

Minutes**Joint Meeting****Mount Holly City Council/Planning Commission****February 29, 2000**

A Joint Meeting of the Mount Holly City Council and Planning Commission was held on Tuesday, February 29, 2000 at 7:00 P.M. Those attending were Mayor Frank McLean, Mayor Pro Tem Robert Black, Councilmembers Phyllis Harris, Pat Hubbard, Bryan Hough, Jim Hope, Michael Helms, Planning Commission Members Chuck Carpenter, Jack Stevenson, Bill Gary, Jerry Miller, Ernest Stowe, Joel Hubbard, Planning Director Danny Jackson, City Manager David Kraus, City Attorney Kemp Michael, and Public Works Director Eddie Nichols.

Mayor Frank McLean gave the invocation, and welcomed everyone to the meeting.

There was discussion of items from the Council Retreat. City Manager David Kraus said the focus was on growth, and more importantly what is it that we want these future developments to look like. We are getting a lot of annexation requests, and are looking for guidelines or rules to go by to see if we want to annex or not. The purpose of this meeting is to talk about things, so that we all would be on the same page.

Mayor McLean stated Mr. Jackson had a memo from Judi Simac listing criteria for reviewing annexations. Chuck Carpenter asked what is the current criteria.

Joel Hubbard stated what he has noticed over the last couple of years is every time a developer comes to the City (Planning Commission/City Council), we tell him that we want bigger lots and houses. If we are going to have R-8 zoning, that's a teaser to developers. The developer and builder are two different people. The developer is going to sell the lots to a builder. Due to the amount of infrastructure and amenities for the development, the developer is going to attempt to get as many lots as he can because of the expense. If we want to slow down growth, the logical thing to do is to remove R-8, R-10, R-12 and only have R-20. R-20 is going to drive the cost of the lot up, every builder figures he can pay 15-20% of the total price of the lot. R-20 will also address leaving trees on the property, something the Council and Planning Board have talked about. Tega Cay's tree program is labor intensive. I own a house in Tega Cay. The developers will not bulldoze everything down on the nicer bigger lots. Chuck Carpenter replied that by doing that you are eliminating a lot of the future homeowners.

Joel Hubbard commented that it depends on what we want. We could go to a R-4 or something like that to get more homeowners. We could even create more apartments if we want more people. Water's Edge and Stone Water Bay agreed to R-20 size lots. Development will slow down for a year or two if we go to the larger lot size, but it will not last for long because we are so close to Charlotte.

Jerry Miller stated that he agreed with Mr. Hubbard, and said he would like to see us get more high end housing and reduce the starter home housing. There is a lot of high end housing in South Belmont.

Bill Gary commented that he had two realtors approach him about major structural problems within two years of building the starter homes. They are saying that ten to fifteen years down the road, you have almost instant slums. Councilwoman Hubbard replied that she does not think that slowing down development is bad, it might give us a chance to catch up on some things. We don't need a new annexation every six months.

Councilman Hough stated that we have talked about the positives of bigger lots, but what are the negatives of doing a development such as the one Tom Pearson is proposing? Jerry Miller replied that the biggest thing that he sees is that NC 273 and NC 27 are packed everyday. Traffic was backed up all the way to Henry Street at 4:00 in the afternoon.

Councilman Hough asked what would be the impact of removing the R-8 lot size? Joel Hubbard commented that there will be a property owner or two that will have about four acres that they would like to divide into more lots, but may not be able to get as many.

Councilwoman Hubbard asked if it would stand to reason that if a developer has to charge more for a bigger lot, then he will have to build a bigger more expensive house?

Jerry Miller mentioned that we need to be looking at recruiting industry too.

Mayor McLean replied that was what he was looking for at further on down Sandy Ford Road. There are plenty of nice sized tracts of land on the right side of Sandy Ford, as going from NC 273.

Councilman Hough asked how would we go about changing the lot size requirement? Mr. Jackson replied that you could either change the zoning districts themselves or the dimensional requirements for that particular district. You can remove the R-8 District if you want, but you have to consider the uses in the district. We all know that the primary use in the R-8 other than a stick built house is manufactured housing. Are we going to eliminate them also? If not, then you are talking about having large lots with large houses, and trying to accommodate manufactured housing along with those lots and houses. I don't believe you want manufactured houses in the same districts with the larger houses. I believe that was the premise behind creating the R-8 District. It gave you a small lot size, which is typically made for smaller type housing, which included manufactured houses. The manufactured houses were more in line with existing smaller houses. If you are going to remove small lots, what are you going to do about the manufactured houses? There may even be some legal implications behind doing something like that. City Attorney Michael replied that a manufactured home is a modular home, and could be put anywhere in Mount Holly. A mobile home has a different criteria for how it's constructed. One answers to one code, and the other answers to another. There is a legal distinction between a modular and mobile home.

You cannot discriminate against a manufactured home. It's a separate issue when you look at changing R-8 that exists in the City, as opposed to zoning annexed areas R-8. You can control the lot sizes of proposed annexed areas. It's a lot tougher to rezone existing property than it is to bring in new property and zone it the way that you want.

Councilwoman Hubbard asked would changing things mean that Danny Jackson would give the developer a list of choices? Mr. Jackson replied that's the choices the developer has, our existing zoning districts. City Manager Kraus stated that when a developer comes in, he will be given the zoning ordinance and technical specs from Eddie Nichols.

City Attorney Michael commented that he did not know if you want to tie your hands to the point of passing some type of a resolution to not annex any property in the City unless it's at least a certain size. If it's a Conditional Use where someone has a hardship due to topography or wetlands, or something of that nature, you may want to have the latitude to address the situation. If you set one rule, you'll probably have a situation that doesn't fit the rule. The Tom Pearson development is an example. It is site specific. It would have to be developed according to the submitted plan.

Councilwoman Hubbard asked if we would leave ourselves open to other developers coming in saying that they have a hardship? Attorney Kemp Michael replied that it depends on whether you can stick to your guns. If you had a policy on how you want things to be, you could do it in writing so a developer could look at it. You may have some developers say that they can't handle lots that small, but want water and sewer without the annexation. Being in the county with water and sewer, the lots would go from 30,000 square feet to 15,000 square feet. That means those lots would be smaller than the R-20 lots you're looking for. You would then be faced with developing a philosophy of allowing utility extensions to areas outside of the City, and would remain that way. The other alternative is to have a policy of not running water and sewer unless the lots are R-20 at least. There have been twenty-seven annexations over the last twenty-seven years, five have taken place within the last year.

Jack Stevenson said that we should have some impact statements from developers, as to the impact of schools, roads, etc. It needs to be done up front, long before they appear before the Boards.

Danny Jackson stated that he believes that as far as annexations go, we are looking for some type direction to come out of tonight's meeting, and the submitted criteria list is a good start. When staff meets with developers, they can give the criteria list to the developer, so that he knows up front what he is up against.

City Attorney Michael responded that the County is looking into establishing some type of criteria for requiring impact statements. Councilman Helms added that it is part of the Strategic Plan the county will be working on. Mr. Jackson answered that within the Zoning and Subdivision Ordinances, there is a statement that someone like himself, or even the City Council, may require the developer to submit information in the form of an impact statement.

City Attorney Michael asked if the developer does a traffic study, or is that something that the City does? Mr. Jackson answered that the developers can, and have done it. They can hire a traffic engineer to do it.

City Attorney Michael replied that the School System already has looked into what their needs are. Out of the top ten schools with major needs, Mount Holly has three of them. Until the County Commissioners do something about funding those needs, we won't have enough money to do very much, if anything.

Councilman Hough asked if we have looked thoroughly at impact fees? City Attorney Michael said, in his opinion, impact fees are the fairest way to address school needs. With the amount of housing that has and will take place, if you add an impact fee we could pay as we go, due to the generated revenue. City Manager Kraus stated that growth brings about a certain amount of revenues.

City Attorney Michael remarked that at the Retreat the impact fees for city services were talked about. You can charge per unit for accessibility to utilities, which could go towards the future expansion of the Sewer Plant. Councilman Helms commented that we need to be in conjunction with the County's Strategic Land Use Plan. There shouldn't be anything that is detrimental to each side. Attorney Kemp Michael remarked that when it comes to something of that nature, Mount Holly is in the forefront, the County follows Mount Holly on that matter. When a developer runs a utility line, he puts in the taps as he goes, he is not charged a tap fee. Even though he does not pay a tap fee, he should be charged to connect to the City's system. City Manager Kraus replied that if you are going to have a fee, it has to be based upon something concrete, the State is clear on that. City Attorney Michael asked if we have a consensus to look into impact fees? Yes.

Councilwoman Hubbard asked if the LDP revision being worked on?

Councilman Hough asked that strategic annexations be explained. City Manager Kraus explained that the Boat Landing is an example. To do it would make Stone Water Bay contiguous, thus freeing up more land for future satellite annexations.

Councilman Hough asked what is the procedure for reviewing the annexation criteria? Does it go before the Planning Commission before it comes to Council for adoption? Mr. Jackson replied, yes, it can be done that way. Councilman Hough stated that he would like to see it adopted as the criteria for us. Councilwoman Hubbard also replied that she would like it.

Councilman Hope remarked that he would like to see a form developed to be filled out by a prospective developer, so that we could get the form in our packet as soon as possible. The Council would then know right away what was going on.

City Manager Kraus then asked the question of how much confidentiality has to be maintained? Councilman Hope replied that we know what kind of interest there is.

City Manager Kraus answered that sometimes a developer may come to Danny Jackson two to four years from doing something and may not want the world to know their business. Mr. Jackson said that once a form is filled out and submitted, it's public record. Councilman Hough stated that we as a council can handle the confidentiality issue. Councilwoman Harris asked Danny Jackson if he has a problem with it? Mr. Jackson replied, no, as indicated on the form is filled out, it's public record. Eddie Nichols commented that sometimes they are doing a financial analysis to see if they can do it. They may not be serious until they find out it's feasible to do it.

City Manager Kraus stated that he and Danny are looking for feedback from the group on the seven submitted items regarding revisions to the LDP. What would be a reasonable time to submit your feedback? Mr. Jackson replied, the sooner we get the feedback the sooner it can be incorporated into the revised LDP. Mr. Carpenter added that the Planning Commission can talk about the matter at the March 6th Planning Commission meeting. City Manager Kraus added that the City Council can discuss it at the March 7th Work Session.

City Manager Kraus stated that the next item in the packet is some proposed PUD regulations that were submitted by Jack Stevenson. Mr. Stevenson replied that the idea was not to put more regulations on the PUD, but to put requirements in there for information that the Board of Adjustment can look at when making their decision regarding PUBs. Developers come in and are not fully prepared, and the BOA is not fully prepared to answer questions. This would require the developer to submit more written information when he comes in. Mr. Stevenson stated that the Boards need to look at the requirements for informational purposes. It doesn't mean that a developer would be turned down because of the questions, they wouldn't be regulations. A lot of times the developer doesn't have the technical data in front of him to answer the questions at meetings. This way the developer can supply the necessary information when he makes his application. Some of the questions regarding the ETJ areas have County implications.

Councilman Hough asked about the section regarding trees. There was discussion about looking into new tree regulations. Mr. Stevenson commented that the last development talked about natural areas that would be maintained by a Home Owners Association. What shape are they going to be in years later, and how much is it going to cost the City to maintain them? Councilman Hough asked how many trees do we want to see saved on a lot? Mr. Carpenter commented that it would be impossible to enforce. Councilman Hough said he would like to see something in place, rather than not do anything. Mr. Tom Pearson has a street tree program in Charlotte that looks nice. It makes a lot of difference to the subdivision, it's very appealing and it makes a difference in the appearance. We should make a decision that the developer has to provide a certain number of trees per lot, whether it's R-10, R-12 or R-20. The aesthetics are a lot better with trees and the environment is much better off. The trees are something that I would like to see. Mr. Stevenson stated that he had visited a subdivision in Maryland, whereby a developer left trees in different places within the subdivision and not necessarily on every lot. It really looked nice after they were done. You may run into some problems trying to require trees on every lot because everyone may not want trees on their lot.

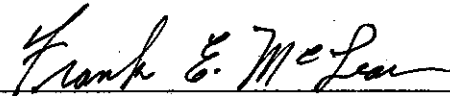
Some lots may not be suitable for trees, there may be topography problems on the lot. Mr. Miller commented that Woodland Park is a prime example of a neighborhood that built houses around trees. Councilman Hough replied that 95% of the time people are going to have trees and not cut them. City Manager Kraus stated that the street tree program by Mr. Pearson was somewhat different in that he planted so many trees per distance and of a different variety.

City Manager Kraus commented that another thing that came up during the tour of Mr. Pearson's development in Charlotte was staggered setbacks for houses. Mr. Jackson replied that sometimes the shape of the street can determine the setbacks being staggered. Mr. Kraus asked if that is something that we want to require of a developer? Mr. Stevenson answered that the thing to do is to encourage the developers to do it in an artistic manner, rather than a mandatory manner. Mr. Jackson commented that if you so desire, the subdivision plats can require building envelopes that would show the staggering of the houses.

The meeting was adjourned at 8:25 P.M.



City Manager



Mayor