

**MINUTES OF TOWN COUNCIL MEETING
OF THE
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for its regular meeting on November 13, 2018, at 6:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Kathy Heyse, John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Those absent were:

Staff present were: Alex Sewell, Town Manager; Chief Minor Plyler; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; and Marsha Gross, Finance Officer.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and Council Member Romanow delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

There was no one present to give the public comments.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- 1) 09-10-18
- 2) 10-08-18
- 3) 10-08-18 – closed
- 4) 10-22-18
- 5) 10-22-18 - closed

Council Member Paxton requested a small change to the 09-10-18 minutes. Therefore the 09-10-18 were removed from the Consent Agenda. Council Member Scholl made the motion to approve the remainder of the Consent Agenda Items as presented. The motion was seconded by Council Member Romanow which passed unanimously by Council.

2. Reports

A. Report from the Mayor

Mayor Dunn reminded all of the opening of the Bypass the following week.

B. Reports from Council Members/Town Committees

Council Member Paxton reported that the Economic Development Committee had begun its start up efforts.

Council Member Martin shared there was a vacancy on the Stormwater Advisory Committee if any member of the public was interested.

Council Member Scholl had no report.

Council Member Steele reported that she had the honor of speaking at the Stallings Elementary Career Day.

C. Report from Town Manager/Town Departments

Town Manager Sewell submitted the weekly Staff Report the Council for the record.

3. Agenda Approval

Council Member Scholl made the motion to approve the Agenda as presented with the exception of removing Agenda Item 6, *Closed Session in Pursuant to NCGS 143-318.11(a)(5)*. The motion was seconded by Council Member Steele and passed unanimously.

4. CZ18.08.01 – Epcon Communities

Mayor Dunn opened public hearing. Town Planner Lynne Hair presented the Staff Report for CZ18.08.01 to the Council. The CZ18.08.01 Staff Report is attached to these minutes and therefore incorporated herein.

The following individuals presented on behalf of the Epcon Communities. The Epcon Presentation is attached to these minutes and therefore incorporated herein.

- Phil Fankhauser, Epcon
- Bob Kardos, Regional President, Epcon
- Laura Reid, Kimley Horn, Epcon's Traffic Impact Analysis
- Vince Neil, Engineer, Epcon's stormwater related information

The following individuals spoke during the Epcon public hearing:

- Vicki Kidd, Property Owner and Real Estate Broker who assembled the property, spoke in favor of the conditional zoning.
- Larry, Emerald Lakes Board Member, expressed concern over the traffic but had good experience working with Epcon.

- Don Norris, 6007 Colton Ridge Drive, Indian Trail, had been following the topics and voiced support for Epcon.
- Jim Hanley, 2346 Millhouse Lane, voiced support for Epcon based on their sensible approach to unstoppable development
- Hank Cowell, 8132 Stevens Mill, expressed his concerns against Epcon.
- Bob Cochran, Stevens Mills, would have four houses placed behind his property due to this development and was opposed to Epcon
- Karen Hole, 4608 Pineland, Charlotte, NC, relator with REmax, stated there was shortage of housing in the area for empty nesters. She also felt that one developer could not held responsible for solving an entire community's drainage problem.
- Mark Noles, 5117 Laurel Road, Weddington, Engineer, expressed support for Epcon and urged Council to vote in favor of the item.
- Lawrence McCrank, property owner in Stevens Mill and Emerald Lake, spoke in favor of the item.
- Karen Bristol, 8053 Stevens Mill, her property backed up to the project and she did not support it based on traffic issues and flooding issues.
- Heather Pugh, 8053 Stevens Mill, President of Stevens Mill HOA, understand that the property would be developed but did not feel this was right fit for the land.
- Fred Capiello, Stevens Mill, against the property based on density, traffic and stormwater.
- Walter Lawrence, 1328 Garden Vista Drive, Emerald Lakes, spoke against the development citing the Council's priority of reducing congestion and improve traffic infrastructure.
- Peter Larson, 9763 Fairview Road, Retire Traffic Designer, felt the Traffic Impact Analysis completed by Kimley Horn was inadequate, should have been conducted over a longer period of time, and at different hours.
- Bob Mays, Realtor, 1139 Avalon Place, Emerald Lakes, voiced support for project stating that the area needed more senior housing options.
- Timothy Smith, 1108 Wade Point Court, Courtyards at Weddington, encouraged the Council to pass the zoning request. He felt the area needed more communities for the aging population and expressed respect for Epon.
- Peggy Booth, 8125 Stevens Mill Road, property backed up to the proposed project, inquired if Epcon had proposed a by-right option and if there would be any recourse if the stormwater got worse due to the project.

Council discussed the project. Mayor Dunn closed the public hearing. Council Member Paxton made the motion to approve CZ18.08.01 – Epcon Communities and Council Member Romanow seconded. The motion passed by a 4 to 2 vote with Council Members Heyse and Scholl opposing.

Council Member Paxton made a motion to approve the following conditions for CZ18.08.01 – Epcon Communities. The motion was passed unanimously after a second from Council Member Romanow.

Conditions of Approval for CZ18.08.01: Epcon at Lawyers Road and Allen Black Road

1. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations. The submitted sketch plan must meet all requirements as established by permitting agencies
2. A berm will be built along Lawyers Road within the required street buffer. This will increase the buffer width to accommodate construction of the berm to be built 4.5' in height with a 3' top width.
3. A pedestrian connection will be provided in the stream buffer area, connecting to properties to the west. Exact location and design will be determined by developer and staff during the permit review process. Trail and access easement will be constructed of asphalt or concrete.
4. A boulevard entry drive will be required off Lawyers Road per Stallings Technical Standards and Specifications Manual spec #10.03.
5. Pocket parks will be located throughout the project that provide gathering opportunities for residents. Design elements may include, but not be limited to, benches, gazebos, landscaping, outdoor games such as cornhole, horseshoes, pickleball etc., BBQ grills, picnic tables, firepit areas, walking trails, dog parks. Actual amenities will be designed and approved by the applicant staff during the permitting review process.
6. All foundations will have a minimum 18 inches of exposed brick or stone on all four sides of the house. No vinyl siding will be permitted on homes. Elevations will match those submitted and presented to Council as a part of the zoning request.
7. A grading plan prepared by a landscape architect demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales, and other disruptions to the landscape, particularly between dwellings will be provided as part of site construction plans for permitting. This plan will be completed to the satisfaction of the Town as approved by the Development Administrator.
8. The minimum square footage for homes within the development will be 2,200 square feet for a two-story house, and 1,400 square feet for a one-story house.
9. The following for the project will be installed at the developer's expense prior to approval of the first final plat for the subdivision, in accordance with NCDOT standards:

Lawyers and Site Drive 1 (entrance off of Lawyers Road)

- Construct the southbound approach of Sight Drive 1 with one ingress lane and one egress lane (right-in/right-out) only.
- Construct northbound right turn lane with 100' of storage and appropriate taper.
- Construct a concrete median to restrict access to right-in/right-out.

Allen Black Road and Site Drive 2 (entrance off of Allen Black)

- Construct the westbound approach of Sight Drive 2 with one ingress lane and one egress

lane (left-right).

Lawyers Road and Allen Black Road

- Re-stripe the westbound right turn lane to provide a shared through right lane.
- Re-stripe the western leg of the intersection to provide two west bound receiving lanes.
- Extend the southbound right turn lane to provide 175' of storage and appropriate taper.

9.A. Applicant will contribute \$250,000 to the Town of Stallings to mitigate traffic congestion on the Lawyers Road/Stevens Mill corridor prior to the first CO being issued.”

10. A multi-use path will be installed along the property’s frontage on Lawyers Road as required by the Stallings DO and Pedestrian Plan. Right of way will be acquired and a sidewalk connection made along Lawyers Road.

11. Internal sidewalks will be constructed per the Stallings DO. Developer has also committed to installing sidewalks on both sides of the street.

12. A 30’ project boundary buffer will be provided where adjacent to existing single-family residential. This buffer will incorporate existing vegetation where possible. A tree survey showing that existing vegetation will provide the minimum planting standards of the Stallings DO. Where existing vegetation will not adequately provide a buffer in this area, an alternative planting plan showing compliance with the Stallings UDO will be provided.

13. Closure of egress traffic at Lawyers Road site access #1 other than for public safety personnel contingent on public safety approval until 90% CO.

14. Applicant will give each adjacent property owner on the Stevens Mill Subdivision border the option of either adding additional evergreen trees or a uniform privacy fence in the buffer area with 100% of this additional work being completed prior to 25% CO. The County arborist will determine the correct spacing and number of evergreen plantings if that option is chosen and there is a dispute between the developer and the property owner.

Development Standards for the project will be as follows:

Permitted Use	Mixed Residential
Minimum Lot Width	53’
Minimum Lot Size	5,800
Total Number of Lots	146
Front Yard Setback	20’
Rear Yard Setback	10’
Side Yard Setback	5; 10’ corner
Building Height	35’
Project Boundary Buffer	30’ around perimeter 20’ at Stevens Mill with planted berm

Open Space	20%
Tree Save Area	10%

Phil Fankhauser, Epcon, agreed to all the conditions as stated.

5. TX18.10.01 – TIA Text Amendment

Mayor Dunn opened the public hearing. Town Planner Lynne Hair presented the Staff Report for TX18.10.01 to the Council. The TX18.10.01 Staff Report is attached to these minutes and therefore incorporated herein.

Mayor Dunn closed the public hearing. Council Member Paxton made the motion to approve TX18.10.01 – TIA Text Amendment which was seconded by Council Member Romanow. The motion received Council's unanimous support.

6. Closed Session in Pursuant to NCGS 143-318.11(a)(5)

This item was removed during Agenda Approval.

7. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Heyse, and the motion received unanimous support. The meeting was adjourned at approximately 10:30 p.m.

Clerk's Note: *These minutes were prepared from notes taken at the meeting by Town Staff.*

Approved on April 8, 2019.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC