



Bruce Andersen, Chairman
Harold Bankirer
Robert Cameron
Addison Causey
Leonard Cook
Barry Hester

Sam Mount, Vice Chairman
JoAnne Miller
Jeff Neely
Joe Sailers
Art VanWingerden

Minutes of the Planning Board

The Regular Meeting of the Planning Board was held at the Huntersville Town Hall at 6:30 p.m. on December 20, 2011.

Call to Order

The Chairman called the meeting to order at 6:30 p.m.

Board Member Attendance

Bruce Andersen, Addison Causey, Robert Cameron, Leonard Cook, Barry Hester, Sam Mount, and Joe Sailers were present at the meeting. Harold "Hal" Bankirer, Jeff Neely, JoAnne Miller, and Art VanWingerden were not present at the meeting.

Staff Attendance

Jack Simoneau, Planning Director, William "Bill" Coxe, Transportation Planner, Whitney Hodges, Senior Planner, and Michelle Haines, Board Secretary.

Consent Agenda

Barry Hester made a **Motion to Approve** the Minutes of the November 15, 2011 Regular Planning Board Meeting. Joe Sailers seconded the **Motion**. Addison Causey, Robert Cameron and Leonard Cook abstained, which is considered as affirmative votes. The vote was unanimous.

Public Comments

The Chairman opened the Public Comments section, and explained to the public the Rules of addressing the Board. The proponents of the Proposed Realignment of the Approved Prosperity Church Road Alignment were called first.

Jay Priester with Cambridge Properties, Inc., 831 E. Morehead Street, Suite 245, Charlotte, NC 28202, approached the Board and announced they are the purchasers of the 21 acres at Eastfield Road and Prosperity Church Road from Crescent Resources. As part of the site planning they began looking at the road alignment of Prosperity Church Road and the approved alignment of the road. The goal and shift of the road was to keep the center line of the alignment as close to the current MUMPO approved alignment as it left their property. He stated that he felt they did a very good job in doing that, and are within eight (8) feet as it leaves the property. They looked at additional alignments from Town staff as well as MUMPO, and he thought there were a lot of issues with those alignments. Their alignment stays on track with what is approved. He asked for approval of proposed realignment, and stated that they feel their alignment makes the most sense and stays consistent with what was previously approved.

Steve Misenheimer, 10907 Rocky Ford Club Road, Huntersville NC was called to the podium. He thanked the Board for the opportunity to speak, and indicated that he was talking about the two (2) new alignments that have been proposed by MUMPO. He spoke against alignment #2 (see handout given, and attached as an Exhibit hereto), which is the yellow version of the alignment. It provides the most impact to his property, and divides it into two (2) parcels. The parcel to the right would be unusable. The topology of the land that the roadway would go through on his property would create some water drainage issues because there is a major water drainage corridor through his property. A lot of the run off from the Davis' property, as well as his, drains through there, and if the roadway goes there it will create significant drainage problems for him to deal with. He stated that he would let Mr. Davis speak to the issues if putting the alignment behind his house to which his property will also be divided, and creates some real problems. The alignment also provides issues for Mr. McBrayer from his standpoint. The access that he has to Rocky Ford Club Road now is through a Deeded access for a 35' exclusive easement. He wondered what the situation will be with State Road 2460 once the alignment is built. The State will have to continue to maintain State Road 2460 for his (McBrayer) access. The proposed alignment #1 becomes more useful and provides the most value while minimizing the impact on most of the property owners. He proposed that they try to use the current roadway to the extent possible and not divide any of the properties. As a property owner he would expect that would have been the alignment most used, and would have expected it to follow the existing roadway. This alignment also allows all of the property owners to use the new roadway and eliminates the need for State Road 2460. The roadway is in front or to one side of the properties involved (not behind), which manages any privacy concerns.

Explanations of the topography, drainage and easement on the Misenheimer property were shown and explained by Bill Coxe, as requested by the Board members. Mr. Misenheimer further explained and described the drainage on his property.

Noelle Small, 11301 Kennewick Road, Charlotte NC 28216, was called to the podium. She said that her statement follows on the heels of Mr. Misenheimer where he discusses the details of the water runoff, the road access, and the slightly sharper turn that he suggests. She believes that this could be avoided if the road covered any of the vast wooded area between the yellow line and the green line on the map. There is a vast wooded, unpopulated area today that would avoid Mr. Davis', Mr. Misenheimer's, and McBrayer's homes and all of the details addressed in the letter. It would also avoid the sharp right hand turn that the road makes when it leaves the Eastfield Road intersection, and the sharp turn that it makes when it follows Rocky Ford Club Road on the blue line. She stated she was not an engineer, and was not sure that any of the alternatives had been fully engineered, but wanted to point out that between the yellow and green lines is a vast wooded area.

Junie Davis 10801 Rocky Ford Club Road was called to the podium. She started out by saying that as she grew up in the area with family, friends, schools, etc., and other people that were dear, kind and thoughtful people who would have never considered some of the things that have been suggested to them. She questioned how many of the members would be driving down this road and would think to take a left through the middle of their house, which she felt was preposterous. When they bought their home there were no restrictions, and no reason why they couldn't buy it and use it. If she would have known that a road would be built there in 1997

when they purchased, they would not have done it. Other things that disturb her are the developers that want to develop their land. The Olmsted development, for instance, doesn't want to re-plat their land to make a road because it would be a lot of trouble for them. She stated that it would be a lot of trouble for her to live in a house with something hanging over her head all the time not knowing if she will live there or not, and will her husband die and she be left alone with a house she can't keep up without him. She stated that she had no choices. They (developers) are concerned about the topography of their land, and she stated she drove back there. There is field dirt back there, and they can fix some things. Mrs. Davis said that "you might be able to rest easy tonight, because you know that your house is not being threatened for someone else's financial gain. She stated that she didn't mind other people having financial gain, but doesn't like to be the person that is the scapegoat. She further stated that the Town planners are allowed to usurp the rights of land owners, and if they are doing this on December 20, 2011, please know that you and your offspring are not far behind. One of the first acts of Hitler in Nazi Germany was the confiscation of property and land.

No other individuals signed up for public comments, and therefore the section was closed by the Chairman.

Action Agenda

1. Whitney Hodges, Senior Planner, presented the Vermillion Phase 1 Sketch Plan Revision by Bowman Development Group. The last approval was in 2010 as the proposed "Church lot" then modified in to four (4) single family lots. There is one house that has been built, and Vermillion is asking for the remaining three (3) single family lots to be duplexes with six (6) units. Two (2) of the duplexes would not have garages, but have parking allotted in the parking lot intended for the Church, and one (1) duplex would have a garage. Staff showed the elevations. Staff stated that the application was complete and recommends approval as it meets the merits of the Subdivision Ordinance. Staff entered the Staff Report in the record, which is attached hereto as Exhibit "A", and incorporated herein by reference.

Leonard Cook asked staff if other lots went similar changes, and staff reminded the members that there were townhome increases on Hill Street, and duplexes are mingled in already. This is the first time for a change from single family to duplexes, which it is actually going from Civic, to single family, to duplexes.

Joe Sailers questioned the parking for the two (2) units, and staff showed the area for the parking on Hill Street. There will be seven (7) spaces reserved. The duplexes are 1 bedroom units and require only six (6) parking spaces. Mr. Sailers asked if any parking was allowed on the 20' public right of way, and staff noted that infrequent on-street parking is allowed in Vermillion, but parking in the alley is not allowed.

Bruce Andersen questioned the surrounding building type, and Whitney Hodges indicated that it is all single family with larger lot sizes. About four (4) houses down there are some townhomes and closer to the commercial use. Mr. Andersen asked if staff, or residents, had any concerns about multi-family in the middle of single family. Staff stated they had no concern with duplexes because the rezoning plan allows for a mixture of housing types. At the

Neighborhood Meeting, and telephone conversation to staff, residents have been concerned about the duplexes.

Addison Causey asked about the size of units, and staff noted the Applicant should speak to that. Nate Bowman introduced himself and said that the flats are about 1000 square feet. They have two (2) doors and look essentially like single family homes to fit in. He reminded the members that Vermillion is a TND, which warrants a mixture of uses all in the same community. They could have put an apartment building there, but decided for neighborhood concession to try to build single family. There was a builder that was going to build single family houses on all four (4) lots. Unfortunately, he built one house and decided he wanted to focus in Phase 5 with the larger homes. The one house built is still for sale. There is a gap and also a parking lot that he wants to hide. The parking lot has 52 spaces designed for a Church, which did not materialize and the parking will be there for the duplexes. The units should blend in well with the single family.

Bruce Andersen asked the Applicant to define a flat, and Mr. Bowman said it was one unit downstairs and one unit upstairs. They both will have front and rear access to their own unit, and both will have individual exits in the back with a deck.

Leonard Cook questioned the size of the lots, and surrounding lots. Staff indicated that the lot lines are not changing. The developer could build single family homes on the lots, and the only issue is whether the use is a single family or a duplex.

Nate Bowman stated that this is what the fine grain of land planning is all about. Standing in one spot in Vermillion you can see a large duplex, 4 apartment buildings, a restaurant, an office, medium size house, a large house on a large lot, and turn across the street and have greenway that will go for one and half miles. The whole point is not separating the big from the little. A TND is essentially mixing all housing types.

The Chairman asked for further questions, to which there were none.

Sam Mount made a Motion to Approve, and Addison Causey seconded the Motion.

Joe Sailers questioned the concerns from the Neighborhood Meeting, and staff responded that most of it was about the Church property, and now the houses on Cinnabar set further back for a Church. There will not be a prominent building, but duplexes made to look like single family homes. Nate Bowman noted the rules Vermillion was designed under, and the Declaration and Covenants clause, "Control of and Changes in Development Plan" which was put in place before the first lot was sold in Vermillion. Every person that acquire any interest in Vermillion acknowledges that Vermillion is a Master Plan Community, the development of which is likely to extend over many years and changes in the Master Plan will likely occur as the development proceeds. The purchasers are not to object to changes made or proposed in the plan, uses or density of that shown on their lot purchased. Vermillion was envisioned, and known to be an experiment. The recession was not envisioned with trying to hit different markets, but owners should look at their Deed restrictions, which are clear and plan. Vermillion will keep coming back for changes.

The Chairman called the Motion to a vote, and the vote was unanimous.

2. Whitney Hodges, Senior Planner, presented the Vermillion Phase 4 Sketch Plan Revision by Bowman Development Group. The request is for another duplex in the Phase 4 section of Vermillion.

Staff gave a history of the regulating plan which is Neighborhood Center (NC) which has higher intensity use from single family to commercial. In 2002 there was a greenway in this section and the area was considered Open Space. In 2004, the same area was called future development. The proposal is to have a one (1) lot, with four (4) duplexes consisting of eight (8) units. Staff finds the application complete, and consistent with the regulating plan. Staff entered the Staff Report in the record, which is attached hereto as Exhibit "A", and incorporated herein by reference.

The Chairman asked for further questions to which none made.

Sam Mount made a Motion to Approve, and Leonard Cook seconded the Motion.

Bruce Andersen questioned staff if there were any plans to extend the greenway south. Staff stated that it was thought the greenway turns and goes toward Town, and not into the area of development.

Nate Bowman commented that the greenway is almost in the hands of Mecklenburg County. There is a section of the greenway near the creek that can be added later. The key was to get the greenway up to the sidewalk to be installed so Vermillion can connect to Town and hopefully the transit plan. Mr. Bowman further commented that this was a difficult piece of land. There is a higher density portion with 300-400 units that have not been developed waiting for the train, if it happens. Vermillion is trying to transition from the single family. All the buildings in that area will have double porches, and the corner unit will have porches on two sides. All parking will be heavily landscaped and sidewalks tiled. It was a difficult design situation, but should be a good transition to the higher density multi-family which will be needed to support the rail.

There were no further questions, and the vote on the Motion to Approve was unanimous.

3. Bill Coxe, Transportation Planner presented the proposed realignment of the Approved Prosperity Church Road Extension Alignment. He began with giving a history starting in 1988 with the very first thoroughfare plan that was extended into northern Mecklenburg County, and being north of Eastfield Road. He showed the Prosperity Church Road as portrayed in 1988. The

level of detail at time was very little, and you cannot tell whose property would be affected along the route. Going forward in time, the maps still do not show detail of the property, but are similar in nature. For instance, Rocky Ford Club Road went straight toward Ferrell Town Lake in 2004. The base map for the thoroughfare plan was likely the old County Road Map. In 2007, Rocky Ford Club Road does not go straight, but it shows the alignment follows a portion of Rocky Ford Club Road.

MUMPO approved an alignment on January 20, 2007 with a level of detail and a planning exercise. The alignment is not that different from the alignment done in 1988. The Olmsted subdivision (known as Oakdale) was shown on the map. There was much public input and discussion. To the point that in Mrs. Davis made that in 1977 when they bought their home, there were no thoroughfare plans for this part of the County, and no one could have told them there was a potential for a road. Also in 2007, it was known that the intersection for major two (2) roadways intersecting at a 45 degree angle would need to be dealt with.

Bruce Andersen questioned the Olmsted Development to which staff responded that Olmsted was approved in December 2005, which is prior to MUMPO adopting a formal alignment. Mr. Andersen pointed out the wooded area in Olmsted that Mrs. Small commented on during the Public Comments section. Bill Coxe commented that part of the area in Olmsted was reserved until MUMPO finished their study (which was adopted in January 2007). If MUMPO chose an alignment that went through the reserved area, they would change their plan. MUMPO approved an alignment that did not go through the Olmsted property, and at that point Olmsted felt relieved from the burden and could move forward with their approved sketch plan.

Sam Mount questioned the area below Olmsted, and Bill Coxe replied that was McGinnis Village, which is fully developed. Mr. Coxe pointed out a small area of Open Space. It is part of the Crescent Resources approved site plan, and Cambridge Properties did not purchase that portion. Robert Cameron noted that the shaded area within Olmsted, the developer has the right to move forward at any time. Staff responded that Olmsted has an approved Sketch Plan, and can plat the roads and lots and sell the lots for homes without any further action from the Town Board, and without any further compulsion for them to abide by any alignment, unless someone purchased the land.

In 2008, Crescent Resources requested a modification to the intersection at Prosperity Church Road and Eastfield Road. A similar process was made through planning and MUMPO. The green line on the map was approved, and the road crossed the Crescent Resources boundary line and went over and across the Davis property. This is the first time that Mr. Coxe remembered the Davis' speaking out about and against the alignment, and may be the first time that they were truly aware of the alignment.

Cambridge Properties purchased a majority of Crescent Resources property and has proposed a slight modification through the project, creating an excellent entrance into Olmsted, and with a slight shift to the northwest where it crosses their boundary and affects neighboring properties. MUMPO engaged the public in November 2011, and their staff prepared two (2) alternative alignments as shown on the map in blue and yellow. With the blue alignment scenario, it is possible that both the Davis and McBrayer homes would stay. It may affect the

McBrayer drain field, and that would need to be replaced, bought, or public sewer provided in the future. The yellow line option goes through the cross-hatched area of Olmsted and they oppose any alignment that goes deeper into their property.

Joe Sailors questioned what the green line was in, and Bill Coxe responded that it is a 30' wide SWIM buffer.

Bill Coxe characterized several conversations he recently had with the three (3) neighbors, and stated that each neighbor was very reluctant to move the alignment unto their neighbors' property. As good neighbors, they have respected one another. Mr. Misenheimer described the issues dividing his property during the public comments section and in Memorandum form to staff and the Board. Mr. McBrayer felt that he was receiving information without sufficient time to review and respond, and he stated he was not supportive of an alignment that comes closer to him. Mr. McBrayer asked if a route could be modified as it comes across Rocky Ford Club Road to center on the property and split the impact between his property and the Davis property.

Bill Coxe stated that all of the alignments work, and all four (4) meet the standards of design for a major thoroughfare, with a 45 MPH. Either the red line (which takes the Davis' home), or the blue line with some modification to go between McBrayer and Davis, are viable alignments. Staff stated that the developer has requested that MUMPO make a decision in January, and to do so would require a recommendation tonight from the Planning Board. The Town Board would then be asked to make a recommendation during their second meeting in January, and then MUMPO will meet January 18, 2012. It was again advised, that in this case of an approved alignment, MUMPO may not adopt an alignment that is in conflict with the expressed wishes of the Town of Huntersville.

Bruce Andersen asked staff to give a hypothetical of the future, and staff responded that Cambridge Properties intends to build an initial segment of the roadway. Their intent is to not come back to the Town Board for a site plan revision, and therefore would be allowed to build an initial portion and whenever they further develop they will build the rest of whatever Crescent Recourses had committed to build (prior to the property boundary). They would be required to dedicate the right of way to their property boundary. It would be a 2 lane of ultimately a 4 lane median divided thoroughfare, with turn lanes as well as bike and pedestrian provisions. At that point, there are no public plans to extend Prosperity Church Road within the next 25 years. It is not high enough in priority relative to the other transportation needs. This is preserving a route so that when it comes time to build a road (and funding is available), there will be an approved alignment.

Bruce Andersen asked what it would take for the road to go 1 mile or so north, and staff responded that it would require public funding. There is not sufficient demand for this road to cause the Town to undertake that kind of expense. Another private developer could come in with a Master Plan to absorb the cost of extending the road north, if the property owners sell their land to a developer.

Bill Coxe pointed out that landowners are allowed to use their land between now and the time when the road is built. The tool that the Town uses to protect right of way from further development is the Subdivision Ordinance, which kicks in only if you subdivide your land. If all of the land were assemble and someone brought in a subdivision proposal that would allow the Town to require they donate the right of way and respect that in their planning. If there is a legally created lot that meets the standard for getting a building permit, the alignment has no effect on getting a building permit and enjoying the use of the property. If there is an existing home and the owner wants to build, they have every right to do so. There is no legal impact on the enjoyment of the land unless you want to subdivide, which has a real and practical impact.

Leonard Cook asked staff if the Davis' had indicated their choice, and staff responded that according to Mrs. Davis in November she wanted the alignment off of her home. Robert Cameron reminded the members that according to an email from Bill Coxe, the Davis' have rejected all proposals. Bill Coxe affirmed, and stated that the Davis' have objected to the need for the road, and Mr. Davis thought that other roadways would satisfy the purpose. Mr. Davis stated to Mr. Coxe earlier on December 20, 2011 to take his home if the road is going to be on his property, or in front of his home.

Joe Sailers commented that a developer will build a piece of the road, and at least one end of the alignment is set. Bill Coxe stated that the closer it gets to a property owner the less likely it can be changed. It is unknown at this time, what Cambridge Properties dedicates beyond what they initially build as part of Phase 1. George Maloomian of Cambridge Properties commented that the approved MUMPO right of way will be platted and dedicated in its entirety within their property, which will be done as part of the first construction stage. Bruce Andersen commented that until they build it, the road can move. Joe Sailers commented that once MUMPO defines the alignment, the developer will start fine tuning their plans. Mr. Maloomian stated that they have started engineering the road. He further commented that all they are doing is taking what is approved today and changing it by several feet, without adding any new road or right of way. Over the next 20 to 30 years as the road it built to NC73, there will be more situations with minor changes that are made as it goes through different properties.

Sam Mount posed a hypothetical question to staff that if Cambridge Properties starts the road, and in 20 years it comes time to continue the road through and Mr. Davis says, no. Bill Coxe described the State and Federal process for acquiring road right of way, which the Town can chose to do if the Town builds the right of way. The land is appraised in its entirety with improvements and a fair market value is established, which gives the before value. Then you take away the land that is necessary for the road and any improvement on the land. In this case, you would take away the home and leave some of the outbuildings. The remnant property with improvements would then be appraised value, which is the after value. The land owner is offered the difference in values. Negotiations can happen, and if the land owner is adamant about not selling the government does have the authority to condemn their property. Sam Mount questioned the "affected" land in regard to the Davis property, which staff explained and clarified; the before value is the land free and clear without impediment of a road, and the after value is whatever is left after the road. With the case in hand, the Davis' have 5 acres and the State would probably offer to leave the land behind and the owner could market the land as they saw fit. Cities and Towns are sometimes more flexible and may offer to buy the entire tract.

With an unwilling seller, condemnation is only what is proved to be needed for the road. Leonard Cook assumed that the most valued portion of this particular property is the where the home is located. Bill Coxe responded that he and the property owner would assume that to be correct, but to a developer that would not be the case.

Bruce Andersen noted that Sam Mount took the matter down a condemnation path, and he thought the Town has not condemned land, and the Town (or State) did not have funds to build a road of this magnitude. A developer would need to buy property to build the road. Sam Mount responded that to him the valuation of the Davis home is not the Town's business, but the owners, and if they don't want to sell it they don't have to. Sam Mount further commented that the Town Board should pass an Ordinance that they will not condemn land. Leonard Cook commented about Mr. Davis' position and it's his preference for them not to have a home with a road in front of it, but to cooperate and sell the property. Barry Hester commented that the Davis' preference probably is to leave his property as is. Sam Mount stated that to him, there is a third option, and it is insulting to him to think the government can put an individual in a situation of eventually taking their home. It seems to him that it is an improper use of government, and he has heard the arguments of "greater good". Greater good is what we are supposed to do. Bill Coxe stated that it would not be fair to say that Mr. Davis would willingly cooperate in a road going over his house. That would be a complete misstatement of his position.

Leonard Cook asked if the Town of Huntersville does not approve of any alignment, MUMPO then will not take the property. Staff stated that MUMPO does not implement and build. They are a planning body.

Bill Coxe noted that when a road is planned and it goes across someone's home, and the owners desire to sell their home and are impeded from doing so due to the fact that a road has been planned, and yet no active project is ready to purchase, there is a dilemma. The government has failed at that point to step up to its responsibility to help those individuals.

Addison Causey stated that would be the worse circumstance as a result of these decisions. A property owner would end up property that nobody would buy. With all due respect to Cambridge Properties, it's not their problem. They are trying to get the best possible alignment across their property as an investor. He questioned where the Town Board and MUMPO stand in support of a modification. Bill Coxe explained what the Town Board last voted to support (grey cross hatch), and MUMPO supported that decision and there is an approved alignment. Cambridge Properties wants a modification, and other alignments have been proposed (blue and yellow). The alignment further into Olmsted is not reasonable since they will not cooperate.

Sam Mount commented that he didn't feel a valuation could be made between values of property for a home owner. The Planning Board is not responsible for picking who wins or loses, and the principal (to him) is the property owner being the determining factor. Mr. Mount stated that he didn't care which alignment was chosen, because the government shouldn't have the ability to make the Davis' sell.

Robert Cameron stated that he sympathizes with his colleagues, but disagrees without any disrespect to Mr. Davis. The members need to keep in mind that Mr. Davis has had notice of this issue for some time, and the Town Board has already approved the plan that impacts his property negatively, and so has MUMPO. The Town Board has an obligation to make a timely recommendation to MUMPO. The problem with the property owner complaint is that it threatens to derail us (the Town) from the longer term goal. The Eastfield/Alexanderanna Road (east/west plan) that will be worked on in the next 6-9 months will be interconnected with the Prosperity Church Road Extension (north/south) from a traffic point of view. It is in the interest of the Town and Town Board to do something long term. It all needs to be coordinated and not let the interest of one property owner derail the goal. He understands the case to be that there is no public funding for this road, and there is developer cooperation from Cambridge Properties if they are approved. The long term factors for traffic impacts, cost and environmental factors are the three (3) major factors. The traffic and environmental impacts are negligible, so it is an issue of cost. The fact is that Mr. Davis may or may not be here in 20+ years, but Olmsted will be here, and they object to alternatives. He also commented that it is remote, but condemnation is appropriate and a law of the United States. He felt that the alternative 1 (Cambridge Proposal) should be strongly considered given the public-private partnership. It is in the long term interest of the Town, and we should support them.

Addison Causey interjected and stated that nothing here dissuades the Town's goals in extending the roadway, or MUMPO identifying the thoroughfare to move vehicles and people efficiently. He agrees about taking the road through Olmsted only because this will be more than 20 years (more) down the road. He felt that the flaw is, with all the work staff has done, there were bad choices made and voted on, perhaps protecting the development of Olmsted, which was the clear and logical place. Had decisions been made at that point in time, the alignment could have been taken through that property (Olmsted) and avoided single property owners. The Planning Board's decision tonight is small. This course is already set, and the Planning Board does not have the ability to vote on alternating the course that was set several years ago.

Leonard Cook made a Motion to Approve the proposed realignment by Cambridge Properties of the Prosperity Church Road alignment. Robert Cameron seconded the Motion.

Addison Causey questioned if Mr. Cook would be willing to include in his Motion that the alignment match the gray line as it exits the Cambridge Properties' boundary. Leonard Cook stated that he is recommending that the red modified alignment with the consideration being that at the property line that the alignment of the red matches the gray line. Bruce Andersen felt they are recommended an alignment that was not proposed. Leonard Cook stated that there could be minor adjustments made, and Mr. Andersen did not feel that was an option. Addison Causey felt it was an option.

Bill Coxe commented that if that suggestion had been feasible from the beginning, the proposal would not be presented. Staff suggested to follow the red line as portrayed on the proposed map, and not change its connection to the gray line as it moves across the boundary line.

Leonard Cook clarified his Motion to recommend the red alignment as detailed on the map. Robert Cameron re-seconded the Motion for the Cambridge Properties proposal.

Bruce Andersen felt that most of the conversations have been off the subject, and confirmed that Mr. Davis would agree with red line alternative.

Robert Cameron asked about notice to Mr. McBrayer and staff responded that the Cambridge Property proposal was mailed to him prior to the November public workshop. The alternatives from MUMPO were just hand delivered. Mr. Misenheimer stated they received a postcard for website information, but did not receive notification for the new map. Cambridge Properties announced that they sent out certified mail to 14 property owners affected within 500 feet of the proposed shift.

Sam Mount asked the Chairman if the first Motion could be amended to recommend the Town Board give approval of the Cambridge Properties proposed alignment with the understanding that no condemnation proceedings will be considered as a land acquisition method in the continuation of the road. Leonard Cook agreed to amend his Motion accordingly. Robert Cameron asked for the amendment to be repeated, and stated that he would not second the Amended Motion. One of the options for the Town would be scuttled by that proposal, and the interest of the Town would be to have the road built as approved. He did however; approve the original Motion as not modified.

The Chairman stated that there is an option to have a Substitute Motion.

Sam Mount made a Motion to recommend approval of the proposed Cambridge Properties realignment with the understanding of no condemnation proceedings will be considered by the Town of Huntersville as a land acquisition method in continuation or completion of the road. Joe Sailors seconded the Motion, and questioned staff if the Town of Huntersville has plans to go beyond the Cambridge property with an extension, or would it be the State that makes the extension. Bill Coxe reminded the members that currently there are no plans by any public body to make an extension of this road within the next 25 years. That does not preclude either the State or Town in the future. Joe Sailors further commented on the alignment past the boundary line shown in red which is beyond Cambridge property and into the Davis property. Bill Coxe confirmed that the Cambridge proposal changes the alignment on the Davis property by approximately 10 feet as it crosses the property boundary.

Bruce Andersen clarified that the Motion was asking the Town Board to approve a recommendation that there is no option in the future, which is highly unlikely to happen and if the Town Board approves the realignment, with the conditions, it would only be good as long as that Board agreed to abide by it, or a new Board came into office.

Leonard Cook noted that that Motion and statement made by him and Mr. Mount, which Motion received a second, is that they do not want to see the government coming in and making it easy to take property even though the law says that they can.

Robert Cameron pointed out that there is an approved alignment that impacts the Davis' property as much, and there the current proposed doesn't show much, if any gain.

Addison Causey questioned if Cambridge Properties planed to acquire the sliver of property just off the edge of their boundary line, and if they were prepared to do that. Cambridge Properties stated that sliver of land belongs to John Wayland Homes, and they have approved and accepted that at some point something will be built there.

Bruce Andersen commented about keeping the best interests of property owner(s) at most risk, which is to take the best option available to the Board and approve the Cambridge Properties proposed alignment and leave the road going through the corner of the Davis house so he maximizes his future value if someone decides to take the road further north. Mr. Andersen further commented that his position was that it would not be likely to occur unless he (Mr. Davis) has already agreed to sell the property.

The Chairman called for a vote on the Substitute Motion. The vote was 5-2. In favor were Leonard Cook, Joe Sailers, Sam Mount, Addison Causey and Barry Hester. Opposed were Bruce Andersen and Robert Cameron.

Other Business

Jack Simoneau, Planning Director, presented the updated Action Schedule to the members for the Huntersville 2030 Community Plan update. Handouts were presented (see attached Exhibits) as Mr. Simoneau described the status updates to the actions to occur in 2011 and 2012. The schedule will help in requesting funds for the upcoming budget, such as the Economic Development Plan has been estimated at \$50,000.00 to start in September or October, and the Streetscape Plan is estimated to be approximately \$5,000.00. A Capital Investment Implementation Plan using all of the departments with an outside consultant would be used, and the estimated cost is \$10,000.00.

Bruce Andersen asked about the action item that was deferred, and Mr. Simoneau stated it was the Small Area Plan for Eastfield Road. It was noted that the green shades on the chart indicates extra months added for extra time needed in the process. Leonard Cook suggested that the projects already started be a slightly different color.

There were no further discussions, questions, or comments made.

Jack Simoneau, Planning Director, notified the members of two (2) Bills in the State legislature that require attention; one being about the ETJ (HB 281), which, as currently proposed would allow someone living in the ETJ to vote in municipal elections and would allow them to be elected to the municipal board. This Bill will be debated in the 2012 session(s).

The other bill is SB731 that would place limits on design control by local governments. As currently written, the Bill would preclude the application of design standards on single-family dwellings in zoning districts with five or fewer units per acre with limited exceptions (i.e. Historic Districts). Huntersville's current ordinance calls for building to blend with one another and requires front loaded garages to be 10' behind the primary façade of the structure. If approved, this law would void every local government provision of that type in the State of North Carolina. The Town Boards of Huntersville, Cornelius and Davidson have passed a Resolution opposed to the Bill. SB731 has gone to the Conference Committee and will come back in January. The Town was advised by the League of Municipalities and the American Planning Association, North Carolina Chapter that to have any chance of influencing change in the bill, we will have to submit our concerns at the Committee level. It was also mentioned that North Mecklenburg was the problem area in the State and that it is hard to build here. That kind of comment is incorrect as evidence by Huntersville growing over 700% the previous decade, doubling the population this current decade and having over 5,000 production homes built in the last 15 years. Barry Hester questioned who introduced the Bill, and staff responded that it was Senator Clodfelter. Mr. Simoneau also stated that it would be helpful for legislators to get comments from HOA's or other individuals that have concerns about the Bill. Mr. Simoneau gave the example of Monteith Park with two different builders, and working with the 2nd builder to blend with the homes already there. The Planning Director will be crafting the rationale about the Bill, and asked the members if they knew of anyone with an interest and willing to talk to their legislators, it would be very much appreciated.

Bruce Andersen asked if staff had talked to the North Carolina Homeowners Association (NC-HOA.org), and suggested to contact them. Leonard Cook mentioned his wife on a HOA Board. Sam Mount mentioned the Town's list of HOA's, which Mr. Simoneau stated was a good point. Addison Causey asked if it would be considered to have a power point presentation and seminar in early January and inviting the HOA's, which was another good idea taken by the Planning Director. Sam Mount suggested inviting Senator Clodfelter. Any further suggestions were welcomed.

Addison Causey questioned if the Bill was just for residential, which was confirmed and that rules may not be applied to single family residential structures in zoning districts with densities of five or fewer dwelling units per acre.

There were no further discussions, questions, or comments made.

Zachary Gordon, Principal Planner updated the member on the NC73/Poplar Tent Small Area Plan and had a first Steering Committee meeting on December 19, 2011. There were

stakeholder interviews, and will send out a notice for a public input session for January 19, 2012. A Steering Committee meeting to be held on January 17, 2012, and it is anticipated to have a preliminary draft plan to the Planning Board on February 28, 2012.

Adjournment

Sam Mount made the Motion to adjourn and Joe Sailers seconded the Motion. There being no further business the meeting was adjourned.

Approved this 24th day of January 2012.

_____/s/_____
Bruce Andersen, *Chairman*

_____/s/_____
Michelle V. Haines, *Secretary*
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