

**TOWN OF HUNTERSVILLE
PLANNING BOARD MEETING
MINUTES**

March 23, 2021
6:30 PM - Huntersville Town Hall

Call to Order/Roll Call

Approval of Minutes

Consider approval of the January 26, 2021 Regular

MOTION: Approve

VOTE RESULT: Passed

YES VOTES: Stephen Swanick, Jennifer Davis, Catherine Graffy, Frank Gammon,
Chris Boyd, DEREK PARTEE, GREG BABER, Scott Hensley

NO VOTES: None

Public Comments

Action Agenda

Text Amendment TA21-02; Repeal of APFO

D. Hill, Senior 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 text amendment which was heard by the Huntersville Ordinance Advisory Board and recommended for approval. The Police, Fire or Parks & Recreation departments apply stricter more accurate methods along with extensive work with elected officials and citizens to determine adequate public facilities.

S. Swanick made a Motion to Approve TA21-02 in repealing Article 13 and amending Article 11 of the Zoning Ordinance and amending Section 6 of the Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with 2040 Plan Policy PS-1, PS-3, PS-4, PS-8, EOS-8.1 and EOS-10. It is reasonable and in the public's interest to approve text amendment 21-02 because the needs in the Town of Huntersville for adequate public facilities are met through other governmental and budgetary processes so this APFO ordinance is redundant and an unnecessary burden of limited resources. C. Boyd seconded the motion.

MOTION: Approve

VOTE RESULT: Passed

YES VOTES: Stephen Swanick, Jennifer Davis, Catherine Graffy, Frank Gammon, Chris Boyd, DEREK PARTEE, GREG BABER, Scott Hensley, Jeff Snyder

NO VOTES: None

Alternate Buffer Plan - Belts Services

B. Priest, Principal Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff provided a review of the request indicating that it is at the corner of McCoy Road and Julian Clark Avenue. The applicant would like to expand their office/warehouse use on the property. Staff explained that when the adjacent property was rezoned to accommodate Courtyards at Kinnamon Park it increased the buffer requirement for this parcel. The applicant is requesting no change to the 55-foot buffer requirement, they are requesting to install the fire access lane within the buffer and to use the existing vegetation versus the required plantings. Staff provided images taken recently onsite to show the current existing vegetation.

S. Swanick asked what buffer requirement would have been required if the adjacent parcel had not rezoned. Staff explained that that adjacent parcel was required to adhere to a 20-foot buffer and a row of shrubs may have been installed along the border as a requirement and as shown on the plans, it is just difficult to identify that

onsite.

F. Gammon requested staff clarify if this will go to the Town Board or be a final decision by the Planning Board, how much space there will be from the edge of the building to the adjacent property line, and has the applicant contacted the adjoining parcels to share with them the plans. Staff confirmed that it will be decided by the Planning Board under the current ordinance and the building will be more than 55-feet away from the property line.

Sam Kleto, S.C. Hondros & Associates, 3117 Valentine Lane Charlotte, NC commented that extensive plantings were required with the original plans to meet the requirements. Also, there is a great difference in elevation between the two sites so plantings will take a long time to achieve buffering. Additionally, the 35-foot stream on the Belt Services side and the 20-foot buffer on the residential side achieves the 55-foot buffer.

David Sherrill S.C. Hondros & Associates shared images of the existing vegetation and the elevation difference being that the residences are just about at the same height as the roof of the warehouse. New 6-to-8-foot plantings at the bottom of the bank would likely require 15 to 20 years to achieve a buffering height for the residences given the topography.

S. Swanick asked for clarification on what staff's recommendation is and what the applicant is requesting. Staff confirmed that some of the plants on the original site plan may have been shrubs and staff would recommend those be switched to trees. David Sherrill commented that they have no issue with the required plantings, just the location of the plantings for their effectiveness.

S. Hensley asked if there were concerns with the Duke Power easements. Staff commented that 10- to 12-foot-tall screening shrubs are typically permitted.

C. Graffy stated that the legend on the site plan indicates that the smaller green circles were to be crepe myrtles which likely provide little to no screening and are simply aesthetic in nature. Staff agreed and stated that a narrow, tall, fast-growing species would be recommended from the approved tree list. Staff agreed that while planting at the bottom of the hill is not ideal, the buffer still serves a purpose and in 5-7 years it the adjusted trees could make a difference. S. Kleto commented that the applicants would be amenable to adjusting those plantings.

J. Sny asked if the use of the addition would be different from the current use by noise, odor or anything that would have an affect on the adjacent properties, and what would be the height of the proposed new building. S. Kleto commented that he is not aware of any significant increases, there is a need for storage space and production space and the new building would match the existing building.

S. Swanick asked the applicant what consideration they would like to request. S. Kleto responded that they would like the additional plantings to be removed unless there are

gaps in the buffering and not have plantings that interfere with the drainage.

J. Davis asked if plantings would impact drainage ditches and if new construction will require BMP practices and possibly other drainage requirements. Staff commented that a pre-submittal meeting was held with Mike McIntyre and if the swell continues to function correctly then engineering will not have additional requirements. The parcel is vested under the 1991 ordinance so there are no additional BMP requirements for the new construction.

S. Hensley made a Motion to Approve the alternate buffer plan as proposed with the ability of the applicant in working with staff to remove any of the additional trees and shrubs provided if they determine it negatively affects the drainage. S. Swanick seconded the motion.

Staff asked the Board if the landscaping that exists meets the intent of the ordinance for the spacing and width. S. Kleto stated that their goal is to work with Staff without impacting the drainage or the ability to satisfactorily serve the site with a fire road and meet the owner's goal to build the addition to this size.

S. Swanick requested that the motion be reread. He commented that in his opinion the applicant should not need to do anything additional because of the adjacent property changes since the applicant was there first and had graded, screened, and buffered the property for the purpose of having the building that they now want to construct. Staff commented that the gaps and overgrowth needed some fill-in but what is existing is substantial and they could probably get by with it.

The Board clarified the motion and position of the Board that the number of plantings shall not increase but would decrease if they have a negative effect.

MOTION:

VOTE RESULT: Passed

YES VOTES: Stephen Swanick, Jennifer Davis, Catherine Graffy, Frank Gammon, Chris Boyd, DEREK PARTEE, GREG BABER, Scott Hensley, Jeff Sny

NO VOTES: None

Trails End Subdivision

B. Richards, Assistant Planning Director entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff provided a summary of the proposal. The applicant is requesting three block length modifications due to the extensive topographic challenges of the parcel. Staff indicated that there are some heritage concerns of environmentally sensitive items that may be affected, though not likely in an adverse way, on this parcel. Trails End Road will have to be widened to meet NCDOT standards. The applicant will dedicate the right-of-way for the future connectivity and realignment of Asbury Chapel Road. Staff finds that the request is in keeping with the Eastfield Road Small Area Plan and the 2040 Plan.

C. Graffy asked if there is a timeline for the future connectivity and realignment. Staff stated that there is no dedicated funding, so this is only proposed and not scheduled at this time. G. Baber asked what the purpose of the block length serves. Staff commented that it is for traffic calming. The proposed curves in the road and challenges of the site make the requested length something that staff can support given it will still encourage traffic calming.

F. Gammon asked if there should be any connectivity for the properties to the north, and to the south of the cul-de-sac. Staff confirmed that they reviewed the properties to the north and due to the extreme topography, stream and power lines it is highly unlikely that there would be residential development here in the future. The right-of-way will be left for the property to the south. The applicant commented that they do not believe that parcel will ever be developed but they will review a possible stub.

D. Partee asked how the applicant what measures they will take to minimize the effect on the environmental concerns that are subject to review on this parcel. The applicant responded that they would follow the recommendations of the U.S. Fish and Wildlife report.

F. Gammon made a Motion to Approve Trails End Lane subdivision sketch plan based on finding that the application is complete. The Trails End Lane subdivision complies with all applicable requirements of the Zoning Ordinance and the Huntersville 2040 Community Plan. The Planning Board recommends approval of the proposed subdivision sketch plan and further recommends approval of the requested block length and cul-de-sac modifications with the following conditions, all minor site plans comments are addressed, all issues stated within the staff report paragraph 5 are addressed satisfactorily with staff, which are, the block length and cul-de-sac modifications requests are approved, urban open space designs are added to the plans to ensure compliance, NCDOTs requirement for upgrade to Trails End Lane are finalized and shown on the plans, transportation issues are addressed including road improvements to Trails End Lane could occur in light of the proximity to the Schweinitz

sunflower, verification from NCDOT that the alignment of Road B where it intersects Asbury Chapel Road is in the correct location when Asbury Chapel thoroughfare is built, and verification that Road B can legally connect with Asbury Chapel Road without further approval from anyone with an interest in that right-of-way. J. Snyder seconded the motion.

J. Davis thanked the applicant for saving over and above the minimum tree requirements.

S. Hensley commented that he is in support of the development and asked what the nature trail will look like and who will maintain it. The applicant commented that it will be a rural dirt trail with possible PVC and gravel installations if drainage necessitates it and it will be maintained by the homeowners.

C. Graffy commented that she is in support but expressed concern about the fairly long list of items to still be worked out with staff.

S. Swanick commented that he appreciates a by-right development that is not maximum density.

MOTION: Approve

VOTE RESULT: Passed

YES VOTES: Stephen Swanick, Jennifer Davis, Catherine Graffy, Frank Gammon, Chris Boyd, DEREK PARTEE, GREG BABER, Scott Hensley, Jeff Snyder

NO VOTES: None

Other Business

Adjourn