



**November 13, 2018**

Stallings Town Hall

315 Stallings Road

Stallings, NC 28104

704-821-8557

[www.stallingsnc.org](http://www.stallingsnc.org)

	Time	Item	Presenter	Action Requested/Next Step
	6:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	6:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	6:15 p.m.	<b>Consent Agenda Approval</b> A. Minutes from 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	Wyatt Dunn, Mayor	Approve Consent Agenda <i>(All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion on of an item, the item will be removed from the Consent Agenda and considered separately.)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____.
2.	6:17 p.m.	<b>Reports</b> A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	6:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____.

4.	6:45 p.m.	<b>CZ18.08.01 – Epcon Communities</b> <i>Request to conditionally zone a 53-acre tract at Lawyers Rd &amp; Allen Black Rd in parcels #K8321004, #K8321004A, #D8321004, #D8321004, &amp; #08321003 from SFR-1 to CZ-MU1 to allow for the construction of a 146-lot age restricted development.</i> <b>A. Open public hearing</b> <b>B. Information from staff</b> <b>C. Comments from the public</b> <b>D. Close public hearing</b> <b>E. Council vote</b>	Lynne Hair, Town Planner	Approve/Deny the request  <i><b>Motion:</b> I make the motion to approve/deny CZ18.08.01 – Epcon Communities.</i>
5.	7:45 p.m.	<b>TX18.10.01 – TIA Text Amendment</b> <i>Text amendment adding Transportation Impact Analysis (TIA) language to Development Ordinance as Article 7.1°5.5.</i> <b>A. Open public hearing</b> <b>B. Information from staff</b> <b>C. Comments from the public</b> <b>D. Close public hearing</b> <b>E. Council vote</b>	Lynne Hair, Town Planner	Approve/Deny the request  <i><b>Motion:</b> I make the motion to approve/deny TX18.10.01 – TIA Text Amendment.</i>
6.	7:55 p.m.	<b>Closed Session in Pursuant to NCGS 143-318.11(a)(5)</b>	Wyatt Dunn, Mayor	Hold closed session  <i><b>Motion:</b> I make the motion to go into closed session pursuant to NCGS 143-318.11(a)(5).</i>
12.	8:05 p.m.	<b>Adjournment</b>		

**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 September 10, 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, and Deborah Romanow.

Those absent were: Council Member Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Kevin Parker, Assistant Town Engineer; and Melanie Cox, Town Attorney.

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

Tracy Summerset, Fairfield Plantation, requested the Council consider an addendum to the animal control ordinance to allow for pot belly pigs as a domestic pet. Ms. Summerset had two pot belly pigs since 2011, in a privacy fenced yard. They were domestic pets and not farm animals. The pigs were also allowed by her homeowner's association.

Council held consensus to delay the enforcement of Ms. Summerset's code violation letter until the Council could discuss the issue.

Marvin Conningham, 6802 Stoney Ridge Drive, lived across from Ms. Summerset since 2011, and had no problem with the pigs. He stated no one would even know the pigs existed until they saw them because there was no pig waste, no smell, and no nuisance. Mr. Conningham wanted to provide a character witness for the pigs and Ms. Summerset.

1. Approval of Consent Agenda Items

- A. 2018 Constitution Week Proclamation
- B. Domestic Violence Awareness Proclamation
- C. 9-11 Remembrance Proclamation\*

*\*added during motion to approve the Consent Agenda*

Council Member Paxton read the 9-11 Remembrance Proclamation aloud into the record.

Council Member Romanow made the motion to approve the Consent Agenda Items as presented in addition to adding the 9-11 Remembrance Proclamation to the Consent Agenda. The motion was

seconded by Council Member Scholl which passed unanimously by Council. The 2018 Constitution Week Proclamation, Domestic Violence Awareness Proclamation, and 9-11 Remembrance Proclamation are attached to these minutes and therefore incorporated herein.

## 2. Reports

### A. Report from the Mayor

The Mayor had no report.

### B. Reports from Council Members/Town Committees

Council Member Paxton passed out her report to the Council. The report is attached to these minutes and therefore incorporated herein.

Council Member Martin reported that the sewer treatment plant in Country Woods East was complete. Some residents had also reached out to Mr. Martin concerning flooding areas which he would bring back to Council. He said there was a lot of community discussion about the upcoming Allen Black Development.

Council Member Romanow gave kudos to staff for reports and achievements. She also felt the newsletter looked good.

Council Member Scholl had no report.

Council Member Heyse reported that the Parks and Recreation Committee meetings were going well with preparations for Stallings Fest. She also stated that the Historical Committee meetings were going well and that they would be traveling to Union County to look at some records there. Council Member Heyse also thanked everyone for the newsletter.

### C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Departments achievements would now be on social media.
- Newsletter was a great success.
- New Town-wide street signs should start being installed in January and completed by June 2019.
- New Town Hall Timeline (construction, RFP, LGC approval process)
- State elected officials meeting – A meeting date that worked for everyone had proven to be a challenge. It was recommended a Stallings group go to Raleigh to meet the constituents in the January/February timeframe.
- Epcon public hearing and Traffic Impact Analysis would be on the Oct. 8 Agenda.

### 3. Agenda Approval

Mayor Dunn requested the following changes to the Agenda:

- Tabling Agenda Item 6, *2020-2029 TIP Development Program*
- Moving Agenda Item 7, *Downtown/Old Monroe Road Small Area Plan*, to Agenda Item 3.A.
- Tabling Agenda Item 11, *Performance Evaluation System*, and appointing a sub-committee to review the policies made up of Mayor Dunn and Council Member Paxton and Steele. *Council held consensus in the affirmative on the creation of this sub-committee.*
- Removing Agenda Item 13, *Stallings Fest Booths*
- Adding Agenda Item 13.A. as *Closed Session pursuant to NCGS 143-318.11(a)(3)*

Council Member Romanow made the motion to approve the Agenda with the above listed changes. Council Member Steele seconded the motion which was passed unanimously by Council.

#### 3.A. Downtown/Old Monroe Road Small Area Plan

*Original Agenda Item 7*

Demetri Batches, Metrocology, presented the Downtown/Old Monroe Road Small Area Plan to the Council. Lynne Hair, Town Planner, explained this project began last spring and requested the Council approve the plan. It would then become a part of the Development Ordinance.

The Downtown/Old Monroe Road Small Area Plan is attached to these minutes and therefore incorporated herein.

Council Member Schöll made the motion to accept and adopt the Downtown/Old Monroe Road Conceptual Small Area Plan as presented. The motion received Council's unanimous support after a second from Council Member Romanow.

Council held consensus to redevelop the Stallings Park to coincide and mesh with the new Downtown/Old Monroe Road Small Area Plan.

#### 4. TX18.06.02 Accessory Structures

Mayor opened the public hearing. Town Planner Lynne Hair explained this was a request from staff for a text amendment to Article 2.10-2 No Accessory Structure in Setback and Article 8.4-2 Single Family Residential Districts (SFR-1, SFR-2, SFR-3) to clarify and create consistency for accessory structures in the ordinance. The Planning Board recommended approval of the text amendment.

There were no comments from the public. Mayor Dunn then closed the public hearing. Council Member Martin made the motion to approve TX18.06.02 Accessory Structures. The motion was seconded by Council Member Romanow and approved unanimously by Council. TX18.06.02 Accessory Structures Ordinance is attached to these minutes and therefore incorporated herein.

Council Member Romanow made the motion to adopt the Statement of Consistency and Reasonableness for TX18.06.02 to which Council Member Paxton seconded. The motion was passed unanimously. The Statement of Consistency and Reasonableness for TX18.06.02 is attached to these minutes and therefore incorporated herein.

5. Pay and Classification Study

Town Manager Sewell explained that this item was tabled from a prior meeting. The request was to use the MAPS Group to conduct a Pay and Classification Study.

After Council discussion on the necessity of this study, Council Member Romanow made the motion to approve entering into contract with the MAPS Group for a Pay and Classification Study. Council Member Heyse seconded the motion. The motion passed by a 3 to 2 vote with Council Members Paxton and Scholl opposing.

6. 2020-2029 TIP Development Program

*This item was tabled during the Agenda Approval.*

7. Downtown/Old Monroe Road Small Area Plan

*See Agenda Item 3.A.*

8. Downtown Grant Funds

Town Manager Sewell reminded the Council that the Town had received a state grant for economic development/downtown revitalization to be used for the CEM Small Area Plan. The Town requested \$30,000 but the state awarded the Town \$50,000 for these efforts. He requested the Council select how it would like to use the remaining \$20,000.

Council Member Romanow made the motion to use the remaining \$20,000 in grant funds for the engineering and permitting necessary for the Town Hall Streetscape. The motion received the Council's unanimous support after a second from Council Member Heyse.

9. Whetstone Road Abandonment Resolution

Town Planner Hair explained the Town received a request for a road abandonment on approximately .474-acre portion of Whetstone Drive. While this road was in the Town's maintenance system, it was not built to Town standards and the portion being requested for abandonment was not in good condition.

The process for right of way abandonment was three-step and involved the following:

1. Council adoption of a resolution and calling for a public hearing date to be established.
2. The resolution would then be published for four consecutive weeks prior to the hearing, and a copy of the resolution posted on the property for the same period.
3. Public hearing be held. (Oct. 8, 2018)

The applicant, Chestnut of Union, LLC was requesting the abandonment to utilize the property as a portion of their proposed development to be located on adjacent properties. By request of Council, the applicant conducted an appraisal to assess value of the land and it was established by the applicant's appraiser that the land was valued at \$31,000.

After Council discussion, it held consensus to request \$50,000 for the property.

Council Member Scholl made the motion to adopt the Whetstone Road Abandonment Resolution which was seconded by Council Member Romanow. The motion received Council unanimous support. The Whetstone Road Abandonment Resolution is attached to these minutes and therefore incorporated herein.

#### 10. Road Resurfacing Bids Contract

Assistant Engineer Parker explained that on August 29, 2018 bids were received and opened for 2018 road resurfacing project. The project was for the resurfacing of .93 miles. Three bids were received, and Red Clay Industries was the lowest bidder at \$345,432.09.

Council Member Romanow made the motion to authorize the Town Manager to execute a contract for the 2018 Road Resurfacing Project with Red Clay Industries for \$345,432.09. A second was made by Council Member Paxton and the motion was passed unanimously.

#### 11. Performance Evaluation System:

- A. Performance Review and Employee Development Program
- B. Performance Pay Policy
- C. Employee Certification and Training Policy

*This item was tabled during Agenda Approval and assigned to a sub-committee for review.*

#### 12. NCLM Annual Conference Voting Representative

Council Member Romanow made the motion to appoint Council Member Scholl as the NCLM voting representative for Stallings at the NCLM 2018 Annual Conference. The motion was seconded by Council Member Heyse and passed unanimously by Council.

#### 13. Stallings Fest Booths

*This item was removed during Agenda Approval.*

13.A. Closed Session pursuant to NCGS 143-318.11(a)(3)

Council Member Romanow made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) which was seconded by Council Member Heyse. The motion was passed unanimously by Council.

*Council went into closed session at 8:32 p.m. and reconvened in open session at 8:38 p.m.*

Council Member Scholl made the motion to authorize Town Manager Sewell to sign the consent order in 18CVS985 Town of Stallings v. Wendover at Curry Place HOA, Inc. resolving the condemnation case for a payment of \$5,000. A second was received by Council Member Romanow. The motion received Council's unanimous support.

14. Adjournment

Council Member Paxton moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 8:39 p.m.

Approved on November 13, 2018.

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Wyatt Dunn, Mayor

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Erinn E. Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC



**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 October 8, 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.

Staff present were: Alex Sewell, Town Manager; Chris Easterly, Town Engineer; and Brian Price, Public Works Director.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

There was no one present to give public comment.

1. Approval of Consent Agenda Items

A. Minutes from the following meetings:

- (1) 08-13-18
- (2) 08-13-18 – closed
- (3) 09-10-18
- (4) 09-10-18 – closed
- (5) 09-24-18
- (6) 09-24-18 - closed

B. Downtown/Old Monroe Road Small Area Plan

Council Member Paxton requested the 09-10-18 minutes, Agenda Item 1.A.(3), be removed from the Consent Agenda to confirm a motion. Council Member Steele made the motion to approve the Consent Agenda as amended above. The motion was passed unanimously after a second from Council Member Romanow.

2. Reports

Reports were given by the Council and Town Manager Sewell. Council requested staff obtain the following of Union County concerning the Union County Fire Service District Funding Information:

- Breakdown of all money collected in each fire district and amount of money spent in each fire district

- Breakdown of who had control over funding decisions – the Volunteer Fire Department or Union County.

3. Agenda Approval

Council Member Steele made the motion to approve the Agenda changing Agenda Item 11, *Closed Session Pursuant to NCGS 143.318-11(a)(5)*, to *Closed Session Pursuant to NCGS 143.318-11(a)(4)*. The motion received Council's unanimous support after a second from Council Member Romanow.

4. Whetstone Right-of-Way

Mayor Dunn opened the public hearing. Council Member Steele made the motion to recess the public hearing on this item until October 22, 2018 which was seconded by Council Member Romanow. The Council passed this motion unanimously.

5. Monroe Expressway Tolling Presentation

Warren Cooksey, NCDOT, was present to explain the Monroe Expressway Tolling Process to the Council. Mr. Cooksey presentation is attached and therefore incorporated herein.

6. Traffic Impact Analysis (TIA) Adoption

Steve Blakeney with Kimley-Horn presented the TIA to the Council. His presentation is attached to these minutes and therefore incorporated herein. Council Member Paxton made the motion to adopt the TIA with Council Member Romanow seconding. The motion passed unanimously by Council.

7. Street Signage Design Selection

Public Works Director Price presented the Council with three options for Stallings street signs. The Council held consensus to utilize the "bottle green" signage color for the street signs.

8. Annexation 51 – Funderburk Road

A. Certificate of Sufficiency

The Council was presented with the Certificate of Sufficiency for Annexation 51 – Funderburk Road. The Certificate of Sufficiency for Annexation 51 – Funderburk Road is attached to these minutes and therefore incorporated herein.

B. Resolution Fixing the Public Hearing Date

Council Member Romanow made the motion to approve the Resolution Fixing the Public Hearing Date for Annexation 51 – Funderburk Road. The motion received Council unanimous support after a

second from Council Member Steele. The Resolution Fixing the Public Hearing Date for Annexation 51 – Funderburk Road is attached to these minutes and therefore incorporated herein.

9. Ordinance 91.15 – Keeping of Certain Animals

Council Member Martin explained Council had received a request from a Fairhaven resident to change Ordinance 91.15 – Keeping of Certain Animals to allow for pot belly pigs as pets. Council held consensus to send the Fairhaven HOA a letter advising them of the complaint and requesting their plans to address the situation. The Council would give the HOA 90 days to respond.

10. Balanced Scorecard

Town Manager Sewell explained he would like to create and implement a Balance Scorecard for the Town. A memo explaining this program is attached to these minutes and therefore incorporated herein. The Council voted unanimously to have Town Manager Sewell create a Balance Scorecard for the Town of Stallings after a motion by Council Member Romanow and a second by Council Member Heyse.

11. Closed Session Pursuant to NCGS 143.318-11(a)(4)

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143.318-11(a)(4). The motion was seconded by Council Member Steele and passed unanimously.

*Council went into closed session and reconvened in open session.*

12. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Paxton, and the motion received unanimous support. The meeting was adjourned at approximately 8:15 p.m.

Approved on November 13, 2018.

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Wyatt Dunn, Mayor

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Erinn E. Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC

**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 October 22, 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 John Martin, Lynda Paxton, and Deborah Romanow.

Those absent were: Council Members Kathy Heyse and Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; 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 delivered the invocation. He then led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one was present for public comment.

Mayor Dunn expressed his disappointment in the press for not placing the information about the new hospital in Stallings in a prominent place on the newspaper.

1. Agenda Approval

Town Manager Sewell requested adding Agenda Item 9.A., Communications Task Force. Council Member Scholl made the motion to approve the Agenda with above noted change. The motion received Council's unanimous support after a second from Council Member Romanow.

2. Annexation 51 – Funderburk

Mayor Dunn opened the public hearing for Annexation 51 – Funderburk. Per applicant's request, Council Member Paxton made the motion to recess the public hearing until February 11, 2019. The motion was seconded by Council Member Romanow and passed unanimously.

3. 2020-2029 Transportation Improvement Program

Neil Burke, Planning Coordinator, CRTPO, presented the Council information on the 2020-2029 Transportation Improvement Program. The 2020-2029 Transportation Improvement Program presentation is attached to these minutes and therefore incorporated herein.

#### 4. Quarterly Financial Update

Finance Officer Marsha Gross presented the Council with the Quarterly Financial Update. Mrs. Gross also reported the audit went well however there was one finding regarding a missing pre-approved audit stamp on a few documents. Procedures had been developed so that the stamp was not excluded from invoices in the future. The Quarterly Financial Update ending September 30, 2018 is attached to these minutes and therefore incorporated herein.

#### 5. New Town Hall Financing RFP

Finance Officer Gross suggested the following regarding the Request for Proposals for the financing for the New Town Hall:

- Citing the loan amount at \$3M to allow for a reasonable buffer
- Exploring 7- and 10-year terms given the cash flow complications with the Pleasant Plains/Potters Road repayment from the state and county and the other major transportation projects on the horizon
- Requesting annual principal payments and monthly interest payments to allow for peak cash flow periods
- Not considering proposals with prepayment penalties
- Nov. 14 – RFP published in the newspaper
- Nov. 29 - deadline for RFP
- Dec. 10 - Council to approve financial institution and loan terms
- Jan. 9 – LGC approval of Town loan

Council held consensus to have a special meeting on Monday, Dec. 3 at 7 p.m. to discuss the New Town Hall financing proposals.

Council Member Romanow made the motion to have the Financing RFP published in the newspaper with the above listed perimeters on Nov. 7. The motion was passed unanimously after a second by Council Member Martin.

#### 6. Town Hall Streetscape

Town Manager Sewell reminded the Council that it had chosen to use \$20,000 of grant funds to fund the planning and engineering for the Town Hall Streetscape. Town Engineer Easterly would be doing the civil engineering on the project. Town Manager Sewell recommended using Destination by Design for all other engineering, design work, and construction documents on the project scheduled to be completed by Summer 2019.

In order utilize Destination by Design, Town Manager Sewell recommended approving the Resolution to Waive the Mini Brooks Act and to agree to the addendum of the Destination by Design Town

Center Master Plan contract to include the additional services for the Town Hall Streetscape design not to exceed \$20,000.

Mayor Dunn read the Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Destination by Design for the Town Hall Streetscape design into the record. Council Member Romanow made the motion to approve the Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Destination by Design for the Town Hall Streetscape design and to approve the addendum to the Destination by Design Town Center Master Plan contract. The motion was seconded by Council Member Scholl and passed unanimously by the Council.

The Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Destination by Design for the Town Hall Streetscape design is attached to these minutes and therefore incorporated herein.

#### 7. Transportation Improvement Analysis (TIA)

Town Engineer Easterly reminded the Council that it adopted a TIA Ordinance at its meeting in October. The TIA outlined the technical methodology, policy and procedures for traffic impact analysis for potential development. Due to this document, Engineer Easterly would be advertising an RFQ for a traffic engineering firm so that the Town could have a short list of qualified firms to be utilized on a rotating basis to conduct TIAs as development came to the Town.

Currently, a developer was looking to develop property at Chestnut and Weddington-Matthews Road. A TIA was warranted due to the nature of the intersection. Due to the fact that the Town had yet to approve a list of qualified firms to produce a TIA and that the developer had an aggressive schedule, the developer had requested the Town utilize the Design Resource Group to develop a TIA for that intersection. Therefore, staff requested the Council adopt the Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Design Resource Group for the TIA at Chestnut and Weddington-Matthews Road not to exceed \$25,000.

After Council discussion, Council Member Paxton made the motion to change the resolution to utilize Kimley Horn for the TIA at Chestnut and Weddington-Matthews Road. The motion was passed unanimously after a second by Council Member Martin.

Council Member Paxton made the motion to change the resolution to a price not to exceed \$35,000. Council Member Romanow seconded the motion which was passed unanimously.

Council Member Romanow made the motion to approve the Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Kimley-Horn for the TIA at Chestnut and Weddington-Matthews Road and to authorize the Town Manager to go into contract with Kimley-Horn for the TIA project on at Chestnut and Weddington-Matthews Road. Council Member Paxton seconded the motion. The motion received Council's unanimous support.

The Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31 to use Kimley-Horn for the TIA at Chestnut and Weddington-Matthews Road is attached to these minutes and therefore incorporated herein.

8. Closed Session Pursuant to NCGS 143.318-11(a)(5)

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143.318-11(a)(5). Council unanimously passed the motion after a second by Council Member Martin.

*Council went into closed session at 8:06 p.m. and reconvened in open session at 8:17 p.m.*

9. Whetstone Right-of-Way

Mayor Dunn opened the public hearing. Council Member Romanow made the motion to recess the public hearing until January 14, 2019. The motion received Council's unanimous support after a second by Council Member Scholl.

9.A. Communications Task Force

Town Manager Sewell explained to the Council that through a Communications Task Force Committee chaired by Deputy Town Manager Nichols, it was decided to not refill the Communications Specialist position and disburse the duties among the current staff. Council held consensus to concur with this decision.

10. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Romanow, and the motion received unanimous support. The meeting was adjourned at 8:25 p.m.

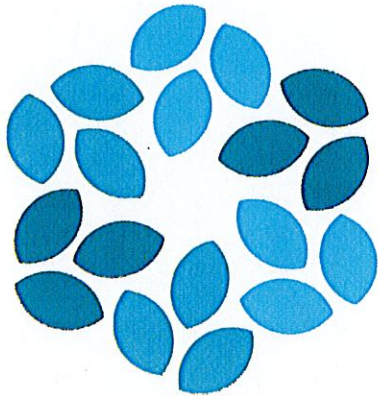
Approved on November 13, 2018.

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Wyatt Dunn, Mayor

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Erinn E. Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC



# PLANNING & ZONING

## TOWN of STALLINGS

### Town of Stallings

### Zoning Staff Report

<b>Case: CZ18.08.01</b>		
<b>Reference Name</b>	Epcon Communities	
<b>Request</b>	Proposed Zoning	CZ-MU1
	Proposed Use	Single Family/Multi Family
	Number of Lots	146 (108 SFR/24 Duplexes/14 Flex)
<b>Existing Site Characteristics</b>	Existing Zoning	R-20
	Existing Use	Vacant Land
	Site Acreage	50.385
<b>Applicant</b>	Epcon Communities	
<b>Property Owner(s)</b>	Griffin, Gunn	
<b>Submittal Date</b>	August 1, 2018	
<b>Location</b>	Lawyers Road @ Allen Black Road	
<b>Tax ID(s) #</b>	K8321004, K8321004A, D8321004, D8321004A, 08321003	
<b>Plan Consistency</b>	Land Use Plan	Walkable Neighborhood
	Designation	
<b>Recommendation</b>	Planning Board	
	Town Council	

#### Background

On March 18, 2018, Epcon Communities presented a request to Town Council for conditional zoning on property located at Allen Black and Lawyers Road. At this meeting several members of the community were present to speak concerning the proposal. The Town Council made a unanimous decision to deny the project based on the following:

1. Concerns for traffic impact to adjoining roads.



2. Concerns for impact to adjacent neighborhoods.
3. Buffering between the proposed development and the Stevens Mill neighborhood.
4. Storm Water Impact
5. Impact on Home Values

The Stallings Development Ordinance has since been updated and allows for resubmittal of a conditional zoning request to occur in 4 months of a decision being rendered. Epcon has resubmitted the site plan considered and subsequently denied for conditional zoning on March 18, 2018. No changes have been made to the site plan. However, the amount of funds they are offering to contribute towards road improvements has been increased from \$50,000 to \$250,000.

**Request:**

Epcon Properties has submitted a conditional zoning application that will allow the following properties to be rezoned from R-20 (single family) to CZ-MU1 (conditional mixed residential): Griffin properties, K8321004, K8321004A, D8321004, D8321004A; Gunn property, 08321003.

The applicant's intent is to develop a 146-lot mixed residential development consisting of 107 single family units, 24 duplexes and 14 flex lots.

**Property Location/ Existing Conditions:**

The subject property is located south-east of the I-485 Lawyers Road interchange, north-west of Stevens Mill Road. The unit of land that would connect this neighborhood to Allen Black Road is in unincorporated Union County and the Town of Mint Hill. All involved property is zoned R-20.

<b>Zoning and Use of Adjacent Property:</b>				
<b>North</b>	R-20/Residential Low Density	Union County	Field Lark Trail Subdivision	A single-family subdivision. Minimum lot size 1 acre 1/2 acre.
<b>South</b>	SFR1/Residential Low Density	Town of Stallings	Willowbrook Subdivision	A single-family subdivision. Minimum lot size 20,000 sq. feet.
<b>East</b>	SFR1/Residential Low Density	Town of Stallings	Stevens Mill Subdivision	A single-family subdivision. Minimum lot size 20,000 sq. feet.
<b>West</b>	R-20/Residential Low Density	Town of Mint Hill	Individual residential tracts fronting Allen Black Rd.	Lot sizes over an acre.

**Future Land Use Designation**

The Stallings Comprehensive Land Use Plan has identified the future land use of the subject properties as *Walkable Neighborhood*. A walkable neighborhood offers residents the ability to live, play, and often shop and work in one connected community. These neighborhoods include a mixture of housing types and residential densities integrated with goods and services. Goods and services can be within or adjacent to the neighborhood, but connectivity is the key. The design and scale of the development encourages active living through a comprehensive and interconnected network of walkable streets. Walkable neighborhoods support multiple modes of transportation.

**Community Meeting**

A requirement of the Conditional Zoning process is a community meeting be held by the applicant and a report of this meeting submitted to the Town and presented to the Planning Board and Town Council. Epcor Communities held the required community meeting on August 20, 2018 at 6:00 pm. A copy of the required community meeting report is attached.

**ZONING REQUIREMENTS/SITE PLAN ANALYSIS**

**Requested Zoning:**

CZ-MU1 is an area zoned for mixed residential use to include single-family and multi-family housing types. The requested conditional zoning will allow for a minimum lot size of 5,800 square feet

<b>Proposed Development Standards</b>	
<b>Number of Lots</b>	146 total 107 Single Family 24 Duplex Units 14 Flex Lots
<b>Minimum Lot Width</b>	53'
<b>Minimum Lot Area</b>	5,800
<b>Front Yard Setback</b>	20'
<b>Rear Yard Setback</b>	10'
<b>Side Yard Setback</b>	5'
<b>Open Space</b>	17.5 acres/35%
<b>Density</b>	2.87 units per acre

**Proposed Density of Project**

The applicant is proposing a density that is 2.96 units per acre. Nearby developments are consistently 2 units per acre (Stevens Mill, Willowbrook). Other large acreage tracts also define the land use pattern of the area.

**Open Space/Dedication of Land for Park, Recreation and Open Space**

Article 21 of the Stallings DO require 7.5% open space for the proposed project. When applied to the subject site; a minimum of 3.78 acres would need to be set aside as open space. The submitted site plan shows 17.50 acres of open space, exceeding the minimum requirements.

Article 21.3 of the Stallings DO requires park land be provided on the site at a rate of 1/35<sup>th</sup> of an acre per dwelling unit. The applicant is proposing to construct 146 units, which equals 4.178 acres. The Town would require that this acreage be dedicated to the Town for use as parkland in circumstances where the property can be utilized and accessed by all residents of the Town. When this criterion cannot be met, there is an option to pay a fee in lieu of parkland that is based on the tax value of the property.

The ordinance also requires that open space areas accessible and developed in one of the

### **Street Trees/Project Boundary Buffers/Tree Save Requirements**

Street trees are required along all street frontages for all new developments. One large maturing tree required for every 80 linear feet of street frontage

The applicant is proposing a 30' project boundary buffer around the entire project. A 20' street buffer is also required.

The Stallings UDO Article 11.8-3 requires a tree conservation area of 6% with requirements that encourage saving trees that are 4" DBH or greater and located in buffer yards. The required 6% equates to 3 acres of the subject property. The submitted site plan shows 17.50 acres of open space, exceeding the minimum requirement. The applicant intends to incorporate this acreage into his open space area, which is permitted by the DO. If approved, a tree survey showing tree cover will need to be submitted as a part of the permitting process.

### **Connectivity/Roads**

The Stallings DO encourages connectivity between developments and/or to adjacent vacant land. The submitted site plan provide for this connectivity where adjacent to vacant land.

Road improvements in the form of turn lanes and accel/decel lanes will possibly be required by NCDOT if the development is approved

The entrance road into the proposed project will be located approximately 500' from the Stevens Mill Road/Lawyers Road intersection. Staff is concerned with the impact this will have on traffic patterns in the area where congestion already exists.

### **Traffic Impact**

Kimley Horn conducted a TIA based on NCDOT Traffic Generation Manual it is anticipated that the proposed development will generate the following trips:

LAND USE	SIZE	DAILY TRIPS	PEAK HOUR TRIPS			
			AM		PM	
Senior Adult Housing/ Detached Housing (ITE 251)	146 DU	785	ENTER	EXIT	ENTER	EXIT
						18

The study also revealed that the current level of service in the area ranges from C – F (see pages 10-16) and will decrease as a result of the proposed subdivision, barring no roadway improvements.

In order to alleviate the impact of the development, the following roadway improvements will be required:

1. Lawyers Road and Stevens Mill Road (Town Request)
  - Construct as eastbound right turn lane on Lawyers Road with 175 feet of storage and appropriate taper.
2. 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.
3. 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).
4. 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.

### Stormwater

Due to flooding potential in the area, staff requested the applicant provide a copy of their preliminary stormwater study. The Town Engineer reviewed and had the following comments:

*I reviewed the HydroCad report for the 6 stormwater detention structures associated with the Epcon site. The 2 through 50 year, 6 hr Type II storm event runoff release rates are routed through the Sand Filter and Wet Pond basins without overtopping. The basins attenuate (reduce) the outlet flow rates from the inflow flow rates based on the grade assumptions provided. If the project was to move forward, the basin sizes may have to be revised per more accurate final grade information from field survey.*

*The Stevens Mill properties that are in proximity downstream will see reduced flow rates with the corresponding storm events. Looking at the HydroCad reports the attenuation (reduction) rates vary from a low of 51% (sand filter #2 50 yr.) to a high of 99% (wetpond #4 2 yr.)*

### **Potential Impact on Local Schools**

When considering the need for additional classroom space, Union County Public Schools uses a formula based on demographics to determine whether a proposed development will increase the student population to that schools watch or cap level. Comments received from Don Ogrom with UCPS are as follows:

“The proposed 146 sfu will be within the following school attendance areas for the 2018-19 school year:

Stallings Elementary School

Porter Ridge Middle School

Porter Ridge High School

Stallings ES is currently at 77% capacity. However, both Porter Ridge MS and Porter Ridge HS are above 95% capacity and are no longer accepting transfers per Board of Education policy. Additional residential construction could push these two schools above their maximum capacity. High enrollments contribute to problems such as additional mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the media center, insufficient parking and queuing space for parents to safely deliver or pick up their children, and inadequate planning/meeting space for additional staff.”

However, the proposal for a 55+ community will have minimal impact on schools compared to a traditional single-family development.

### **STAFF COMMENTS AND RECOMMENDATION**

The proposed development, as revised meets the goals and objectives set forth by the Stallings Comprehensive Land Use for *Walkable Neighborhoods*.

### **Concerns**

- Storm Water - Storm water issues exist in the area. Flooding is common in parts of the Stevens Mill neighborhood and along Lawyers during heavy rain events. Storm water controls will be an important component of the proposed development if approved. Proposed location of storm water facilities along Stevens Mill Road, need to ensure these are designed to aesthetically enhance the area.

- Traffic – Staff has a concern with the location of the project entry drive and its proximity to the intersection of Lawyers and Stevens Mill. This intersection is heavily traveled and is currently under designed. Adding 146 homes to the area will further increase the difficulty residents experience in attempting to maneuver this area. However, the donation of \$250,000 will help solve this issue.
- Entry Drive – The proposed entry drive is within 500' of the Stevens Mill/Lawyers Road intersection. Staff is concerned that the additional cars produced by this development will create an unsafe situation for residents.

If approval is considered by the Board, Staff would recommend the following conditions:

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.
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 showing grading that preserves the natural topography and eliminates the need for v-ditches. The submitted plan must meet the satisfaction of the Town as approved by the Development Administrator prior to issuance of a permit for construction.
8. The minimum square footage for homes within the development will be 2,200 square feet for a two-story house, and 1,800 square feet for a one-story house.

9. The following improvements identified by NCDOT 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 for timing of offsite improvements:

**Lawyers Road and Stevens Mill Road (Town Request)**

- Construct as eastbound right turn lane on Lawyers Road with 175 feet of storage and appropriate taper.

**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.

10. A multi-use path will be installed along the property's frontage on Stevens Mill Road as required by the Stallings DO and Pedestrian Plan. Right of way will be acquired and a sidewalk connection made along Lawyers Road from this multi-use path to the entrance of the Stevens Mill subdivision.

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. 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.

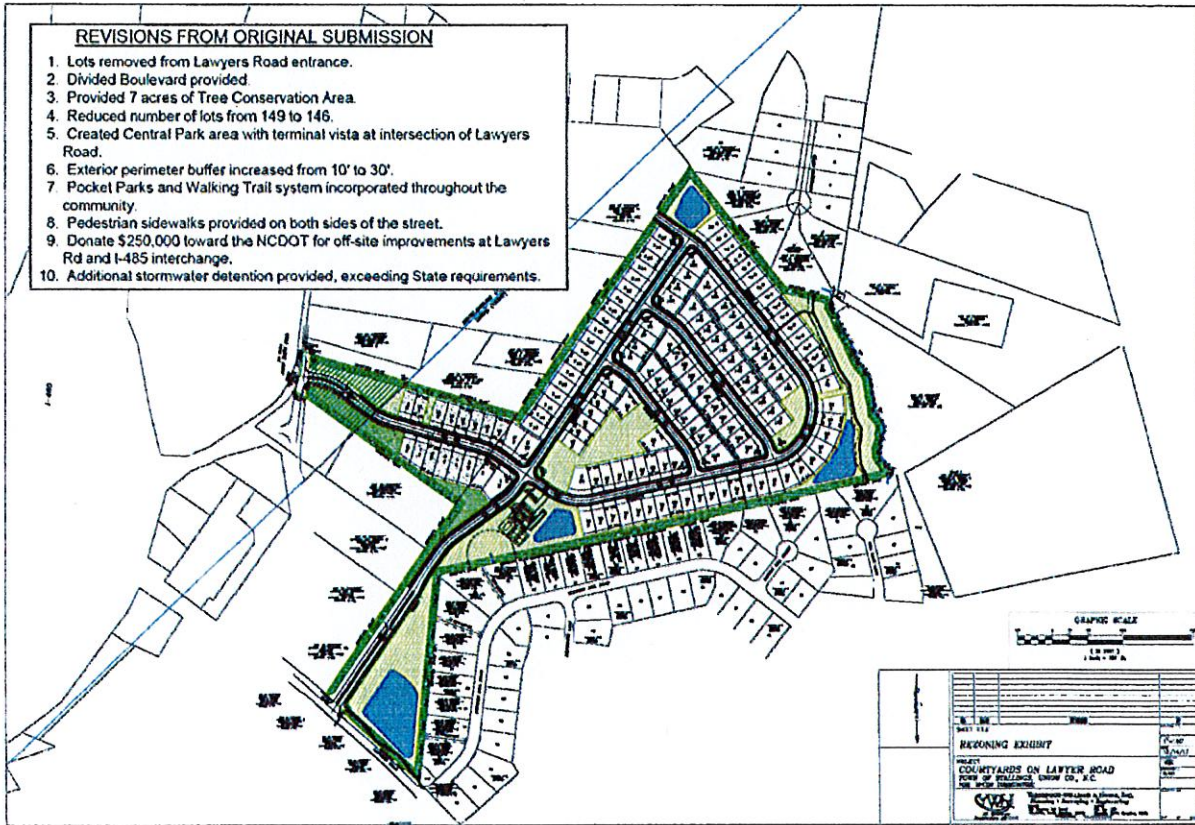
Development Standards for the project will be as follows:

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%



**REVISIONS FROM ORIGINAL SUBMISSION**

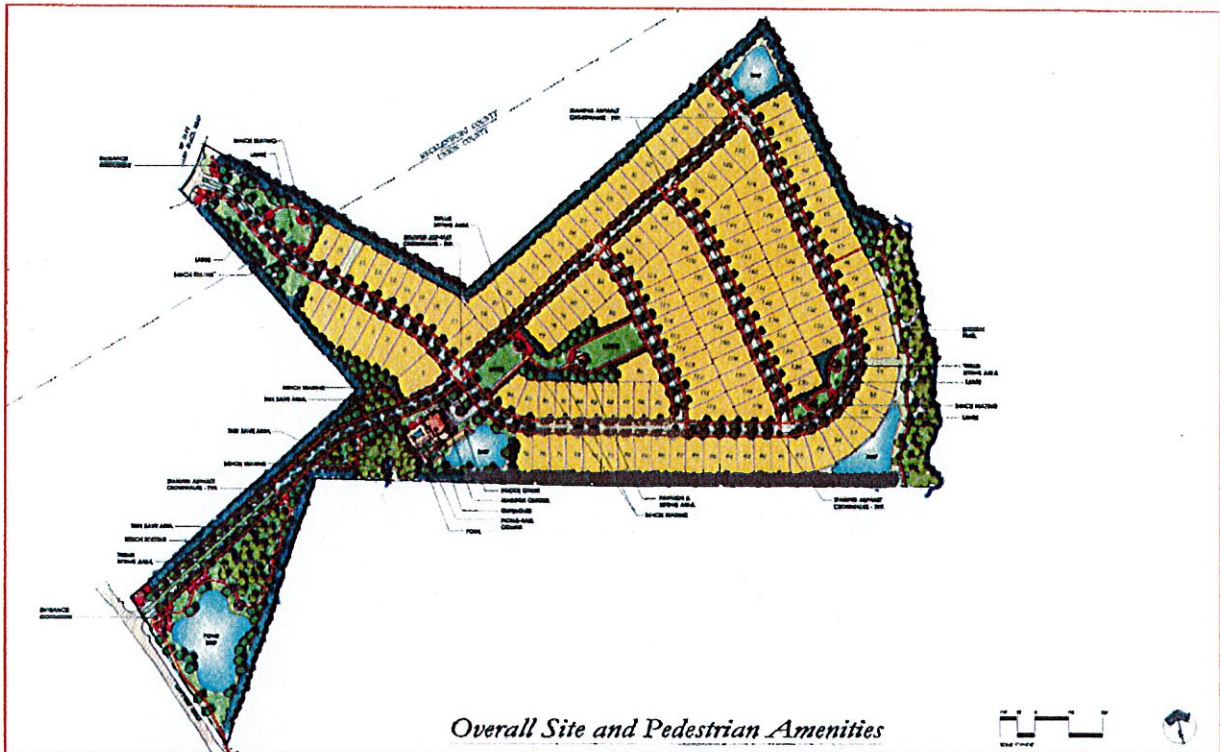
1. Lots removed from Lawyers Road entrance.
2. Divided Boulevard provided
3. Provided 7 acres of Tree Conservation Area.
4. Reduced number of lots from 149 to 146.
5. Created Central Park area with terminal vista at intersection of Lawyers Road.
6. Exterior perimeter buffer increased from 10' to 30'.
7. Pocket Parks and Walking Trail system incorporated throughout the community.
8. Pedestrian sidewalks provided on both sides of the street.
9. Donate \$250,000 toward the NCDOT for off-site improvements at Lawyers Rd and I-485 interchange.
10. Additional stormwater detention provided, exceeding State requirements.



tabbles  
**B**  
**EXHIBIT**

GRAPHIC SCALE	
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SHEET 114  
**REZONING EXHIBIT**  
 PROJECT: COURTYARDS ON LAWYERS ROAD  
 TOWN OF HAZLEWOOD, HENRY CO., S.C.  
 FOR THE CITY ENGINEER  
 DATE: 11/11/11  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]



Overall Site and Pedestrian Amenities





*Lawyers Road Entrance, Pond, Pedestrian Walks, and Sitting Area*



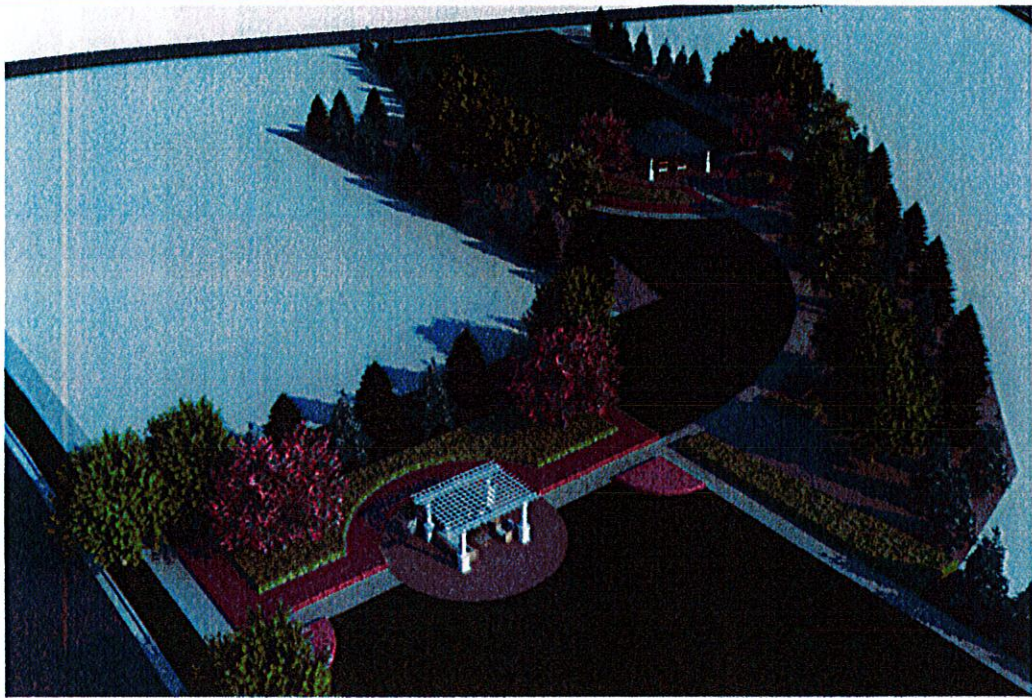
EPCON  
Communities

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VIZ





*Central Park Aerial View*

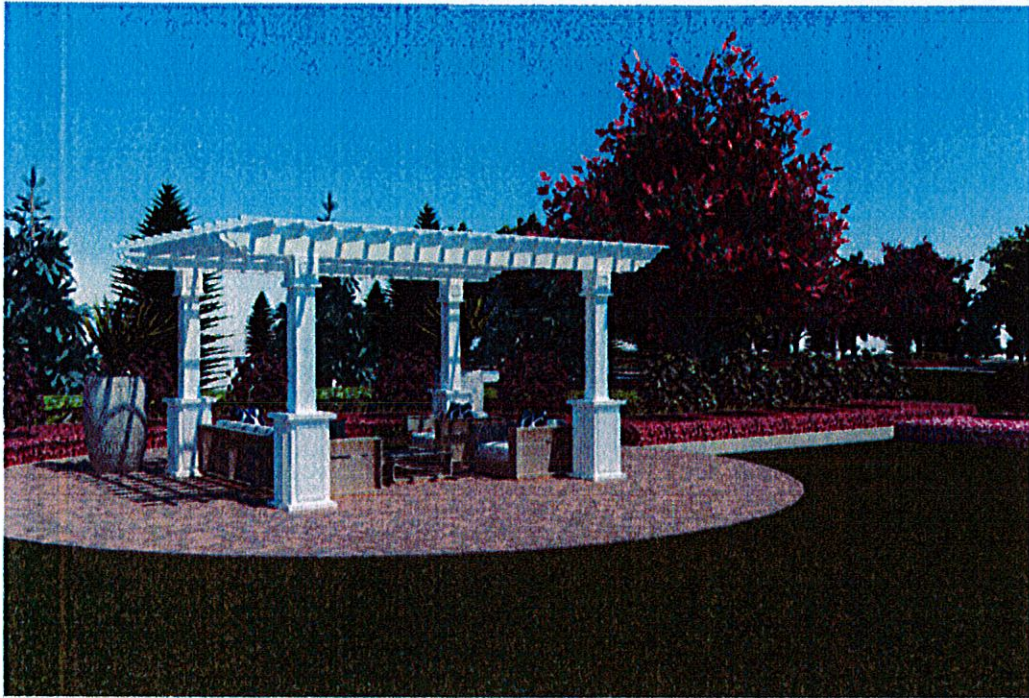


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*Central Park Lawn and Pergola Sitting Area*



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*Central Park Pavilion and Sitting Area*

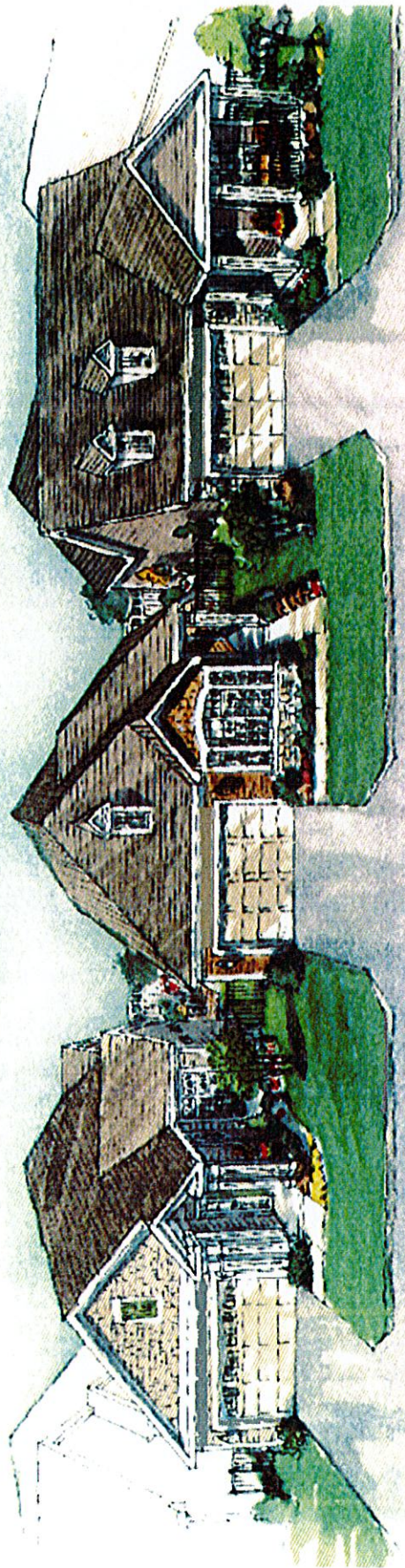


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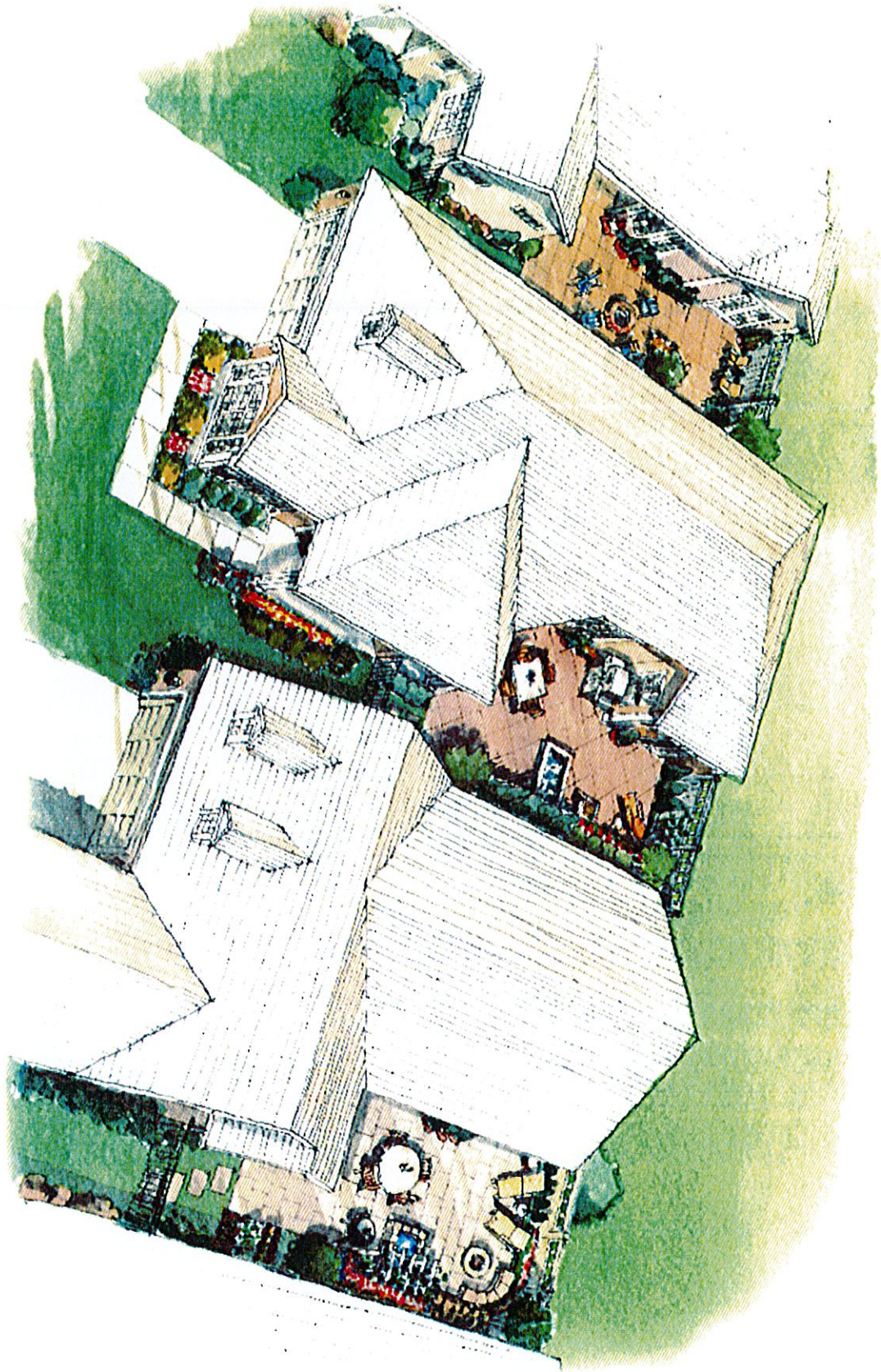
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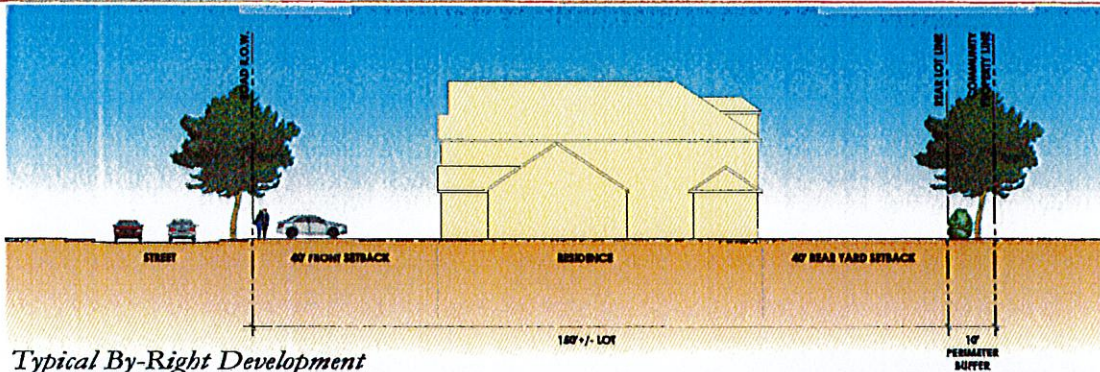
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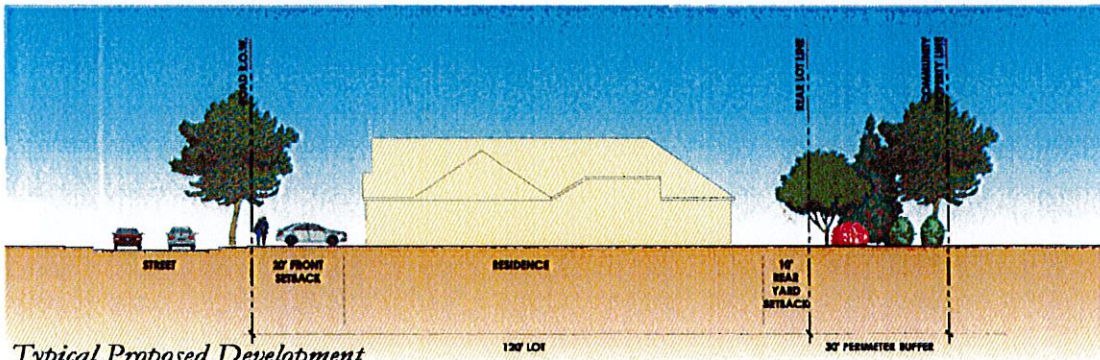








*Typical By-Right Development*



*Typical Proposed Development*

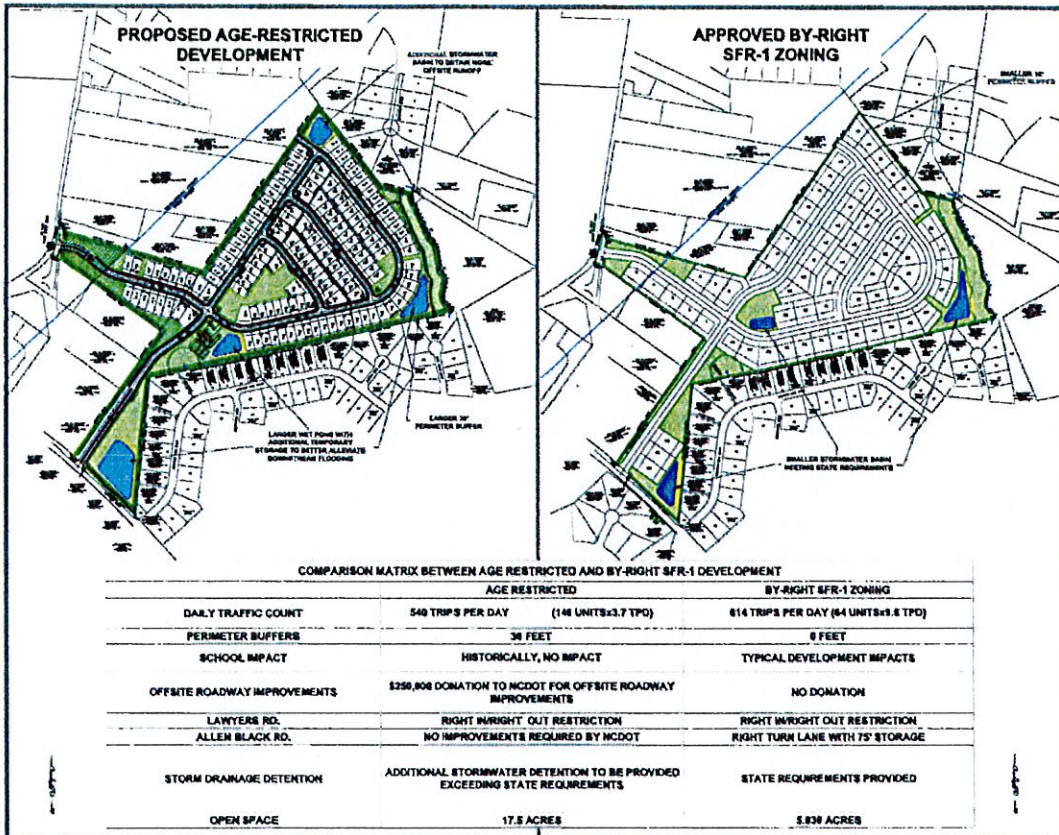


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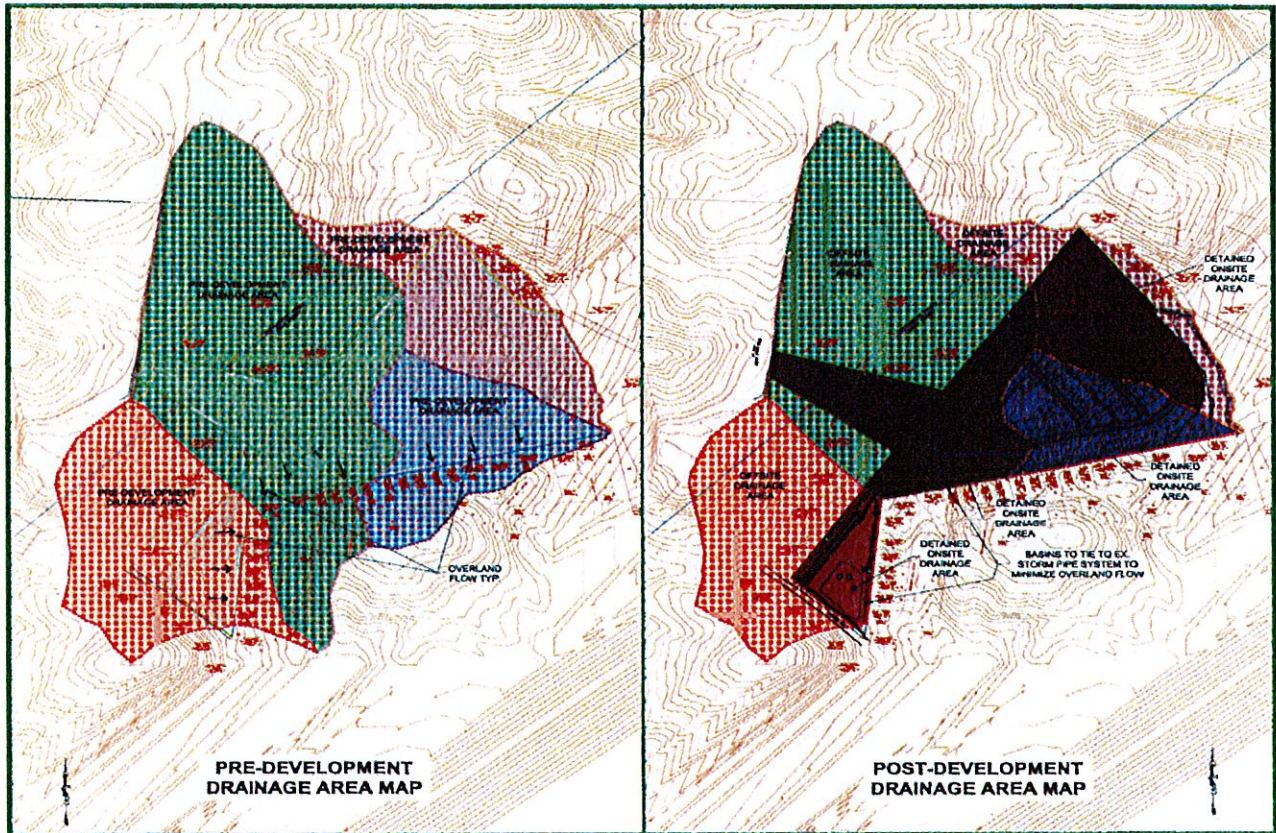
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**COMMUNITY MEETING REPORT**  
**Applicant: EPCON Communities**  
**Rezoning Application No. CZ18.08.01**

This Community Meeting Report is being filed with the Town of Stallings Planning Department pursuant to the provisions of the Town of Stallings Development Ordinance.

**DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on Monday, August 20, 2018 at the Stallings Town Hall located at 315 Stallings Road, Stallings, North Carolina.

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit A. The Applicant's representatives at the Community Meeting were Bob Kardos of the Applicant, Vince Keene of Yarbrough-Williams and John Carmichael of Robinson Bradshaw & Hinson, P.A.

**SUMMARY OF ISSUES DISCUSSED:**

The Applicant's representatives utilized a power point presentation during the Community Meeting, a copy of which is attached hereto as Exhibit B.

Lynne Hair, Town Planner, welcomed everyone to the Community Meeting. She stated that the Community Meeting is the first step in the rezoning process. She stated that the Applicant will share its development plan and answer questions. Ms. Hair stated that there will be two more meetings in this process. The Planning Board will consider this Application at its meeting on September 18, 2018, and the Public Hearing on this Application will be held before the Town Council on October 8, 2018. Ms. Hair stated that there will not be a decision on this Application tonight.

Bob Kardos of the Applicant, EPCON Communities, then addressed the meeting. Mr. Kardos thanked everyone for attending the meeting. Mr. Kardos stated that he is the Regional President of EPCON Communities. Mr. Kardos stated that the proposed project is an age-restricted residential community that would be called the Courtyards on Lawyers Road.

Mr. Kardos stated that EPCON Communities has obtained the approval from the Town of Stallings of a by right subdivision plan for the site that is the subject of this Application. Under the by right plan, 64 single-family homes could be developed on the site. The site is currently zoned SFR-1, which allows for 20,000 square foot single-family lots by right.

Mr. Kardos stated that the proposed age-restricted community is an alternative to the by right development plan.

Mr. Kardos stated that a traditional single-family home is typically occupied by adults and children and it is typically located on a larger lot.

An age-restricted community is occupied primarily by residents that are 55 years of age or older. Under the law, 80% of the occupants in an age-restricted community must have one member of the household that is 55 years of age or older.

Mr. Kardos stated that the attendees will recall that EPCON attempted to obtain the approval of an age-restricted community on this site earlier this year. Mr. Kardos stated that the site plan for

the proposed age-restricted community has been revised. Mr. Kardos shared a slide that highlights the revisions from the original submission.

Mr. Kardos stated that the by right plan for the site has received approval since the original submission. The new site plan for the proposed age-restricted community conforms to the recently adopted Development Ordinance. EPCON is now offering to donate \$250,000.00 to NCDOT for off-site transportation improvements rather than the \$50,000.00 offered in connection with the original submission. EPCON has increased its donation because it wants to be part of the solution to transportation issues in this area.

EPCON has hired Kimley Horn & Associates to produce a traffic impact analysis relating to this proposed development even though a traffic impact analysis is not required. Kimley Horn is the engineering firm recommended by the Town. Neither the by right development plan nor the age-restricted community development plan trigger the requirement for a traffic impact analysis.

Mr. Kardos stated that he believes that the traffic impact analysis will show that under an age-restricted community, the site would generate less traffic than 64 traditional single-family homes that could be developed by right on the site. This is because a traditional single-family home generates 9.6 vehicular trips per day. Mr. Kardos stated that the traffic impact analysis cannot be completed until school is in session because traffic counts need to be taken when school is in session. Mr. Kardos stated that the traffic impact analysis will contain recommendations for transportation improvements.

Mr. Kardos stated that Kimley Horn will also confirm the conclusions of Yarbrough-Williams about storm water matters. The engineers will compare the storm water detention required under the by right development plan to the storm water detention being offered under the age-restricted community plan. Mr. Kardos stated that he believes that Kimley Horn will find that the by right plan meets the state requirements for storm water detention, and that the detention being proposed under the age-restricted plan exceeds the state requirements for storm water detention. Mr. Kardos stated that the engineers will also look at public water and sewer capacity and identify any required off-site improvements related to public water and sewer.

With respect to school impacts, Mr. Kardos stated that a traditional single-family neighborhood generates a good amount of school-aged children, whereas an age-restricted community typically does not have many school-aged children. Mr. Kardos stated that in EPCON's other age-restricted communities, less than 2% of the households have school-aged children, and one third of the households typically have a single occupant.

Mr. Kardos then reviewed in more detail the slide that lists and depicts the revisions to the age-restricted plan from the original submission. The revisions are set out below.

1. The lots have been removed from the Lawyers Road entrance in order to create a view shed buffer on Lawyers Road.
2. Added a divided boulevard at the entrance into the site with heavy landscaping.
3. Provided seven acres of tree conservation.
4. Reduced the number of lots from 149 to 146.
5. Created a central park area with a terminal vista of the intersection of Lawyers Road.
6. Increased the perimeter buffer from ten feet to thirty feet. Under the by right development plan, no buffer is required.

7. Added pocket parks and a walking trail system throughout the community.
8. Pedestrian sidewalks are provided on both sides of the street.
9. Increased the donation to NCDOT for off-site transportation improvements from \$50,000.00 to \$250,000.00.
10. Additional storm water detention is provided that exceeds state requirements.

Mr. Kardos then showed a slide depicting the entrance into the proposed age-restricted community from Lawyers Road, and a slide that depicts the monument signage for this proposed age-restricted community. Mr. Kardos then shared a slide that depicts the Central Park. Mr. Kardos shared a slide that shows a pergola and sitting area in the Central Park. Mr. Kardos shared an additional slide that depicts another sitting area in the Central Park and a pavilion.

Mr. Kardos then showed elevations of the homes proposed for the age-restricted community and described the homes.

Mr. Kardos stated that residents in an age-restricted community typically do not want large homes and large lots, and they want minimal maintenance. In this age-restricted community, the homeowners association would maintain the exterior areas except for the private courtyards. The courtyards are located on the sides of the homes in between the homes as you can see. There would be no active space in the backyards of the homes. The backyards are typically ten feet deep. Mr. Kardos stated that the community would not allow outdoor storage buildings or any swing sets or playgrounds in the backyards.

Mr. Kardos stated that a traditional single-family neighborhood may have two-story homes, whereas this age-restricted community would have one-story homes with an optional loft. Mr. Kardos stated that a traditional single-family home typically has a larger front setback. Once again, Mr. Kardos stated that homeowners in age-restricted communities want smaller lots.

Mr. Kardos then shared and discussed the slide that compared elements of the proposed age-restricted community to a development on the site pursuant to the approved by right plan. Mr. Kardos stated that he believes that the engineers will validate these comparisons.

Mr. Kardos stated that the age-restricted community would generate less vehicular trips per day than the by right development. This is because a traditional single-family home generates more daily vehicular trips than a home in an age-restricted community.

Mr. Kardos stated that the perimeter buffer for the proposed age-restricted community would be thirty feet, and the by right development would not require a perimeter buffer.

With respect to school impacts, an age-restricted community typically has no impact on schools. The by right development plan would have the typical school impacts of a traditional single-family neighborhood.

This age-restricted community would donate \$250,000.00 to NCDOT for off-site transportation improvements, and no donation would be required in connection with the development of the by right plan.

With the age-restricted plan, additional storm water detention that exceeds the requirements of the state would be provided. With respect to the by right plan, detention would not be required to exceed state requirements.



Under the age-restricted plan, 17.5 acres of common open space would be provided, and under the by right plan, just over five acres of common open space would be provided.

Mr. Kardos stated that access into the site from Lawyers Road would be restricted to right-in, right-out movements. Mr. Kardos stated that NCDOT would require the construction of a median on Lawyers Road at the entrance into the site.

Mr. Kardos then shared an exhibit that depicts storm water drainage from the site under the proposed age-restricted plan and under the by right plan.

The Community Meeting was then devoted to a question, answer and comment session. Set out below is a summary of the responses to the questions as well as the comments and concerns that were expressed at the meeting.

- An attendee asked if the additional storm water runoff that would be generated by this proposed development has been accounted for, and Mr. Kardos stated that it has been accounted for. They do a pre-development calculation and a post-development calculation. Mr. Kardos stated that the storm water would be directed to natural drainage areas or to storm water ponds and then controlled and discharged.
- An attendee stated that with one entrance into the site from Lawyers Road, there is a concern with u-turns at the entrance into the Stevens Mill neighborhood to get into this development. Mr. Kardos stated that there would be two entrances into this community. An entrance from Lawyers Road and an entrance from Allen Black Road.
- An attendee stated that nevertheless, cars driving south on Lawyers Road will do a u-turn and then go into the site. Mr. Kardos stated that EPCON wants the entrance on Allen Black Road to be the main entrance and the marketing entrance. The proposed homes would also be located closer to Allen Black Road. Mr. Kardos stated that he anticipates that vehicles traveling south on Lawyers Road would take a left onto Allen Black Road from Lawyers Road utilizing the left-turn lane and then enter the site from Allen Black Road.
- An attendee asked Mr. Kardos if he has tried to make a left turn onto Allen Black Road during rush hour, and Mr. Kardos said he has not done so. However, we are having a traffic impact analysis prepared to look at these issues.
- In response to a question, Mr. Kardos stated that EPCON would donate \$250,000.00 to NCDOT for off-site transportation improvements.
- An attendee asked Mr. Kardos if EPCON would increase the amount of its donation, and Mr. Kardos stated that he will wait to see what the traffic impact analysis provides.
- In response to a question, Mr. Kardos stated that he wants the \$250,000.00 donation to be earmarked for certain improvements, but what the money is ultimately used for is not up to EPCON.
- An attendee stated that she lives at The Courtyards at Emerald Lake, and she cannot get out of her community during rush hour.
- An attendee asked if the folks in attendance believe that this site will remain vacant forever. This attendee stated that he wants the site to be developed with a project that has less of an impact on the community. This individual stated that something will ultimately go on this site.

- An attendee expressed concerns regarding the additional traffic that would be generated from this proposed development. Mr. Kardos stated that the development would add more traffic to the surrounding transportation network.
- In response to a question, Mr. Kardos stated that EPCON would install a sidewalk along the site's frontage on Lawyers Road.
- In response to additional concerns regarding traffic, Mr. Kardos stated that EPCON has hired an engineer to perform a traffic impact analysis. He reiterated that EPCON would donate \$250,000.00 to NCDOT for off-site transportation improvements. He stated that he does not know where or how the \$250,000.00 would be spent.
- In response to a question, Mr. Keene stated that the entrance into the site from Lawyers Road would be located approximately 350 to 400 feet from Stevens Mill Road. Mr. Kardos stated that the location of the entrance into the site from Lawyers Road would meet the requirements of NCDOT for spacing and sight distance.
- An individual stated that it is a misconception that an age-restricted community will not have an impact on area schools. This individual stated that she has read an article that stated that one in five grandparents are responsible for getting their grandchildren to school. She also stated that she has read an article that stated that one in nine grandchildren are raised by their grandparents.
- An attendee stated that folks over 55 years of age do not necessarily stay at home.
- Mr. Kardos stated that from our data, less than 2% of our residents have children living with them.
- An attendee who lives at The Courtyards at Emerald Lake stated that there are no school-age children living in The Courtyards at Emerald Lake.
- Mr. Kardos stated that the average age of a buyer of an EPCON home in an age-restricted community is 66 years of age. The average sales price of a home is \$450,000.00, and less than 2% of the residents have school-aged children living with them.
- An additional attendee expressed concerns regarding traffic in the area.
- In response to a question, Mr. Kardos reiterated that he would seek to have the \$250,000.00 donation earmarked for certain transportation improvements in this area.
- In response to a question, Mr. Kardos stated that his goal is to have the reports and studies to be prepared by Kimley Horn completed prior to the Planning Board meeting.
- An attendee asked if Mr. Kardos would provide a copy of the reports and studies to Ms. Hair for distribution to the public. Mr. Kardos stated that he would consider providing an executive summary of these reports and studies to Ms. Hair for distribution to the public.
- An attendee asked if recommended transportation improvements would be in the executive summary, and Mr. Kardos said that they would.
- An attendee asked if \$250,000.00 doesn't cover the cost of transportation improvements to cover this proposed development, where would the difference come from. Mr. Kardos stated that those funds would come from another source.

- A resident of The Courtyards at Emerald Lake stated that traffic is backed up in both directions during rush hour on Lawyers Road.
- An attendee stated that he moved here from Charlotte. This site will be developed with something, and he prefers that a development such as this be located on the site because it has less of an impact on schools and transportation. This individual stated that the site could be developed as a shopping center. In response, an attendee stated that he is on the Planning Board and that a shopping center would not go on the site and neither would apartments.
- Mr. Kardos stated that the main point he is trying to make is that the age-restricted plan has less of an impact on schools and the transportation network than the by right plan. Mr. Kardos stated that he anticipates that this will be validated by the engineers.
- An attendee asked that if the by right plan is approved, why is EPCON proposing the age-restricted plan. Mr. Kardos stated that EPCON is an age-restricted community developer that provides smaller homes on smaller lots with exterior maintenance. EPCON does not develop traditional single-family communities. Moreover, Mr. Kardos feels that the age-restricted plan is a more appropriate product for the Town of Stallings and its residents.
- In response to a question, Mr. Kardos stated that EPCON has completed six developments in the Charlotte metro area and has six communities in some stage of development.
- An attendee stated that he has been through this process three times for this site, and not much has really changed.
- In response to a question, Mr. Kardos stated that this plan has three fewer lots than the plan that was originally submitted.
- In response to a question, Mr. Kardos stated that there would not be a left-turn lane into the site from Lawyers Road because NCDOT wants a median installed on Lawyers Road and to restrict the movements at this intersection to right-in, right-out. Mr. Kardos stated that there is a left-turn lane on Lawyers Road onto Allen Black Road.
- In response to a question, Mr. Kardos stated that EPCON would not develop the by right plan. EPCON develops only age-restricted communities.
- In response to a question regarding the location of the duplex units, Mr. Kardos stated that the duplex units would be located in the central portion of the site. The single-family units would be located around the perimeter of the site.
- An attendee asked if there would be any transportation improvements if the site is developed pursuant to the by right plan. Mr. Kardos stated that there would be no required off-site transportation improvements if the site were developed pursuant to the by right plan. This is true even though the by right plan would generate more traffic than the age-restricted plan.
- An attendee stated that it would be better to get a left-turn lane into the site from Lawyers Road.
- An attendee asked if the Allen Black Road entrance is being proposed as the main entrance. Mr. Kardos stated that it depends on the direction you are traveling. If you are going north on Lawyers Road, you would likely make a right turn into the community from Lawyers

Road. If you are going south on Lawyers Road, you would likely take a left turn onto Allen Black Road utilizing the left turn lane and then enter the site from Allen Black Road.

- An attendee stated that no matter which plan is being discussed, there is already enough traffic congestion on Lawyers Road.
- In response to a question, Mr. Kardos stated that the Town can stop the age-restricted plan from being developed by not approving the rezoning of the site. At this point, the Town could not stop the by right plan from being developed.
- An attendee stated that retired individuals typically avoid rush hour traffic. Retired persons do drive on the streets, but they typically avoid rush hour traffic and don't influence rush hour traffic. This person stated that an age-restricted development is the best option for the site.
- An individual asked if the duplex units count towards the 146 homes. Mr. Kardos stated that the duplex units count as two dwelling units, so they do count towards the maximum of 146 homes allowed on the site under this plan.
- An individual asked how the age-restricted element of the plan is enforced and Mr. Kardos stated it is enforced under the federal guidelines.
- In response to a question, Mr. Kardos stated that EPCON initially manages the community and then management is transitioned to the homeowners association that would ultimately be controlled by the homeowners.
- In response to a question regarding who would enforce the age-restricted component of this development ten years from now, Mr. Kardos stated that the municipality would enforce it.
- An attendee had a question for Ms. Hair. This attendee asked if the state is planning to construct improvements to Lawyers Road, and Ms. Hair stated that she is not aware of any improvements that are currently planned.
- An attendee expressed concerns about traffic congestion and u-turns at Stevens Mill Road.
- An attendee stated that this age-restricted plan is a big improvement over the prior plans.
- Ms. Hair stated that sometimes when funds are contributed to a project by an outside developer, the project is moved along a little quicker.
- An individual asked if the notice of this meeting had been posted, and Ms. Hair stated that it should have been.
- An individual asked how many times the same developer can come back to try to rezone a site, and Ms. Hair stated that upon the expiration of the waiting period, the developer has a legal right to ask for another rezoning of the site.
- An individual stated that EPCON should engage the community more in designing the plan and should reduce the density. This individual stated that the proposed age-restricted plan is essentially the same plan just with three less units.
- Mr. Kardos stated that he has reached out to the Stevens Mill community because that would be the most impacted community. He stated that he has been working with individuals in that community. He stated that as a result of his conversations with residents of the Stevens Mill community, the width of the perimeter buffer has been increased, and the capacity of the storm

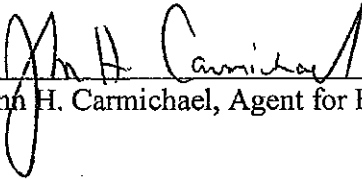
water facilities has been increased. Mr. Kardos stated that he is happy to have more dialogue with area residents.

- An attendee asked if everyone in the adjacent neighbors should have received a notice of this meeting. Ms. Hair stated that the adjacent property owners should have received a notice of this meeting.
- In response to a question, Mr. Kardos stated that this community would have a clubhouse and a swimming pool.
- An attendee stated that the Town should widen Lawyers Road before any further development takes place.
- In response to a question regarding where sewer would come into the development, Mr. Keene showed on the plan where sewer would enter the site.
- An attendee asked Mr. Keene if connecting sewer to the site would disturb the Stevens Mill neighborhood, and Mr. Keene indicated that it would not.
- In response to a question, Mr. Kardos stated that a 30 foot perimeter buffer would be installed around the entire perimeter of the site, and additionally, a privacy fence would be installed next to the Stevens Mill community.
- In response to a question, Mr. Kardos stated that the storm water ponds would serve as sediment ponds initially, and then they would be converted to true storm water ponds.
- In response to a question, Mr. Kardos stated that sidewalks would be installed in the public areas first and then in front of lots as homes are developed.
- In response to a question, Mr. Kardos stated that grading would not occur in the buffer areas. The buffer areas would remain undisturbed. However, small equipment would be used in the buffer area as necessary to install the privacy fence next to the Stevens Mill community.
- In response to a question regarding supplemental landscaping in the buffer areas, Mr. Kardos stated that he would take a look at it.
- Mr. Kardos stated that there would be a landscape plan for this community.
- In response to a question, Ms. Hair confirmed that a buffer would not be required for the by right plan.
- In response to a question, Mr. Kardos stated that tree-save fencing would be installed at the edge of the perimeter buffer during construction to protect the trees.
- In response to a question regarding the location of the privacy fence along the southern property line, Mr. Kardos stated that the final location has not been determined yet. If the fence is moved inward, he prefers to donate the land on the other side of the fence to the Stevens Mill Homeowners Association. An attendee stated that the Stevens Mill Homeowners Association cannot maintain that area.
- In response to a question, Mr. Kardos confirmed that the homeowners association for the age-restricted community would maintain the privacy fence.
- In response to a question, Mr. Kardos stated that the fence would not prevent the flow of storm water.

- An attendee asked if there was less impervious cover under the age-restricted plan than the by right plan, and Mr. Kardos stated that he does not have the answer to that question at this time.

Mr. Kardos thanked everyone for attending the meeting, and the meeting was adjourned.

Respectfully submitted, this 4<sup>th</sup> day of September, 2018

  
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John H. Carmichael, Agent for EPCON Communities

COURTYARDS AT LAWYERS ROAD

COMMUNITY MEETING  
SIGN-IN SHEET

August 20, 2018 6:00 PM

Please fill out completely. This information is used by the Planning Department to distribute material regarding this petition.

Please PRINT CLEARLY.

Name	Address	Phone No.	Email
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John Comichel	101 N. Tryon Street	704-377-8341	jcomichel@robinbrooks.com





## MEMO:

TO: Planning Board  
FROM: Lynne Hair, Development Administrator  
SUBJECT: TX18.10.01 Transportation Impact Analysis Requirements as a part of the  
Development Agreement Process  
DATE: October 16, 2018

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The Town has adopted the development agreement process as a tool to negotiate necessary improvements created because of new developments. Kimley Horn will be providing engineering assistance to the Town by developing and reviewing submitted TIA's and making improvement recommendations.

An ordinance amendment is being recommended that provides language to the Stallings Development Ordinance outlining TIA requirements. Article 7.15.5 Transportation Impact Analysis (TIA) is attached. Staff is recommending approval.





TX18.10.01

AN ORDINANCE AMENDING THE "STALLINGS DEVELOPMENT ORDINANCE" OF  
THE TOWN OF STALLINGS, NORTH CAROLINA

WHEREAS, on February 26, 2018 the Town Council adopted the new Stallings Development Ordinance; and,

WHEREAS, a new Comprehensive Land Use Plan and Small Area Plans were drafted and adopted by Town Council on November 27, 2017 identifying the need for a Transportation Impact Analysis (TIA) as a strategic part of the review for projects zoned MU-1 and MU-2 and any project required to comply with the major subdivision process; and,

WHEREAS, adopting language assigning a process to the application of a development agreement was approved in concept by the Town Council; and,

WHEREAS, the creation of TIA procedures will provide a step-by-step process outlining the necessary criteria for completion of a TIA; and,

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF STALLINGS DO ORDAIN  
AMENDING THE STALLINGS DEVELOPMENT ORDINANCE AS FOLLOWS:

1. Article 7.15-5 Transportation Impact Analysis

Purpose and Definition

Transportation system integrity is an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- A. TIA Determination - The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. Types of development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or industrial developments. If warranted, the transportation consultant assigned by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a Transportation Technical Memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation

alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.

B. Minimum Thresholds for TIAs - A TIA will be required to accompany the sketch/schematic plan when expected gross trip generation is **1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours (prior to any trip reductions applied - see Section G(10))**. The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town. The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips falls below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:

1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
2. Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
3. Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
4. Traffic safety issues exist at the intersection or street that would serve the proposed new development.
5. The proposed land use differs significantly from the adopted Small Area Plans for the Town and/or the Comprehensive Land Use Plan.
6. The internal street or access system is not anticipated to accommodate the expected traffic generation.
7. The proposed development project includes a drive-through facility, or other uses such as schools that require significant on site circulation that may have an off-site impact to adjoining roads and/or intersections.
8. The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of previous TIA.

C. Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant five or more business days prior to the scoping meeting and shall include intended phasing scheme, proposed build-out year, and a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend

the mandatory scoping meeting. Representatives from the NCDOT District office will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.

- D. Memorandum of Understanding (MOU) – A MOU, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant assigned by the Town. A schedule will be developed and affirmed by all parties. The MOU shall be signed by the applicant and the Town before the consultant can begin work on the TIA. Approval by the NCDOT District Engineer will also be required if access to a state road is involved. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the MOU shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the MOU, a revised MOU will be required.
- E. Fees – Prior to the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees to the Town to perform the scoping portion of the TIA. The applicant shall agree to provide payment in full to the Town for these services prior to scheduling of the scoping meeting. After the MOU is prepared, changes by the applicant which require updates to the MOU, will result in additional services and must be paid for by the applicant prior to performance of the additional work.

After the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. These fees will account for the work completed throughout the scoping process. Per the MOU, the applicant shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. The Town may require all or a portion of the estimated fees to be paid to the Town prior to commencement of the work. Any additional services incurred by the transportation consultant in addition to the MOU must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work.

- F. Development Agreement – Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, these improvements will be defined in the Development Agreement, as outlined in the *Town of Stallings Development Ordinance*.

All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO).

- G. TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the MOU. A detailed

summary of the expected content and methodologies to be used in the TIA is discussed below.

1. Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
2. Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
3. Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.
4. Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
5. Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
6. Site Access – A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.

7. Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Should study area intersections outside of the Town be identified, adjacent municipalities will be notified. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems, may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and small area plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.
  
8. Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:00-9:00AM and 4:00-7:00PM. Site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, 12- or 16-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The

source of existing traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

9. Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated and combined in the map.

10. Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the MOU if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.

a. Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.

b. Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.

11. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the

TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.

12. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site’s trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
13. Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios, as described in Section G (17)). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in Section G (17).
  - a. Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the



TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

- b. Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:
- Number of lanes on the major street
  - Crossing distance
  - Traffic volumes
  - Motorist yielding rates to pedestrians
  - Cycle Length
  - Walk Time
  - Presence of pedestrian phase
- c. Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:
- Number of lanes crossed
  - Presence of conflicting turning movements
  - Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

14. Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a "dummy signal" in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.
  
15. Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
  
16. Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The

applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the engineer of record for the applicant or by the consultant identified by the Town; however, final approval of the dollar amount rests with the Town.

17. Mitigation Measure Recommendations – This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.

The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- a. the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- b. the LOS degrades by at least one level,
- c. or the LOS is at or below the LOS threshold dictated by the zoning (as outlined in Table 1) in background conditions and the proposed project shows a negative impact on the intersection or approach

The following LOS table (Table 1), using the most recent Level of Service methodology, shall be used when determining the adequacy of intersection/approach within the applicable impact areas of the Town:

<b>Table 1: LOS Thresholds</b>		
Zoning	Vehicular LOS Threshold	Bike/Ped LOS Threshold
AG, CIV	C	E
SFR, MFT, VSR, IND	D	D
TC, MU, C-74, CP-485, CZ, CUP	E	C

Within a Small Area Plan Boundary	E	C
All Other	D	D

Where an intersection/approach is located within more than one zoning district and is not located within a small area plan boundary, the less restrictive LOS shall apply to the entire intersection or approach for purposes of complying with this ordinance.

If the background LOS (intersection or approach) is inadequate (i.e., at or below the threshold), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

A Developer Agreement as outlined in Part F of this ordinance may apply if mitigation requirements are needed.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenario will require the analysis of only five years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

18. Compliance with Adopted Small Area/Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies, including small area plans, adopted by the Town of Stallings for maintaining a safe and efficient multi-modal transportation system.

This ordinance shall be effective immediately upon its adoption.

ADOPTED this the \_th day of \_\_\_\_\_, 2018.

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Wyatt Dunn

Mayor

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Erinn Nichols

Town Clerk