that would be adjacent to the proposed development.

The applicant then stated that as a condition of approval they are willing to offer 10 Green Giant trees planted 6-foot on center to each of the 37 homes that abut their property. They are willing to give those to the homeowner or to the HOA, to be planted either on the homeowner's property or on the HOA property. Green Giants grow approximately 3-feet per year which will create a nice buffer between the resident and the BMPs. The applicant concluded that by reiterating that the TIA is a moving document that changes each time a tenant is proposed that will intensify the traffic it must be updated. There are no negotiations with NCDOT, whatever they require is what will be built. The process is a little slower than usual because NCDOT is already in the STIP phase of improving Highway 73 so all proposed changes must be submitted to the design team working on Highway 73 to review and approve.

G. Baber commented that he is more comfortable with the play yard additions being proposed and asked the applicant if there are any other factors for why the play yard is being proposed in this location. The applicant stated that State law requires there to be three play yards for each of the age groups within a daycare. Each classroom has exterior access to these play yards so that specific supervision can occur with a maximum number of children so this layout would accommodate those requirements.

Motion: S. Hensley made a motion to Approve R24-04 Northbrook Storage of the rezoning to Special Purpose with the following conditions, 1)reduce uses as defined in the staff report including commercial outdoor kennel and inn as prohibited uses. 2)approve the modification of the buffer on parcel C as proposed. 3) recommend approval of parcel A modification to allow daycare playground in front yard as currently modified and presented, 4) developer commits to providing and installing at minimum, 10 Green Giant trees to each home lot adjoining the common area, these will be planted 6-foot on center. 5) Any TIA improvements required with the revised scoping be addressed on the plan with the final TIA. 6) Address other minor staff comments. It is reasonable and in the public interest to approve the rezoning if the recommended revisions are made to the plan as it would then be consistent with the future land use policies, LU 6.1, LU 8.1 and EV1.2. G. Baber seconded the motion.

S. Hensley commented that he looks at these cases with what development is allowed by-right today and what is proposed. Based on that he commented that the storage unit is a good use for that difficult parcel, the developer has made concessions including during this meeting following the public comments. This rezoning would allow some additional uses that may allow for some retail uses that residents in the proximity could enjoy.

M. Pollard commented that one of the major concerns he had was with the road and Highway 73 being a high-volume road, he would like to think that NCDOT would facilitate some communication so that residents are not surprised one day when they see the reengineering and redesign. That includes the completed TIA which is there to ensure that the impact on the roads is doable without bringing undue damage to the community and road in general.

L. Hallman commented that he will support the rezoning. He likes what is now proposed and appreciates the changes that have been made by the developer. The storage is a good use, and the daycare can be done by right now, the additional uses may be good commercial uses for the neighbors. He was disappointed to see the trail along Highway 73 disappear but understands why.

S. Hensley added a comment to the public in attendance to thank them for coming out to voice their opinions. He reminded them that tonight's vote is a recommendation, and the final action will be taken the Town Board. The plan being presented tonight is a better plan with more items negotiated in favor of the residents and hopefully everyone can appreciate the process and where this has resulted.

Vote: The motion passed unanimously (7-0) with J. Henson not voting.

Motion: L. Hallman made a motion to reseat J. Henson. C. Boyd seconded the motion.
Vote: The motion passed unanimously (7-0) with J. Henson not voting.

Recusal: S. Hensley notified the Board that he has a conflicting interest in Item 4A and requested to be recused.

Motion: C. Boyd made a motion to recuse S. Hensley from the current item on the agenda. J. Wright seconded the motion.
Vote: The motion passed unanimously (7-0) with S. Hensley not voting.

Item 4A: Consider a recommendation on on Rezoning 24-03 located at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road. Project name: Long Creek Retail
B. Priest, Assistant Planning Director 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 previously approved rezoning for this parcel, and the requested modification to the approved rezoning.

C. Boyd asked staff if the proposed road currently exists. Staff confirmed that is correct, the applicant would build a stub to the approved Mosaic Senior Assisted Living site during phase 1. Mosaic has committed to reserving the right-of-way for the connection.

L. Hallman asked if we have any reason to believe the connection will ever be made. Staff commented that the fact that we are talking about the rezoning here today convinces staff that development and interest in this area is picking back up and the opportunity may present itself to get that connection.

J. Henson asked when right-of-way is required to be dedicated versus built. Staff commented that it is more of an ask to be in harmony with the 2040 Community Plan and the principles of connectivity. Best case scenario is that this creates a connected village in the future when it is developed. When an applicant is requesting a rezoning and modifications then the question becomes what you can give in return for the modification you are requesting, and infrastructure is one of the best ways to encourage those future connections and excellent design.

M. Pollard commented that walkability should be a priority as well so that residents in this abutting development could walk to this business versus getting in their car to drive to it. C. Boyd asked if there is a proposed Long Creek greenway near this location as well. Staff was not aware of a greenway proposed near this intersection. M. Pollard agreed that greenways are nice but to patronize a business is more of a direct walk down a street.

L. Hallman asked staff if this is approved that phase 2 would be the undeveloped portion. Staff confirmed that is correct. There are currently no commitments to develop phase 2, so staff is asking for the infrastructure to be completed now in phase 1 and not left incomplete. Staff explained that the parcels are owned by two different parties and the owners of the parcel that would be phase 2 are not developers and they do not currently have an offer on the parcel.

G. Baber and C. Boyd asked about the elevations and grading requirements with the two phases. Staff agreed that there are grading issues on a few areas on the parcel and staff would work with them to resolve this as best as possible for the existing development and conditions that would exist until the potential future development.

C. Boyd asked who would be responsible for building the bridge that would be required to connect the two parcels in question. Staff confirmed that no one would currently be responsible for building it. The goal is to shorten the distance between the two so that in the event an opportunity presents itself you have a more attractive way to encourage that construction.

J. Sny asked staff if there are aware of any similar types of development that have come in and where phase 1 was developed and phase 2 was not developed. Staff commented that they seek to avoid a developer backloading requirements to the last phase to avoid having to complete them or making the parcel so unaffordable to develop.

W. Hodges, Johnson City, TN represented the applicant and stated that they agree to put in the road in phase 1, and they will work with staff and engineering to resolve the grading issue for the connection to the north and west, the buffer, and the stubs.

J. Wright asked about the specimen tree mitigation. W. Hodges commented that due to the tight nature of the sight the applicant will likely have to contribute to the Tree Fund after they plant as many trees as they can on the parcel.

J. Sny asked for confirmation on the modification requests. Staff confirmed that the modification requests are to fully grade the buffers and to reduce the buffer from 30-feet to 15-feet on the right hand side.

Motion: C. Boyd made a recommendation for Approval of R24-03 for Long Creek Retail because of the following revisions: 1)inclusion of the public street connection during phase 1 to ensure necessary infrastructure to connect to adjacent parcels is developed upfront. 2) adding the stub connection to the adjacent property for future connectivity. With these revisions the plan is consistent with future land use implementations, EOS-3, LU 8.2, T3, T3.1 and is reasonable and in the public interest to approve the plan as submitted.

M. Pollard asked if the slope and stabilization should be included in the motion.

Motion: C. Boyd made a recommendation for Approval of R24-03 for Long Creek Retail because of the following revisions: 1)inclusion of the public street connection during phase 1 to ensure necessary infrastructure to connect to adjacent parcels is developed upfront. 2) adding the stub connection to the adjacent property for future connectivity. 3) Redesign of the current buffers to stabilize the slopes and ensure healthy growth. With these revisions the plan is consistent with future land use implementations, EOS-3, LU 8.2, T3, T3.1 and is reasonable and in the public interest to approve the plan as submitted. G. Baber seconded the motion.

J. Wright commented that it could be very beneficial for that area of the town and thanked the applicant for a design that is a nice gateway to the community.

C. Boyd thanked the applicant for their willingness to support connectivity.

Vote: The motion passed unanimously (7-0) with J. Henson not voting.

Motion: C. Boyd made a motion to reseat S. Hensley. J. Sny seconded the motion.
Vote: The motion passed unanimously (7-0) with S. Hensley not voting.

Adjourn
Motion: G. Baber made a Motion to Adjourn. J. Wright seconded the motion.
Vote: The motion passed unanimously (8-0).

Approved this 22 day of OCTOBER 2024.

Chairman or Vice Chairman

Board Secretary