



**MINUTES OF THE  
TOWN COUNCIL MEETING OF THE  
TOWN OF PINEVILLE, NORTH CAROLINA  
FEBRUARY 14, 2012**

The Town Council of the Town of Pineville met in regular session on Tuesday, February 14, 2012 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

**ATTENDANCE**

Mayor: George C. Fowler  
Mayor Pro-Tem: David Phillips  
Town Council Members: Debbie Fowler, Melissa Davis and Les Gladden  
Town Administrator: Mike Rose was absent  
Planning Director: Kevin Icard  
Town Planner: Travis Morgan  
Town Clerk: Barbara Monticello was absent  
Planning Board Chair: Jim Knowles  
Planning Board Vice Chair: Tristan McMannis  
Planning Board Members: Jack Lee and Terie Davis. Paul Sullivan was absent.

\*\*\* These minutes are based on notes taken by those in attendance of the meeting of February 14, 2012 as the Clerk was not present and the recording software malfunctioned with no recording of the meeting available. \*\*\*

**CALL TO ORDER**

Mayor Fowler called the meeting to order at 6:29 p.m. and welcomed those in attendance. Those wishing to speak on an agenda item were invited to sign the speaker list.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was lead by Council Member Debbie Fowler.

**MOMENT OF SILENCE**

Mayor Fowler called for a moment of silence for the following individuals: Council Member Gladden's mother, Pat (mini strokes); County Manager Harry Jones (cancer); Bobby Gums (open heart surgery) and his mother (ill); Kenny Mills (knee surgery); Leon Baily Davis (broken hip) and David Youngman (knee surgery).

Mayor Fowler also recognized Boy Scout Michael Martin of Troop 502, who was in attendance to fulfill requirements to earn his Community Citizenship badge. Also in attendance was, Ed Driggs, who is running for District 6 County Commissioner. Mayor Fowler introduced him and he was given the floor to speak.

**ORDER OF BUSINESS**

**Adoption of the Agenda:**

Mayor Fowler requested that item C on the consent agenda for Appointments, be removed for this month and placed on next month's agenda. There being no other changes to the agenda, Mayor Pro Tem Phillips moved to adopt the agenda with Council Member Debbie Fowler seconding the motion. There were ayes by all to approve the agenda with the change.

**Approval of Minutes for the Regular Session of January 10, 2012 and the Workshop of January 19, 2012:**

Mayor Fowler called for a motion on the minutes from the Regular Council Meeting of January 10<sup>th</sup> and the Workshop of January 19<sup>th</sup>. No minutes were available for the Executive Session that followed. Corrections to the names of some individuals were needed: *under Moment of Silence, the doctor's name should read, Dr. Marshall.* In the Workshop Minutes under *Telephone Policy, the name should read Jack Crump in lieu of Jack Thrower.* Council Member Debbie Fowler moved to approve the minutes with the corrections. Mayor Pro Tem David Phillips seconded the motion and there were ayes by all to adopt the minutes with changes.

**Adoption of the Consent Agenda:** The following items are included: a) *Amendment to the Personnel Handbook;* b) *Business License and Tax Refunds for Park Ridge Seven, LLC, SFC Properties, LLC and BM Foodmart;* c) *Appointments (removed);* and d) *Set Public Hearing Dates.* Appointments were taken off the agenda and will be put on March's agenda. There were no public hearings to set for March. A motion was made by Council Member Les Gladden and seconded by Council Member Melissa Davis to approve the Consent Agenda with the change. There were ayes by all.

**PUBLIC HEARINGS:**

*(Joint Public Hearing)*

- A. **Rezoning Request RZ-2012-01-** submitted by Harold F. Griffiths Revocable Trust (Durand Builders) for a portion of property owned by Jack Miller, parcel ID 205-081-02 from RMX to G-I. The applicant is requesting to rezone a portion (5.01 acres) of the larger tract of land (94.97 acres). The intent is to provide a buffer for the existing business to residentially zoned property. There was a motion made and seconded to open the public hearing at 6:37 p.m. There were ayes by all.

Planning Director, Kevin Icard, stated that Wirco Stamping wanted to expand their business but being adjacent to a residentially zoned property, they were required to provide a 100 foot buffer. When an Industrial District abuts a Residential District, a minimum of a one hundred (100) foot screen/buffer is required with at least twelve (12) trees and sixty (60) shrubs per one hundred linear feet. The applicant has contacted the owner of the land to purchase 5.01 acres of land currently zoned RMX (Residential Mixed Use) to install the buffer which, if approved, would include 120 trees and 600 shrubs. Additionally, the applicant has stated they will also install a berm.

A representative for the applicant, Scott Rasmussen with Durand Builders, was given the opportunity to speak on behalf of his client. Council members asked questions of the applicant. Mr. Stan Richardson and Joseph Yarbor, both residents of the Traditions neighborhood located near Wirco Stamping, spoke against the expansion and rezoning. After hearing all comments, a motion was made by Council Member Debbie Fowler and seconded by Mayor Pro Tem David Phillips, to close the public hearing at 7:04 p.m. There were ayes by all.

*(Joint Public Hearing)*

- B. **Text Amendment Request TX2012-01** – Submitted by Carolina Sportsplex, LLC, requesting a text amendment of the Pineville Zoning Ordinance to allow private recreational uses. The following sections are proposed for the amendment: **(Section 3.3 Definitions)** Amend definition of Recreation Center, add definition of Recreation Complex: **(Table 6.1 Use Classification)** Add Recreation Complex "PS" Permitted with Special Regulations in the following districts – Downtown core (DC), Downtown Neighborhood (DN), Residential Mixed Use (RMX), Highway Business (B-4), Planned Business (B-P), General Industrial (G-I). **(Special Regulations)** Add 6.5.40 Recreation Complex. A motion was made and seconded to open the public hearing at 7:04 p.m. There were ayes by all.

Mr. Icard explained that Carolina Sportsplex had come before Council previously with the intention of locating their private soccer facility on Dorman Rd. However, there was no specific use indicated for a soccer club in this zoning district so Mr. Icard assigned the use as "Country Club" being the closest possible fit for this type of use. Town Council Members chose to deny the applicant's request because the "Country

Club" designation was not a close enough fit. The current Zoning Ordinance is not clear when considering recreational uses so three separate and distinct categories are being proposed along with additional changes to the ordinance. The applicant was now before the board with a text amendment request. Matt Langston, representative for the applicant, stated that proposed changes to the definitions listed under Section 3.3 of the town's zoning ordinance, were being requested. The three definitions currently listed are: *Recreation Center, Recreation Facility and Recreation Facilities, Indoor*. The first definition for "Recreation Center" was being strengthened to include specific uses such as "gymnasiums, auditoriums, athletic equipment, indoor running tracks, climbing facilities and court facilities".

The second definition for "Recreation Facility" was left unchanged. However, a change to the entire third definition for "Recreation Facilities, Indoor" was proposed as follows: change "Recreation Facilities, Indoor" to read, "Recreation Complex: A tract of land, owned and operated by a public or private entity, designated and used for active and/or passive recreation, primarily conducted outdoors. A Recreation Complex may include Recreation Center uses. The term shall not include the terms "racetrack", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club" or "golf course".

The new definition, Recreation Complex, would be Permitted with Special Regulation (PS) in the following districts: Downtown Core (DC), Downtown Neighborhood (DN), Residential Mixed Use (RMX), Highway Business (B-4), Planned Business (B-P), General Industrial (G-I). Special Regulations under Section 6.5.40 would include the following:

#### Special Regulations

##### 6.5.40 Recreation Complex

- (A) Any Outdoor Fields must be a minimum fifty feet from any property line.
- (B) Any lighting associated with active recreation must not cast onto any adjacent lot. A lighting plan must be provided prior to approval. Parking lot and pedestrian lights must follow the lighting requirements set forth in the Zoning Ordinance.
- (C) All field lighting must be turned off by 10 P.M.
- (D) Internal Driveways must be of sufficient length to prevent both conflicting internal traffic movements and stacking on the public road.
- (E) Minimum Size of any recreational complex must be 10 Acres.
- (F) A Trip Generation Report must be provided and any recommendations from the report must be completed by the applicant.
- (G) Access to the complex must be provided by a Collector Street (or higher road classification) as defined by the Pineville Subdivision Ordinance.
- (H) If adjacent to another residential lot a twenty foot screen buffer must be installed on the property's perimeter, where proposed active uses (including parking) lie within 300' of the adjoining residential lot. Existing vegetation may be preserved and utilized to meet the buffer requirements.

The floor was opened up for comments. There were questions and comments from Council and Planning Board Members regarding overtime play, lighting, cleaning up after matches, buffers and stadium. The floor was then opened to the public for comment. Mrs. Jean Martin, resident of the Cottages neighborhood, spoke against the sports complex because it would be like the international games that often incite killings, fires and violence. At 7:49 p.m. Council Member Les Gladden moved to close the public hearing, seconded by Council Member Debbie Fowler. There were ayes by all to close the hearing.

*(Public Hearing)*

- C. **Closing a portion of Sam Meeks Road** -- submitted by the Town of Pineville to consider permanently closing a portion of Sam Meeks Road located between tax parcel #221-091-10 (North) and tax parcels

#221-101-11 & #221-101-72 (South) and further described as, in between Dorman Road and Carolina Place Parkway Extension. There was a motion made and seconded to open the public hearing at 7:50 p.m. There were ayes by all.

Mr. Icard explained that at the January meeting, Council passed a Resolution of Intent to close a portion of Sam Meeks Road, which will be dedicated to two property owners on either side. The intent of this public hearing was to give residents a chance to speak on the issue. However, once the public hearing is closed, the Council can immediately take the appropriate action. There being no questions or comments, Council Member Les Gladden moved to close the public hearing. Council Member Melissa Davis seconded the motion and there were ayes by all to close the hearing. Mayor Pro Tem Phillips moved to approve the Order to Close Sam Meeks Road, seconded by Council Member Debbie Fowler. There were ayes by all to approve the road closure.

#### **OLD BUSINESS:**

**A. Amendment to existing Plan (RZ2011-01)** -- submitted by Parkway Crossing Partners, LLC, to amend the existing site plan to change the six (6') foot side yard setback requirement to a five (5') foot setback requirement and to allow for a one (1') foot eave overhang allowance. The change in side setbacks applies to non-alley, single family homes and the one foot eave overhang allowance applies to all single family homes. This does not apply to any of the existing homes. The development is located at the corner of Sam Meeks & Carolina Place Parkway Extension.

Town Planner, Travis Morgan, noted that the applicant had withdrawn the elevations that were shown at the previous Council Meeting so that the focus would remain on the request for a change in setbacks and eaves. Mr. Morgan stated that at the last Planning Board Meeting of January 23<sup>rd</sup>, the Planning Board recommended to approve the request. This was Council's opportunity to vote on the issue with the options of:

- Approving the request as submitted
- Approving the request with additional requirements
- Disapproving the request

Discussion took place regarding the required architectural details. The requirements for this development were vague and the consensus was to make them more stringent to be more in line with the existing homes and other developments such as Traditions and McCullough. However, there was some confusion over exactly what features the group wanted to see included. With input from Council Members, Travis Morgan and Kevin Icard put forth the following conditions which all agreed on:

- The 50% front porch requirement is approximate and should take into account the width of garage
- Garages shall not protrude but be flush or recessed from the rest of the façade of the home, not counting the porch
- Front doors shall have transom and/or side lights
- Eave overhangs shall have decorative, traditional style brackets
- Columns shall have traditional character such as tapered craftsman style or round, colonial-revival style, etc.
- A minimum of two façade materials shall be used
- Garage doors for front loaded garages shall be carriage style with decorative faux hardware and top glass inserts
- Front porches shall have railings as before

With the additional architectural details in place, Mayor Pro Tem Phillips moved to approve the request to adjust setbacks and eaves. Council Member Les Gladden seconded the motion and there were ayes by all.

**NEW BUSINESS**

**A. Staff Updates – a) Calendar of Events; b) PCC Luncheon.** Mr. Icard stated that the Planning Coordinating Commission was having its annual luncheon on April 20, 2012 in Cornelius. Further information will be provided once the details are set.

At 8:36 p.m. a motion was made and seconded to adjourn the meeting. There were ayes by all.

ATTEST:



Barbara Monticello, Town Clerk



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George C. Fowler, Mayor