



Planning Board
Regular Planning Board Meeting Minutes
April 23, 2019 - 6:30 PM

Town Hall

A. Call to Order/Roll Call

The Vice-Chair determined quorum, and opened the meeting at 6:32 p.m.

Members Present: Stephen Swanick, Vice Chairman, Hal Bankirer, Catherine Graffy, Frank Gammon, Scott Hensley, and Susan Thomas (arrived at 6:40).

B. Approval of Minutes

B.1. Consider approval of the March Minutes

F. Gammons made a Motion to Approve the March 26, 2019 Regular Meeting Minutes, and S. Hensley seconded the Motion. The Motion carried unanimously (5-0).

C. Public Comments

There were no individuals signed up for Public Comments.

D. Action Agenda

D.1. The Pines Subdivision – Sketch Plan

Meredith Nesbitt, Senior Planner, presented the Subdivision Sketch Plan as requested by the applicant, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. Staff indicated the request is a by-right subdivision sketch plan, and gave the location and zoning information. Staff further described the open space, density, and a dedication of land and a public access easement to Mecklenburg County for a future greenway. The plan meets all Ordinance requirements. A Traffic Impact Analysis (“TIA”) was not required, but staff is recommending an east-bound left turn lane with 100’ of storage on McIlwaine Road should be required. Street stub connections are planned. There are two block length waiver requests and a landscaped-entry median waiver request. Staff is in support of all three waiver requests as detailed in the staff report. Staff stated that the Application is complete, recommended approval of all three waiver requests, as presented, and finds the plan could comply with all applicable requirements with the following conditions:

1. Storm water Concept Plan Approval is received;
2. All minor comments are addressed;
3. Add an east-bound left-turn lane with 100’ of storage on McIlwaine Road.

Planning Board members asked the following questions:

Under what authority can the Town require 100’ of storage on McIlwaine Road if no TIA was required. M. Nesbitt referred to the Town’s Engineering Standards and Procedures Manual, which established design standards and references utilization of Staff’s professional judgement in these instances.

A Board member asked why the Sketch Plan stated there were 2 phases, but the Staff Report indicated one? M. Nesbitt indicated that was covered in the outstanding redlines to be addressed.

Board asked if there were any issues with development in the floodplain? M. Nesbitt indicated there was no development in the actual floodplain. Dan Putman (ColeJenestStone, 200 South Tryon Street, Charlotte), representing the applicant, indicated the BMP placement was suggested by LUESA staff and that it was not in the floodway – which was most critical. Board member asked if buffers were required around the BMP? M. Nesbitt indicated that only an access easement was required around them.

Board member asked where (in the lot chart) did the two corner lots fall? M. Nesbitt indicated that they were 75' wide or greater.

A Board member asked why the 100' of storage on McIllwaine Road had not been added? Tim Coey (Bayard Development, LLC, 11220 Elm Lane, Suite 205B, Charlotte), the applicant, indicated that the 100' of storage was a recent staff comment and since no TIA was required they were still discussing the issue. There was also concern (by the applicant) about acquiring additional right-of-way. T. Coey asked if the Town would use eminent domain powers to gain right-of-way, then the applicant would agree to the 100' of storage. Otherwise, they would not install. J. Simoneau, Planning Director, indicated that the Town, on a few projects, has used eminent domain but that the project would have to prove hardship. Board member asked how long the frontage was for the property. D. Putman explained that the concern was regarding the adjacent property label as number 40 and working with adjoining property owners. Board member asked what the impact will be on the south side of McIllwaine Road? D. Putman did not know.

Board member asked if there were any safety concerns driving out of Aberdeen Park? None that staff is aware of at this time.

Board member asked why entrance medians are a problem? M. Nesbitt indicated the main issue for Engineering Dept. was the difficulty lining-up travel lanes (new entry with Aberdeen Park across street). The same Board member indicated they did not support eliminating the entry median, as narrowing was good.

Board asked what material would be used for the path through Open Space #2? M. Nesbitt showed the site plan. Board member read from Zoning Ordinance regarding impervious coverage. M. Nesbitt indicated Urban Open Space is not impacted. J. Simoneau clarified that some impervious is permitted, and in fact required, for certain Urban Open Space types.

S. Hensley made a motion to approve, as presented, based on the Application being complete, recommends approval of the waiver requests for block lengths due to the natural constraints of the property and the waiver request for a landscaped entry median due to improved traffic safety and finding of fact indicate the plan complies with the Zoning Ordinance and future land use plans with the following conditions: County must approve the PCO-1, an eastbound, left-turn lane with 100 feet of storage on McIllwaine Road is provided and all minor comments are addressed on the Sketch Plan. S. Thomas seconded the motion. S. Swanek asked for a friendly-amendment, which was accepted by S. Hensley and S. Thomas, to underscore that the applicants agreed to be good neighbors on the 100 feet of storage.

H. Bankier indicated he would not support based on the entry median elimination. Motion carried with a 5-1 vote.

D.2. TA19-03 Nonconforming Lots in the GR Zoning District

Sierra Saumenig, Planner 1, entered the staff report in the record and gave the presentation.

A Board member asked if there are other subdivision that this would impact, and staff noted it would mostly affect Norman Park but Biltmore Park is similar but has covenants that required lots to be combined. Board asked how many lots does this effect in Norman Park, and staff indicated hundreds.

Frank Gammon made motion to approve – in considering the proposed amendment TA19-03 to amend Article 3.2.3 General Residential (GR) to modify the General Requirements section to be consistent with Article 11.5.5 Non-Conforming Vacant Lots, the Planning Board recommends approval based on the amendment being consistent with 2030 Community Plan Policy H-1 Development Pattern and Policy E-3 Environmental Regulations. It is reasonable and in the public interest to amend the Zoning Ordinance because said amendment eliminates a conflict between Articles 3.2.3.(d) and 11.5.5.(b) and clarifies lot size and ownership requirements.

Motion seconded by C. Graffy and approved unanimously (6-0).

E. Other Business

E.1. Discussion – Communications Sub-Committee Recommendations

Susan Thomas and David Peete, Principal Planner, presented the findings of the Communications Sub-Committee.

Discussion from Planning Board included S.Swanick commenting that social media seemed to be absent from the recommendations and suggested NextDoor as a platform where information could be shared to a wide range of residents. S. Thomas indicated that social media and text messaging capabilities was discussed by the sub-committee and she could send out supplemental information to the Planning Board. S. Thomas added that there were a lot of complexity around social media and for this round of recommendations, the sub-committee agreed to focus on areas that could be changed now or recommendations that would be a foundation for more changes in the future. Social media is an active platform and would take a lot of staff effort to keep it active and fresh. It would have a real staff impact. Some of the complications with social media that were also discussed included boundaries around the information that should be posted and how to handle comments posted. S.Swanick asked if posting with no interaction or engagement just a notification to NextDoor be incorporated into staff's notification process. S. Hensley agreed that social media could be a way to drive traffic to the Town's website. Other information presented included notification distance and possible use of postcards and/or letters. C. Graffy commented that the sub-committees recommendations are tools and staff can use the best tool for notification for specific projects. Continuing that postcards may not be cost effective in rural areas with large lots. S.Swanick asked if the notification requirements could be based on zoning district? J.Simoneau would recommend one notification policy and requirement. S.Hensley asked if the notification requirement could be viewed as a minimum requirement? Continuing to explain

the questions by clarifying that there would be a standard to notify X amount of properties – if large lots are adjacent to a project you may need to notify a greater distance to meet the minimum amount of properties. S.Swanick asked if the notification requirement could have language similar to the TIA Ordinance where staff could use professional judgement. J.Simoneau recommends one policy that does not create gray area and he did have concern with increasing the notification requirements. Simoneau continues by commenting on the other recommendations of the sub-committee agreeing that changes to letters and signs could be made. He also stated the website does a lot of things very well and asked the sub-committee and the Planning Board as a whole to send D. Peete specific examples of changes they want to see on the website. H. Bankirer offered the following observations: communication should exist on multiple levels. HOA notification should include the local HOA Board and the HOA management firm. Social media and texting research and further study should also extend to blogs and podcasts. In presenting this information to the Town Board make it clear that social media was not ignored by the sub-committee but is being looked at as a phase 2 topic for consideration and recommendation. Distance of notification and flexibility for staff should be examined and could work. Doesn't think that the recommendation in the current format are ready to go to the Board. Sub-committee needs to have a more aggressive recommendation and rank the recommendations into a priority list. Information needs to be spelled out for the Town Board. S.Swanick asked S.Thomas what she would like to do for next steps/moving forward. It was decided that the sub-committee would meet one more time and send a final version back to the Planning Board before taking it up to the Town Board. J.Simoneau commented that changes to letter format can be done now, changes to signs can be look at by staff and there is an opportunity to use some existing funds in the budget for new signs. Jack asked for a summary of the action items from the sub-committee be put into the department report. Examples of specific changes to the website needs to be sent to David.

F. Adjourn

Approved this 28th day of May 2019.

Chairman or Vice Chairman

Board Secretary