



AGENDA

Regular Town Board Meeting

December 5, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube @townofhuntersvillenc28078

Persons desiring to address the Board during a public comment period or a public hearing shall list their full name, address, telephone number, and subject matter to be discussed on the speaker sign-up sheet as provided by the Town Clerk prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak.
(Public Comment and Public Hearing Policy - Adopted April 19th 2021)

1. Pre-meeting - 5:15 p.m.

1.A. Solar Billing Methodologies Discussion. *(David Lucore)*

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Presentation of FY 22 Financial Statements.

6.B. Greenway, Trail, and Bikeway Commission update. *(Michael Jaycocks)*

6.C. Mecklenburg County Assessor's Office Property Revaluation Presentation.

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

- 8.A. Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles. *(Kayleigh Mielenz)*
- 8.B. Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-12, a request by the Huntersville Town Board for a text amendment to Article 4 of the Zoning Ordinance clarifying the amount of residential and commercial first floor area allowed in a mixed-use Urban Workplace and Shopfront building type. *(Jack Simoneau)*
- 8.C. Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-16, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance amending the NR, NC, TC and HC zoning districts to modify standards for one apartment building on one lot. *(Jack Simoneau)*
- 8.D. Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R22-06, a request by Hotel Ventures of Lake Norman, Inc. to rezone +/- 2.66 acres located at 16221 Northcross Drive (Parcel #00930115) from Corporate Business-Conditional District to Corporate Business-Conditional District. *(Jesse James)*
- 8.E. Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams to annex 0.45 contiguous acres of Parcel #019-201-25 into the Town of Huntersville. *(Nathan Farber)*

9. Public Hearings

10. Other Business

- 10.A. Consider accepting withdrawal of Petition #TA22-06, a request by DDRTC Birkdale Village, LLC to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district. *(Nathan Farber)*
- 10.B. Consider adopting revised 2022 Town Board Meeting Schedule, canceling the December 20 Regular Town Board Meeting. *(Anthony Roberts)*

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: David Lucore, Electric System Manager

Date: December 5, 2022

Subject: Solar Billing

EXPLAIN REQUEST:

Discussion

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Solar Billing Methodologies



Solar Billing Methodologies

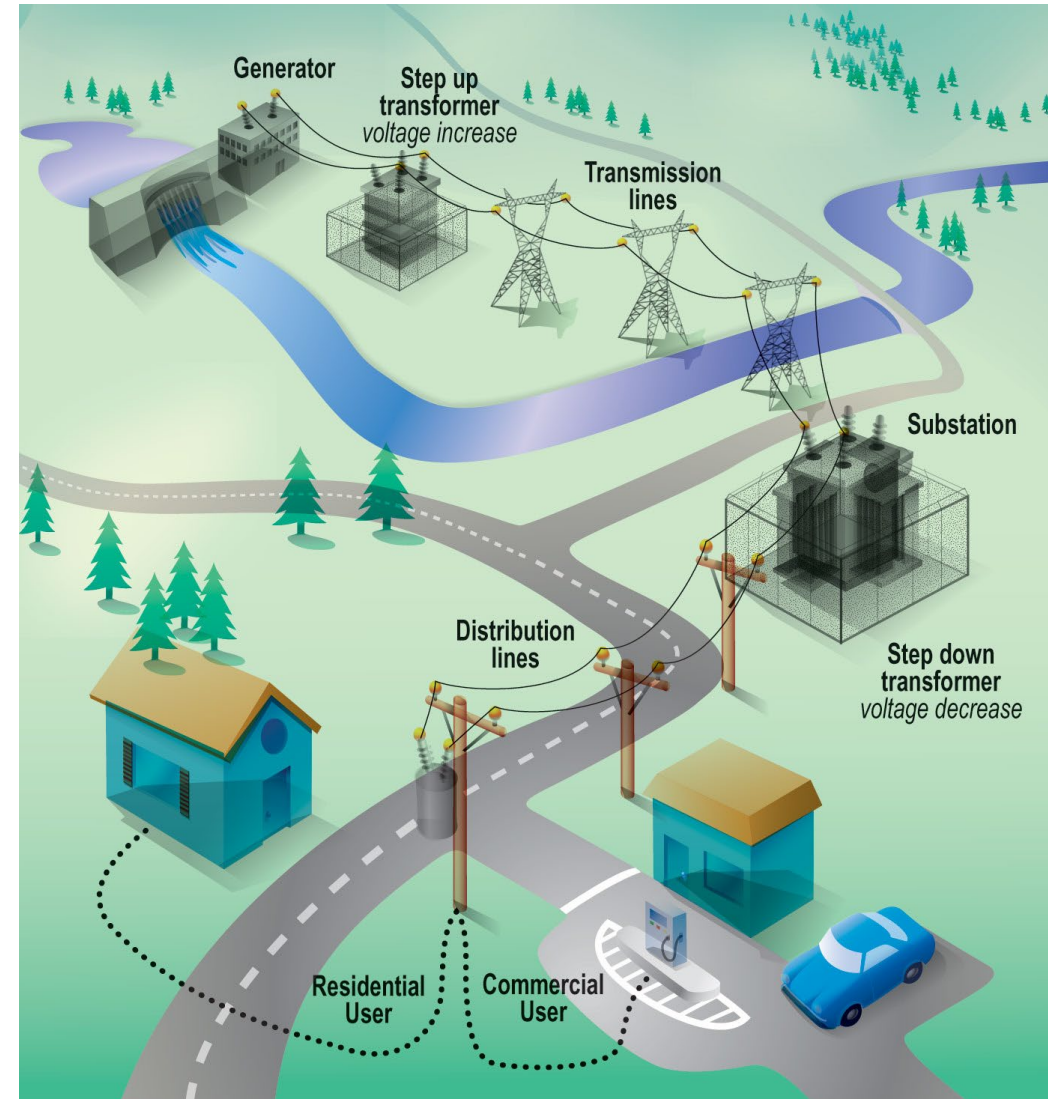
December 5, 2022

David E. Lucore
Electric Systems Manager



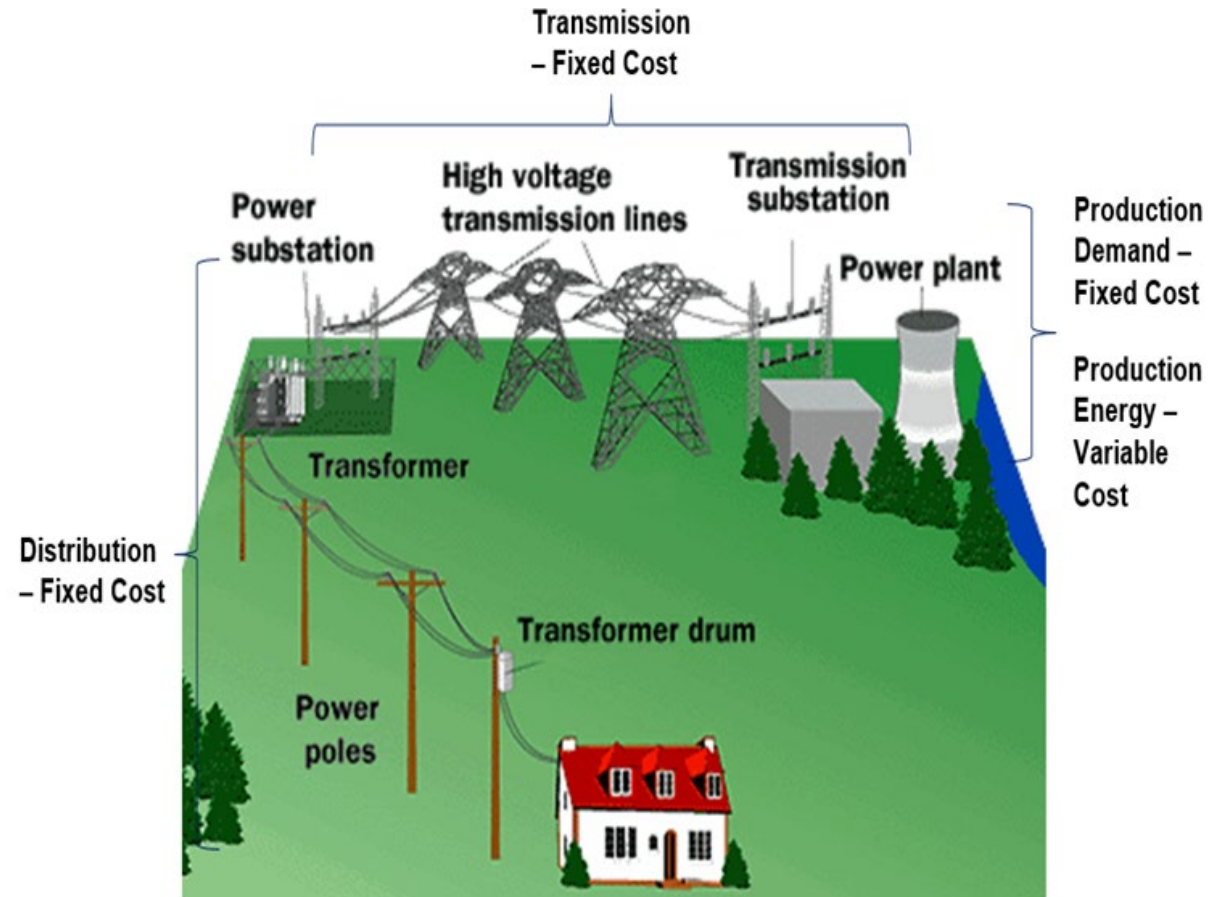
Electric Utility Systems

- Generation – Generates Power at a Power Plant
- Transmission – Transmits power long distances to Utility Owners
- Distribution – Utility Owners Distribute power to end-user electric customers.



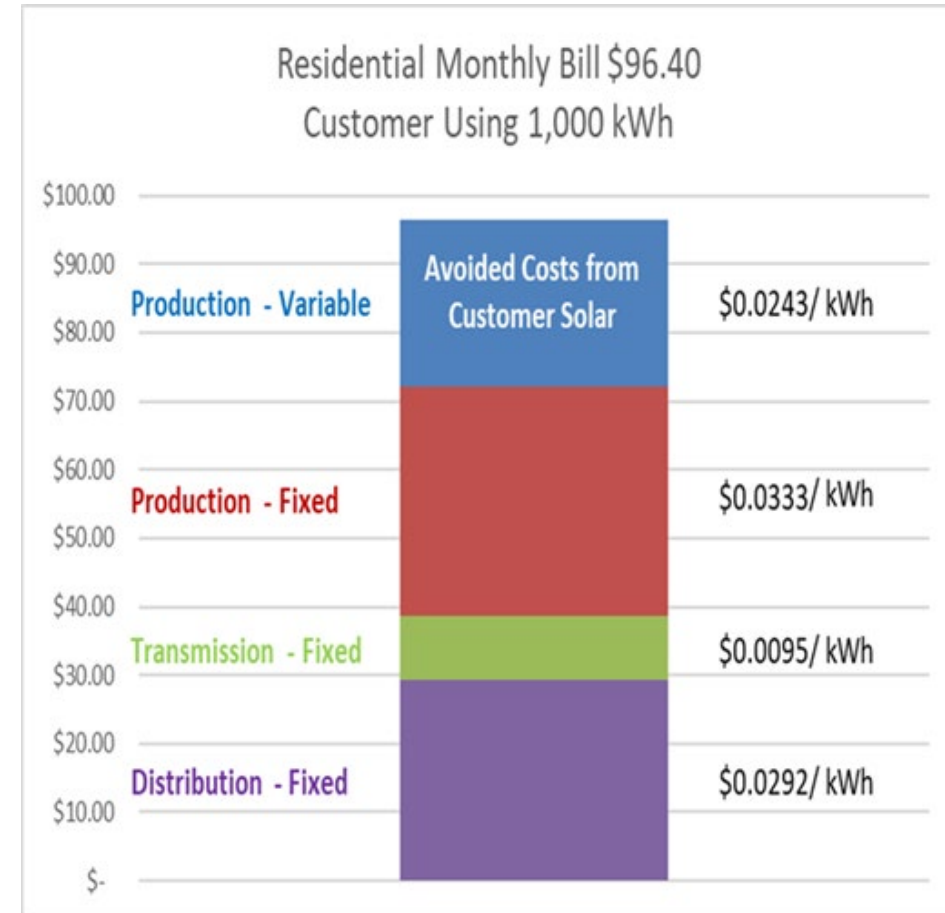
Electricity Costs

- Fixed Costs – Costs paid regardless of energy consumption
- Variable (Avoided) Costs – Costs incurred by the quantity of Electricity purchased from a generation plant.



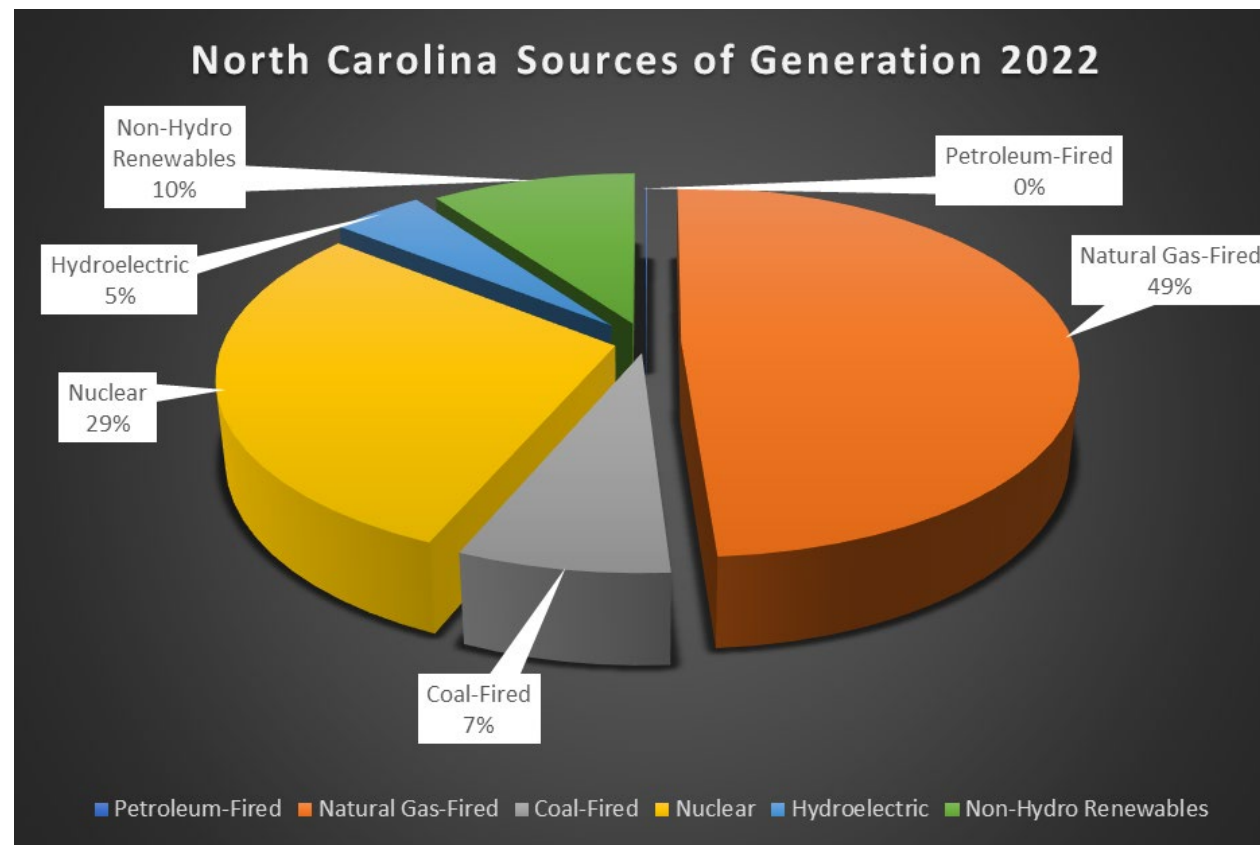
Electric Rate Components

- All fixed and variable costs go into the rate charged to customers.
- Solar Panel generation reduces ONLY the variable cost of the energy produced.



NC Sources of Generation 2022

Category	MWh's
Petroleum-Fired	8
Natural Gas-Fired	6312
Coal-Fired	952
Nuclear	3782
Hydroelectric	572
Non-Hydro Renewables	1274



Sources of Energy for Huntersville

- NCMPA1 provides electricity to member cities with a generation mix consisting of:
 - 90% Nuclear
 - 5% Renewable
 - 4% Natural Gas & Oil
 - 1% Hydro

NCMPA1 Sources of Energy

Hydro	1%
Natural Gas & Oil	4%
Renewable	5%
Nuclear	90%

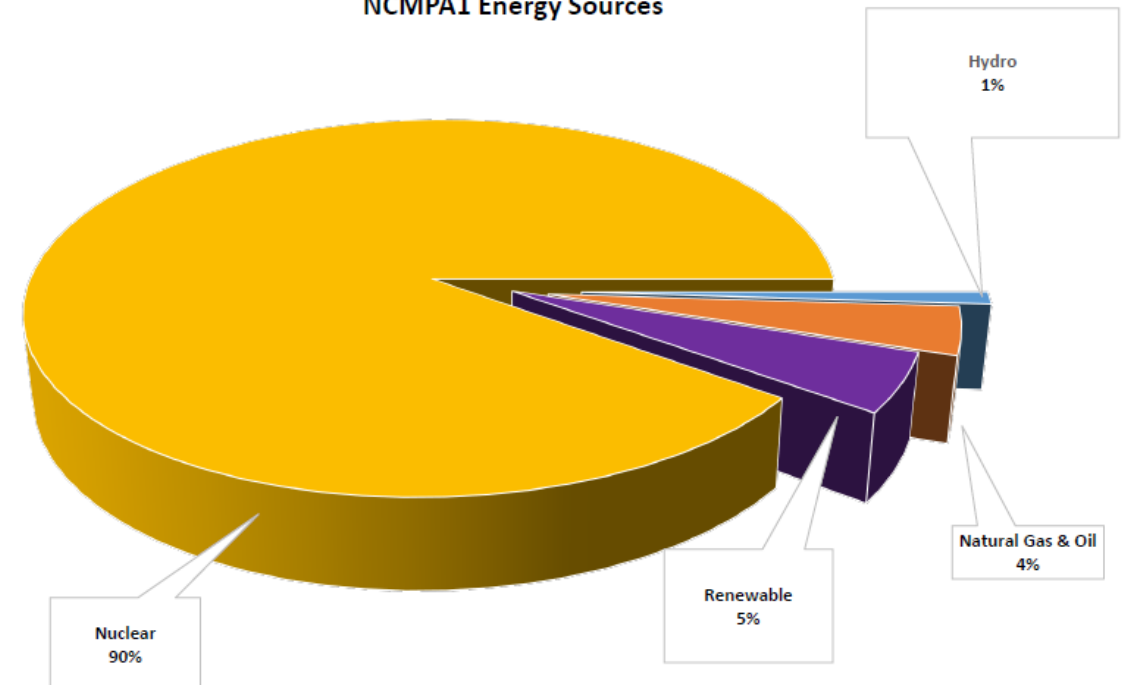
CO2 Produced for (Tons)

Hydro	0
Natural Gas & Oil	762
Renewable	0
Nuclear	0

2020 CO2 Intensity (lbs. CO2/kWh)

NCMPA1	0.0035
Duke Energy	0.5635

NCMPA1 Energy Sources



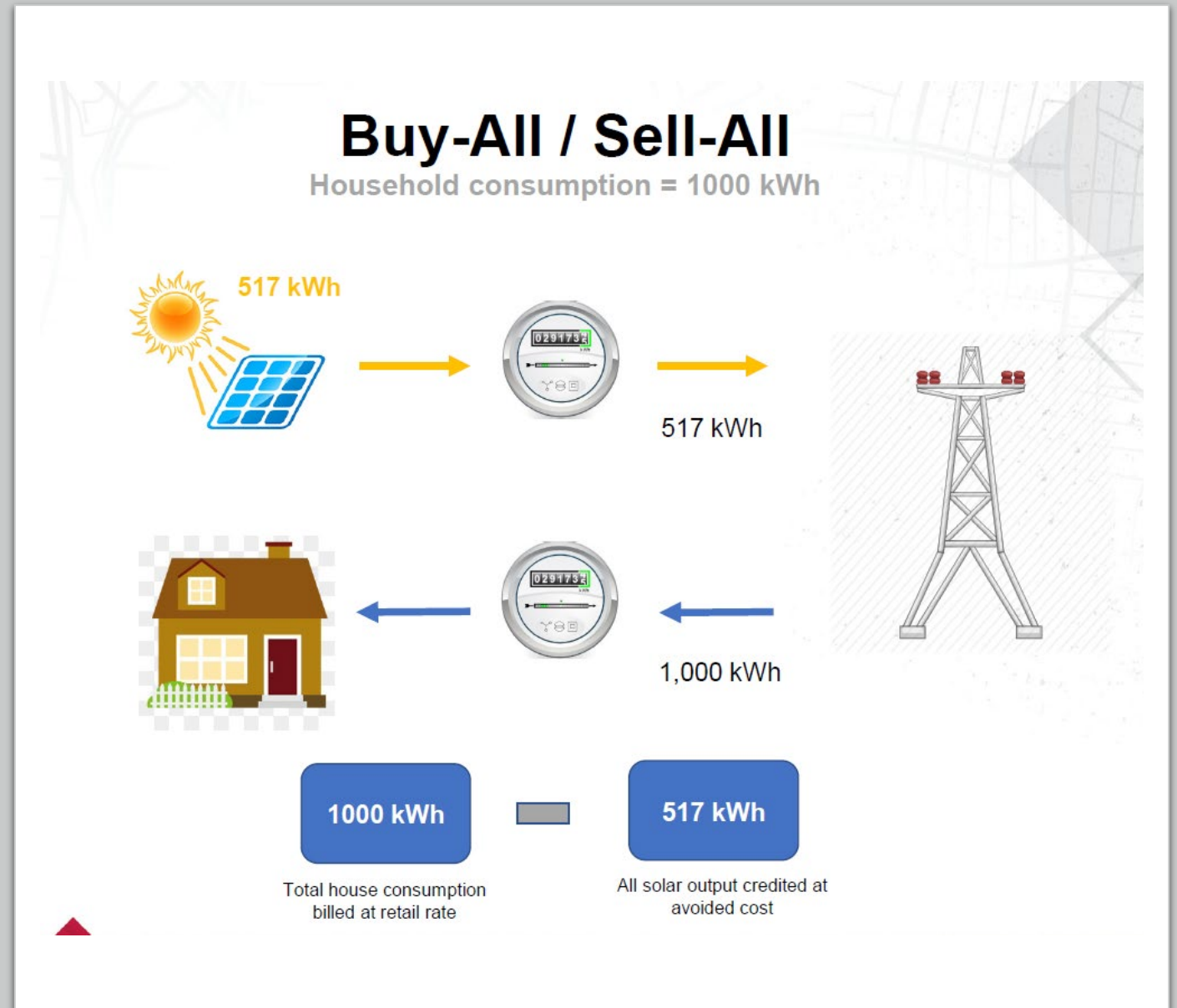
Solar Energy Billing Methodologies

- Three main billing methodologies for Solar Energy:
 - Buy-All/Sell-All
 - Net Metering
 - Net Billing



Buy-All/Sell-All

- The customer Sells All of the energy produced to the utility.
- The utility Buys All the energy produced from the customer.
- The customer pays the retail rate for all energy consumed.
- The utility credits the customer for all energy produced by the solar panels based on the avoided cost price.
- Avoided Cost Rate: 3.21¢/kWh
- Retail Rate: 11.5 ¢/kWh
- 1000 kWh's x \$0.115 = \$115
- 517 kWh's x -\$0.0321 = -\$16.59
- Net cost to customer = \$98.41
- Customer receives credit for solar energy.
- Utility recovers all fixed costs.

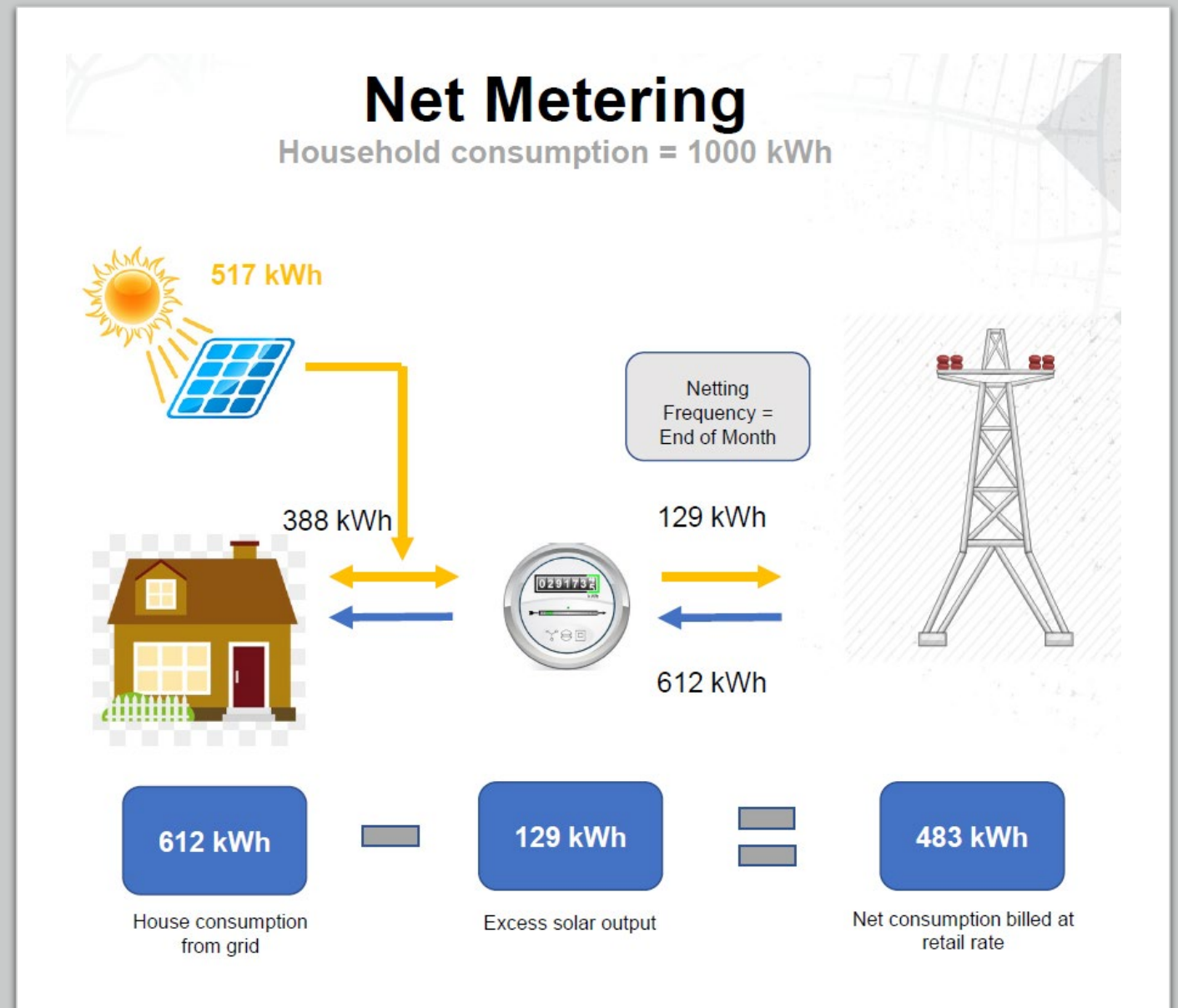


Net Metering

- Customer produced energy is used to offset load on a monthly basis.
- Energy required by customer from the utility is billed at the retail rate.
- Any excess energy is credited to the customer at the retail rate.
- Retail Rate: \$0.115/kWh
- Customer is billed for 483 kWh's:
 $1,000 \text{ kWh's} - 388 \text{ kWh's} - 129 \text{ kWh's} @$
the Retail Rate: $483 \times \$0.115 = \55.55
- Utility pays a portion of fixed costs:

$$(\$0.115 - \$0.0321 = \$0.0829)$$

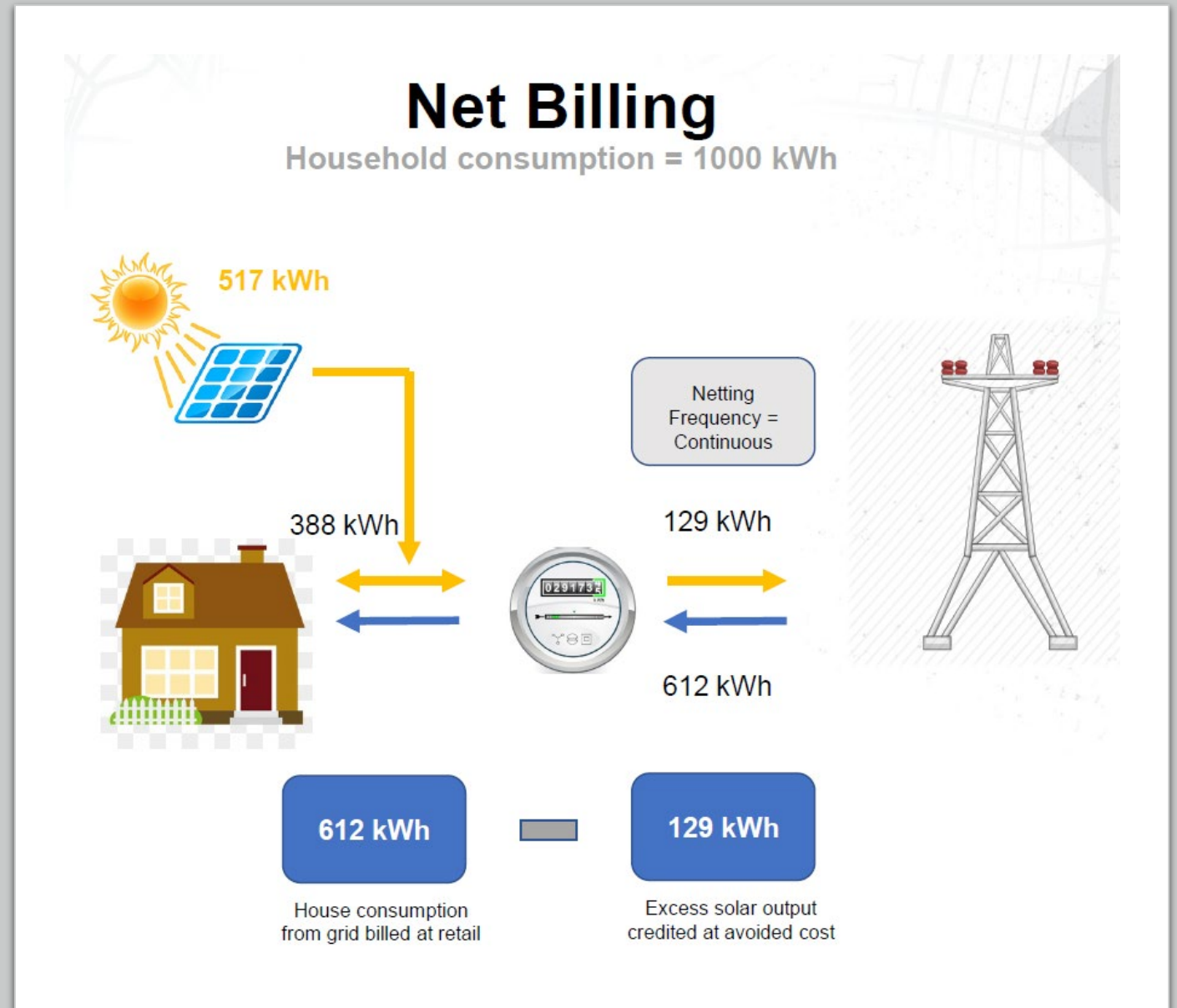
$$517 \text{ kWh's} \times \$0.0829 = \$42.86$$



Net Billing

- Solar energy produced during customer demand is used.
- Energy required by customer from the utility is billed at the retail rate.
- Any excess energy is credited to the customer at the Variable Cost rate.
- Avoided Cost Rate: \$0.0321/kWh
- Retail Rate: \$0.115/kWh
- Customer reduces electric bill by 388 kWh's using solar panels and provides 129 kWh's back to utility.
- Customer is billed for 612 kWh's at the Retail Rate and credited for 129 kWh's at the Avoided Cost Rate.
- Cost to customer: 612 kWh's x \$0.115 = \$70.38
- Credit to Customer: 129 kWh's x \$0.0321 = \$4.14
- Customer Net Bill: \$70.38 - \$4.14 = \$66.24
- Utility pays a portion of fixed costs:

$$388 \text{ kWh's} \times \$0.0829 = \$32.16$$



Solar Panel Trends

- Solar customers want to reduce or eliminate their electric bill by adding solar panels to their houses.
- Solar customers want to contribute to the effort of reducing carbon emissions.
- Duke Energy has more incentive to offer customers more compensation on their solar generation to help Duke offset its carbon emissions and meet its goals of 70% reduction by 2030 and net zero by 2050.
- The electricity purchased by the Town has near zero carbon emissions.

Current Billing Methodology

- The current Huntersville solar billing methodology is Buy-All/Sell-All.
- A new rate would need to be developed and new meters would need to be purchased and installed to move to a different billing methodology.
- The existing billing system may require upgrades and/or improvements to accommodate a different billing methodology.
- There is a Cost-of-Service study currently underway that includes a study on the viability of a solar rate with a different billing methodology. Expected completion is the first quarter of 2023.
- Any changes to the electric rates must be approved by the Board of Commissioners and typically occurs during the budget adoption process and becomes effective on July 1 of the next fiscal year.

Billing Methodology for Other Utilities

- NCMPA1 provides power to 19 municipal electric systems including Huntersville.
- Utilities with less than 150,000 customers are not required to offer Net Metering

Utility	Methodology	Power Supplier
Energy United	All 3 Options	NCEMC
Duke Energy Carolinas	Net Metering	Duke
Albemarle	BASA	NCMPA1
Cornelius	BASA	NCMPA1
Gastonia	BASA	NCMPA1
High Point	BASA	NCMPA1
Huntersville	BASA	NCMPA1
Lexington	BASA	NCMPA1
Monroe*	Net Billing	NCMPA1
Morganton	BASA	NCMPA1
Newton	BASA	NCMPA1
Pineville	BASA	NCMPA1
Shelby	BASA	NCMPA1
Statesville	BASA	NCMPA1
Concord	BASA	NTE
Dallas	None	Duke Wholesale
Kings Mountain	BASA	NTE
New River Light & Power	BASA	Duke Wholesale
Landis	BASA	Duke Wholesale

*Monroe changed from BASA to Net Billing on 7/1/2022



Questions?



**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: December 5, 2022

Subject: Petition #TA22-13 Public Hearing Request

EXPLAIN REQUEST:

Call a public hearing for January 3, 2023 on petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles.

ACTION RECOMMENDED:

Call public hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: December 5, 2022

Subject: Petition #TA22-12 Public Hearing Request

EXPLAIN REQUEST:

Call a public hearing for January 3, 2023 on petition #TA22-12, a request by the Huntersville Town Board for a text amendment to Article 4 of the Zoning Ordinance clarifying the amount of residential and commercial first floor area is allowed in a mixed-use Urban Workplace and Shopfront building type.

ACTION RECOMMENDED:

Call public hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Jack Simoneau, Planning Director

Date: December 5, 2022

Subject: Petition #TA 22-16 Public Hearing Request

EXPLAIN REQUEST:

Call a public hearing for January 3, 2023 on petition #TA22-16, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend the NR, NC, TC and HC zoning districts to modify standards for one apartment building on one lot.

ACTION RECOMMENDED:

Call public hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Jesse James, Senior Planner

Date: December 5, 2022

Subject: Petition #R22-06 Public Hearing Request

EXPLAIN REQUEST:

Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R22-06, a request by Hotel Ventures of Lake Norman, Inc. to rezone +/- 2.66 acres located at 16221 Northcross Drive (Parcel #00930115) from Corporate Business-Conditional District (CB-CD) to Corporate Business-Conditional District CB-CD).

ACTION RECOMMENDED:

Call Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Nathan Farber, Planner I

Date: December 5, 2022

Subject: Petition #ANNEX22-01 Call for Public Hearing

EXPLAIN REQUEST:

Call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams to annex 0.45 contiguous acres of parched ID #019-201-25 into the Town of Huntersville.

ACTION RECOMMENDED:

Call a public hearing

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

None

**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Nathan Farber, Planner I

Date: December 5, 2022

Subject: Withdrawal of Petition #TA22-06

EXPLAIN REQUEST:

Consider accepting withdrawal of Petition #TA22-06, a request by DDRTC Birkdale Village, LLC to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district.

ACTION RECOMMENDED:

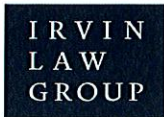
Consider Withdrawal

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

1. Birkdale Text Amendment Withdrawal Request Letter
2. TA22-06 TB Staff Report
3. 1. Text Amendment Application
4. 2. Applicant Ordinance
5. 3. Map of Highway Commercial Districts and existing developments



office: 19726 ZION AVENUE, CORNELIUS, NC 28031
mailing: P.O. BOX 2376, DAVIDSON, NC 28036
p: 704.896.0820 f: 704.896.0875

November 28, 2022

Via Email

The Honorable Mayor and
Board of Commissioners of the Town of Huntersville
Jack Simoneau, Planning Director
Huntersville Town Hall
101 Huntersville-Concord Road
Huntersville, North Carolina 28078

RE: Text Amendment Request TA22-06 *Birkdale Village* ("Text Amendment") to increase building height in Pedestrian Oriented Developments; Amendment of Rezoning Petition R22-01 *Birkdale Village* to incorporate additional conditions of Text Amendment and reduce height from original 145'; DDRTC Birkdale Village, LLC ("Applicant")

Dear Mayor, Commissioners and Jack:

The purpose of this letter is to respectfully request a withdrawal of the Text Amendment application for the above referenced matter. Applicant requests this withdrawal in order to impose the conditions of the Text Amendment onto the Conditional Rezoning Plan. This change in process will allow all decisions regarding the proposed Plan to be considered by the Town Board in their discretion and will remove the limitations on Town Board authority that would be imposed by the Special Use Permit process. The Conditional Zoning process will allow the Town Board additional flexibility and authority to address their concerns.

Applicant will work with Town Planning Staff to amend the Conditional Zoning Plan to impose the additional conditions of the Text Amendment, to incorporate comments made by the Planning Board, to reduce height and to incorporate additional community and Town Board concerns.

We appreciate your consideration of this request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Susan", with a stylized flourish extending to the right.

Susan Irvin

cc: Tim Perry, North American Properties
Mike Lant, North American Properties

TA22-06 – Building Height in Pedestrian Oriented Developments

Applicant has requested a withdrawal of TA22-06

PART 1: DESCRIPTION

TA22-06 is a text amendment request by DDRTC Birkdale Village, LLC to amend Zoning Ordinance Articles 3.2.7(a) Highway Commercial district “Uses permitted with special use permits, Article 4: Building Type / Urban Workplace and Shopfront, Article 9.45 Hotels & Motels, and adding Article 9.63 Commercial Uses Exceeding Permitted Building Height. The applicant is proposing to allow Hotel, Commercial Uses, and Mixed uses within the Highway Commercial zoning districts pedestrian-oriented developments to exceed the maximum building height up to 115’.

PART 2: BACKGROUND

In 1998, text amendment TA97-25 was approved and added language to create a **pedestrian-oriented development** within the Highway Commercial zoning district (Article 3.2.7(d)(4)b). The applicant proposed the text amendment in tandem with rezoning R97-23 as the basis to Birkdale Village. Currently, Birkdale Village is the **only approved pedestrian-oriented development** in Huntersville. Pedestrian-Oriented developments require mixed use buildings with parking that is wrapped by buildings to be interior of the block.

Today, DDRTC Birkdale Village, LLC, has proposed to also use this proposed text amendment in tandem with the proposed rezoning R22-01 to make changes to Birkdale Village. These changes, as proposed, would allow development within Birkdale and any other development that follows the standards of a pedestrian-oriented development in the Highway Commercial district to achieve heights taller than the originally approved three stories or 48’. The text amendment would only allow heights to increase via a special use permit and cap the height to 115’. Parking decks that are associated with the proposed development would also be capped at the lesser of 70’ or the height of the hotel or urban workplace building. Any parking deck that is exposed at any point above the surrounding adjacent structures will have to meet strict architectural requirements that aims to help blend the structure into the existing area.

As agreed, upon at the October 25th Planning Board meeting, the applicant has changed the proposed height limits within the text amendment from 145’ to 115’.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- **Policy LU 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
STAFF COMMENT: *This policy supports the text amendment as the majority of existing Highway Commercial Zoning districts are located within 2 miles of the I77/NC115 corridor. See attachment 3 for existing Highway Commercial Zoning districts.*
- **Policy LU 5.1:** Allow for more intense development only where transportation infrastructure and utilities already exist.

STAFF COMMENT: *This policy supports the text amendment as the increase in height would only occur in the Highway Commercial district which is focused close to main arterial roads and highways.*

- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.

STAFF COMMENT: *This policy supports the text amendment as the text amendment proposes higher intensity commercial uses within the Highway Commercial Zoning District.*

- **Policy LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards.
Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.
 - Offer flexibility using performance standards, guided by the design principles.
 - Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
 - Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
 - Incentives that could include:
 - Modification of height limit.
 - Increase in percent of allowable attached residential.
 - Reduced parking requirements.
 - Reduced buffer yard requirements

STAFF COMMENT: *This policy supports the text amendment as Specific architectural guidelines outlined for proposed parking structures with the goal of achieving a more desirable outcome.*

- **Policy LU-11: Protect Existing Housing Stock.**
 - LU 11.1: Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.
 - Promote quality design and neighborhood improvements including increasing access to parks and recreation and mobility options.
 - Encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage.
 - LU 11.2: Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - LU 11.3: Study options for local housing stability programs to support existing homeowners.

STAFF COMMENT: *This policy may not support the proposed text amendment as the proposed height may not respect the building mass and scale of existing structures along existing streets. Staff did propose language that would enhance the architecture of any proposed parking decks to mitigate visual impacts.*

- **Policy LU-12.3:** Blend new development with existing neighborhoods, structures, and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.

STAFF COMMENT: *This policy does not support the text amendment as a substantial increase in height may not blend new development with existing neighborhoods. Staff did propose language that would enhance the architecture of any proposed parking decks to mitigate visual impacts.*

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment in accordance with Part 9 below.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) did not give a recommendation on August 4th and pushed the recommendation to the following meeting on September 1st. On September 1st the HOAB recommended approval with a vote of 7-1.

PART 6: PUBLIC HEARING

The Public Hearing took place on October 3, 2022

PART 7: PLANNING BOARD RECOMMENDATION

In considering the proposed amendment, The Planning Board recommends approval of TA22-06 to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district to a maximum of 115 feet.

This is reasonable and in the public interest as it meets the policies LU2.1, LU5.1, LU6.2, and LU8.2 of the Huntersville 2040 Community Plan and makes a somewhat small concession to encourage development and redevelopment in Birkdale to prevent Dick's Sporting Goods, Barnes and Nobles and others from becoming an abandoned urban blight and balance the needs of the surrounding community.

PART 8: ATTACHMENTS

1. Applicant's Text Amendment Application
2. Applicant Proposed Ordinance
3. Map of Highway Commercial Districts and existing developments

PART 9: STATEMENT OF CONSISTENCY – TA22-06

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-06, Planning Staff recommends approval based on consistency with policies LU 2.1, 5.1, 6.2, and 8.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it applies only to Pedestrian Oriented Developments and requires a special use permit.	APPROVAL: In considering the proposed amendment, The Planning Board recommends approval of TA22-06 to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district to a maximum of 115 feet. This is reasonable and in the public interest as it meets the policies LU2.1, LU5.1, LU6.2, and LU8.2 of the Huntersville 2040 Community Plan and makes a somewhat small concession to encourage development and redevelopment in Birkdale to prevent Dick's Sporting Goods, Barnes and Nobles and others from becoming an abandoned urban blight and balance the needs of the surrounding community.	APPROVAL: In considering the proposed amendment TA22-06, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)

DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-06, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> . It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>
--------------------	--------------------	---



Text Amendment Application

Date of Application 6/1/22

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☒ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): _____ Article(s): _____ Section(s): _____

See Attachment

Current Ordinance

See Attachment

Proposed Text

See Attachment

**Reason for Proposed
Change**

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name DDRTC Birkdale Village, LLC

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature  Date June 1, 2022

Title Sr. VP Development Email mike.lant@naproperties.com

Address of Applicant 1175 Peachtree St., Suite 1650 Atlanta, GA 30361

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Articles/Sections:

Article 4 – LOT & BUILDING TYPES, Urban Workplace, Permitted Height & Uses

Article 9 – CONDITIONS FOR CERTAIN USES, Article 9.45, Hotels & Motels

Party Proposing the Amendment: DDRTC Birkdale Village, LLC (“Owner”) is proposing this Text Amendment as the owner of the property located in the Highway Commercial District at the intersection of NC 73 and Birkdale Commons Parkway (Birkdale Village), Huntersville, North Carolina, Tax Parcel Numbers: 00537157 and 00537197

Reason for Requested Change:

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville 2040 Community Plan (the “Community Plan”) and other adopted long-range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Goals of the Community Plan including the following:
 - a. **Activated Mixed-Use and Activity Centers.** Creation of vibrant, pedestrian-accessible mixed-use areas with restaurants, small businesses, and housing.
 - b. **Growth Management.** Focus growth near the central core and limit growth in less developed areas.
 - c. **Economic Development.** Balance the tax base, encourage entrepreneurship and attract target industries.
 - d. **Housing Options.** Encourage walkable housing options and address affordability. Improve link between new housing and adequate transportation facilities.
 - e. **Transportation.** Improve streets and sidewalks and expand transportation options.
3. The proposed amendment is consistent with the Land Use Policy Recommendations in the Community Plan by encouraging higher density development in the I-77/NC-115 corridor and Mixed-Use Centers.
4. The proposed amendment is consistent with the Economic Vitality Policy Recommendations in the Community Plan by balancing and expanding the local economy through several avenues, including, supporting job growth, encouraging existing economic assets, and leveraging partnerships to encourage economic development.

5. As set out below, the proposed amendment is consistent with the purpose of Strategic Economic Development Plan in “Section 1. Executive Summary, A. Project Background”

(“Huntersville’s purpose in developing a Strategic Economic Development Plan (SEDP) is to promote job creation, private investment and tax base expansion while maintaining a high quality of life, including preservation of the Town’s natural, scenic, cultural and historic assets.”):

- a. Helps to promote the economic health and stability of mixed-use and employment centers by allowing for smart and controlled expansion;
 - b. Benefits the existing businesses in Birkdale by maximizing the current inventory of non-residentially-zoned land;
 - c. Increases private investment and tax base expansion by utilizing current assets to attract new commercial uses, and provide tourism benefits to the Town.
 - d. Provides a high quality of life by offering commercial activities while maintaining the character of the development.
6. The proposed amendment does not allow an overall increase in the height of structures within the Highway Commercial District, but only allows an increase in the height of a structure located, at the time of construction, within a project that meets the requirements of Article 3.2.7 d) 4 b). To meet these requirements a development must be pedestrian-oriented with a system of streets and blocks that is anchored by retail, restaurant and entertainment uses. Additionally, at least one parking space per dwelling unit must be replaced in a parking deck located on the interior of the block, and at least 20% of the habitable first-floor area must be devoted to commercial uses.

This exception provides full-time population which animates the streets, supports businesses on a daily basis, and decreases the Project’s dependence on private vehicles. The maximum height of a structure in the Highway Commercial Zoning District will not be increased by the adoption of this amendment unless a development meets these strict requirements.

Proposed Changes to the Ordinance:

In order to accomplish this purpose, Owner proposes the following changes to the Ordinance:

1. Add an additional provision to Article 4, “Urban Workplace, Permitted Height & Uses” as follows:
 - 5. Any structure which is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145’), subject to a Special Use Permit, provided that:
 - a. The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common

lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

- b. That all other site design requirements stated in this code are met.
- c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

2. Add an additional paragraph .4 to Article 9.45 as follows:

.4 Any structure in which a hotel or motel is a principal or accessory use and is located within a development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145'), subject to Special Use Permit and the requirements of Article 9.45.2.

**AN ORDINANCE AMENDING ARTICLES 3.2.7(a), 9.45, AND 9.63 OF THE ZONING ORDINANCE
AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7(a) Highway Commercial District “Uses permitted with special use permits” of the Zoning Ordinance be amended as follows:

- **commercial uses and mixed uses exceeding permitted building height, (9.63)**
- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- hotels spaced less than 250’ from residential or mixed-use zones, (9.45)
- hotels exceeding permitted building height, (9.45)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, rooftop, minor non-residential that is noticeable on a roof slope facing a street, (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- wind energy facility minor, accessory, (9.53)

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4 be amended as follows:

4. Building Type / Urban Workplace

Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by zoning district standards.
5. **Hotels, Commercial uses, and mixed uses in an urban workplace building type in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred forty-fivefeet (11545’), subject to the issuance of a special use permit and the provisions of Article 9.45 and 9.63 as applicable.**

Commented [ES1]: Wouldn't a hotel already be included in commercial and/or mixed-use? If so, it doesn't need to be specially called out here. If it remains as specifically enumerated do not need to include "and" between each item.

Instead, should be:
"Hotels, commercial uses, and mixed uses"

Commented [NF2R2]: Hotels is not included within commercial use but its own use

4. Building Type/ Shopfront Building

Permitted Height & Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.
6. Mixed uses in a shopfront building type in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred fifteen forty-five feet (145'115'), subject to the issuance of a special use permit and the provisions of Article 9.63 as applicable.

Commented [NF3]: Not necessary as its covered through SUP 9.45 and 9.63

Commented [NF4]: Not necessary as its covered through SUP 9.45 and 9.63

Commented [ES5]: Format this section the same as the above section for urban workplace. There, all five are included even though just adding #5. Alternatively, only show #5 above so that both match.

Commented [ES6]: Was it purposeful to only include mixed uses here?

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.45 be amended as follows:

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
2. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits:
 - a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
 - b. That all other site design requirements stated in this code are met.
 - c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2

4. Any structure for which a hotel is a principal or accessory use and which is located within a pedestrian-oriented development as described in Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred ~~forty-five~~fifteen feet (11545'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 and the requirements of Article 9.45.2. The height of any parking deck, as defined in Article 12, associated with a hotel meeting the requirements of this section shall not exceed the lesser of:
- (i) the height of the hotel; and
 - (ii) seventy feet (70').

Any associated parking deck subject to the requirements of this Article 9.45.4 that is exposed at any point above adjacent structures and visible from public streets must meet the following additional requirements:

- a) Complement the scale and character of nearby development.
- b) Have an architectural façade that blends with existing structures. The facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- c) For parking deck structures with open-air rooftop parking, a parapet wall of no less than four feet (4') in height as measured from the surface of the roof is required.

Notwithstanding the foregoing, the elevation of any associated parking deck subject to the requirements of this Article 9.45.4 not fronting or visible from public streets shall not be subject to the requirements of Article 9.45(a)-(c).

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.63 be added to Article 9, "Conditions for Certain Uses" as follows:

9.63 – Commercial Uses and Mixed Use Exceeding Permitted Building Height

Any structure for which a commercial use or mixed use is a principle or accessory use in an urban workplace or shopfront building type, and which is located within a pedestrian-oriented development as described in Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred ~~forty-five~~fifteen feet (11545'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 and the following requirements:

- a) The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
- b) That all other site design requirements stated in this Zoning Ordinance are met.

Commented [NF7]: Motel only allowed in CB zoning district

Commented [NF8]: This has been fixed to accurately describe pedestrian oriented developments within HW zoning district

Commented [NF9]: Change to "as defined in article 12"

- c) That vehicular access to the use will be provided only by way of major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

The height of any parking deck, as defined in Article 12, associated with a commercial or mixed use in an urban workplace or shopfront building types and meeting the requirements of this section shall not exceed the lesser of:

- (i) the height of the urban workplace or shopfront building; and
(ii) seventy feet (70')

Any associated parking deck subject to the requirements of this Article 9.63 that is exposed at any point above adjacent structures and visible from public streets must meet the following additional requirements:

- a) Complement the scale and character of nearby development.
b) Have an architectural façade that blends with existing structures. The facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
c) For parking deck structures with open-air rooftop parking, a parapet wall of no less than four feet (4') in height as measured from the surface of the roof is required.

Notwithstanding the foregoing, the elevation of any accessory parking deck subject to the requirements of this Article 9.63 not fronting or visible from public streets shall not be subject to the requirements of Article 9.63(a)-(c).

Commented [NF10]: Fine with this

Commented [NF11]: Change to massing for less subjectivity?

Commented [NF12]: This should correct to original intention of not having to comply with rules if not visible from above or from public street.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1 "General Definitions" of the zoning ordinance be amended as follows:

Parking deck. An attached or detached structure composed of one or more levels or floors used primarily for the parking or storage of motor vehicles.

Section 6. That these amendments shall become effective upon approval by the Town Board of Commissioners.

Huntersville Ordinance Advisory Board: August 4, 2022 & September 1, 2022

Public Hearing Date: October 3, 2022

Planning Board Meeting: October 25, 2022

Town Board Meeting: November 21, 2022

Huntersville Sphere
of Influence 63.48 Sq. Miles

Corporate Limits 42.03 Sq. Miles

The Office of State Planning recently ranked Huntersville as one of the fastest-growing town of its size in North Carolina. This map shows some of the major influences that have fueled this growth as well as the locations of neighborhoods, parks, and other features. The Town of Huntersville continues to take proactive steps to that will enable the Town to grow in an efficient manner that enhances the quality of life for residents and businesses. Traditional regional design, parkland acquisition, open space preservation, and planning for rail rapid transit are just some of the major efforts underway to manage change, strengthen the Town's unique character, and support economic growth.

A map of the Huntersville Sphere of Influence. The map shows the town's corporate limits in a light blue color. Major roads are shown in red, including I-77, I-85, and SR-168. The map also shows the locations of neighborhoods, parks, and other features. A north arrow is located in the center of the map. A scale bar at the bottom indicates distances in miles (0 to 1) and feet (0 to 3,000). The date 'Revised December 21, 2022' is printed below the scale bar.

0 0.5 1
Miles

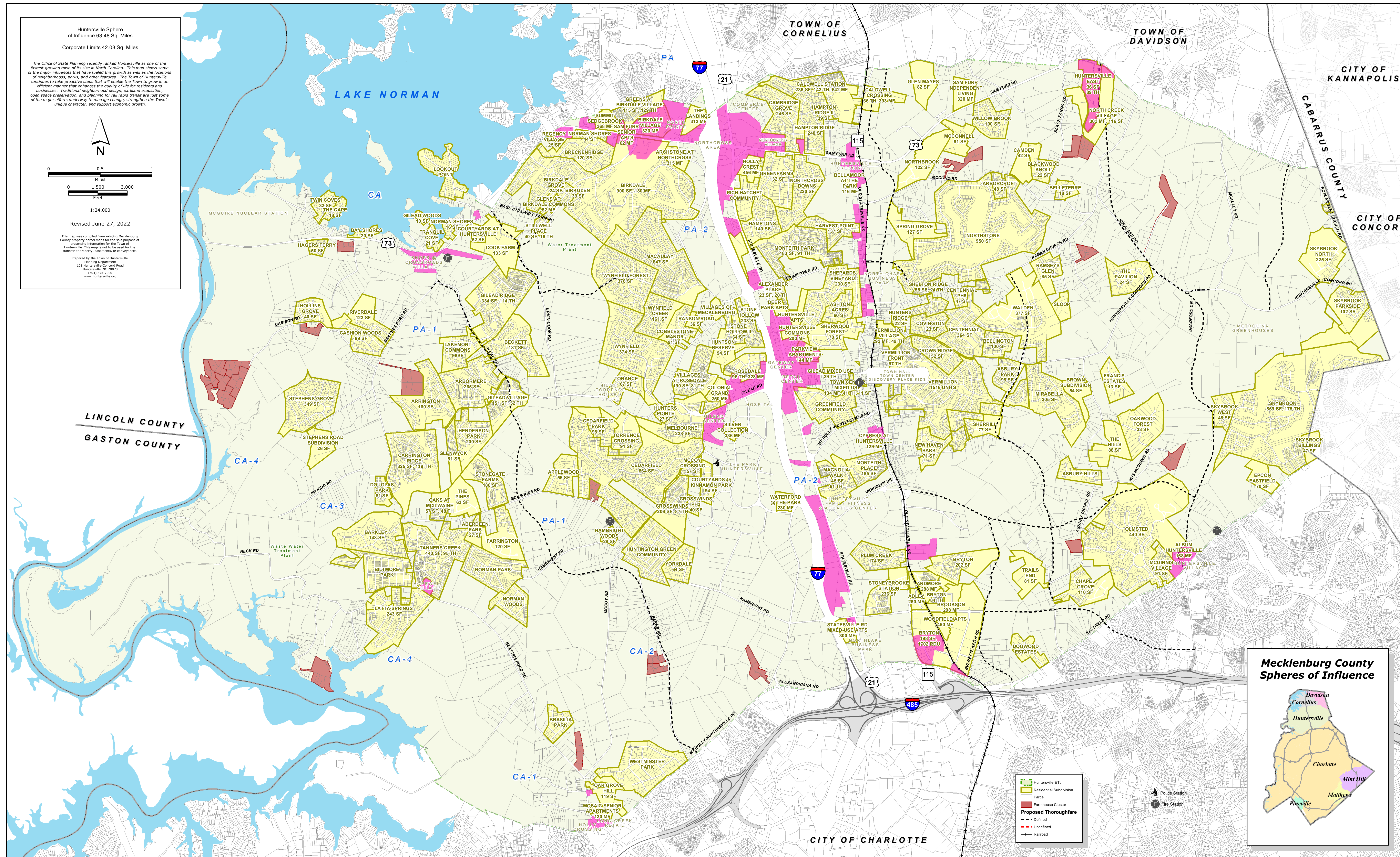
0 1,500 3,000
Feet

1:24,000

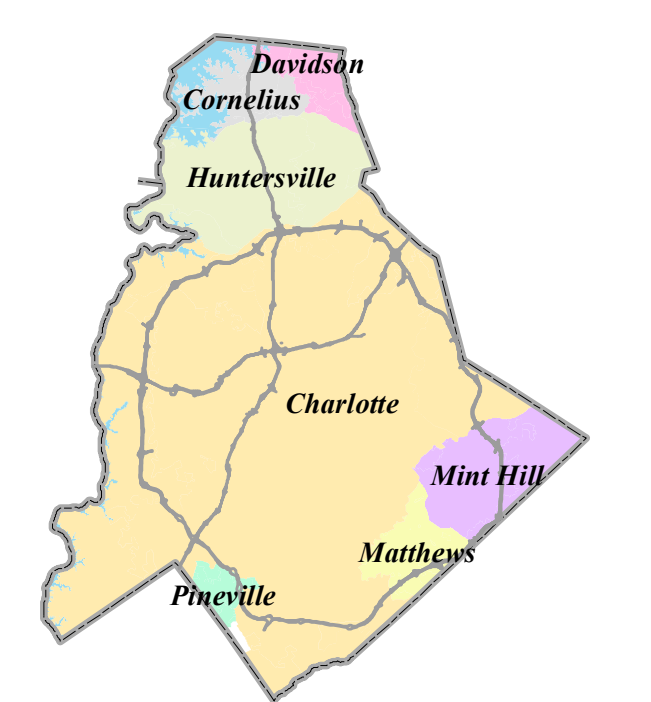
Revised December 21, 2022

This map was compiled from existing Mecklenburg County property parcel maps for the sole purpose of presenting information for the Town of Huntersville. This map is not to be used for the transfer of property, easements, or conveyances.

Prepared by the Town of Huntersville
Planning Department
101 Huntersville Corporate Road
Huntersville, NC 28078
(704) 275-7000
www.huntersville.org



Mecklenburg County Spheres of Influence



**Town of Huntersville
Town Board
December 5, 2022**

To: Town Board

From: Anthony Roberts, Town Manager

Date: December 5, 2022

Subject: Revised 2022 Town Board Meeting Schedule

EXPLAIN REQUEST:

Consider adopting revised 2022 Town Board Meeting Schedule, canceling the December 20 Regular Town Board Meeting.

ACTION RECOMMENDED:

Adopt Revised Schedule

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. BofC Meeting Schedule 2022 -Amended 12052022

Huntersville Board of Commissioners

2022 Town Board Regular Meeting Schedule

Meetings begin at 6:00 p.m. at Huntersville Town Hall located at 101 Huntersville-Concord Road, Huntersville, NC 28078 (unless otherwise posted) and livestreamed at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Pre-meetings may occur as part of any regular meeting at the time and for the purposes specified on the regular meeting agenda. The time and purpose(s) of pre-meetings will be published on the agenda.

The Board of Commissioners reserve the right to hold virtual board meetings during declared States of Emergency as applicable in the Town of Huntersville. Notice of virtual meetings will be issued pursuant to N.C.G.S. § 166A-19.24.

When meetings are held virtually, the following procedures apply:

Meetings will be held both in person and virtually via livestream. The Board of Commissioners will participate remotely. The public is invited to attend and comment during public comment or during any of the public hearings: (1) in person or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. the day of the meeting. The public may also submit comments by email to the Town Clerk. Emailed comments regarding public hearings may be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing. The Town Clerk may be reached by email at jpierson@huntersville.org or by phone at (704) 766-2202.

January 3, 2022	
January 18, 2022	Tuesday, due to Martin Luther King, Jr Day
February 7, 2022	
February 21, 2022	
March 7, 2022	
March 21, 2022	
April 4, 2022	
April 18, 2022	
May 2, 2022	
May 16, 2022	
June 6, 2022	
June 21, 2022	Tuesday, due to Juneteenth National Independence Day
July 5, 2022	Cancelled, due to Independence Day
July 18, 2022	
August 1, 2022	
August 15, 2022	
September 6, 2022	Tuesday, due to Labor Day
September 19, 2022	
October 3, 2022	
October 17, 2022	
November 7, 2022	
November 21, 2022	
December 5, 2022	
December 20, 2022	Cancelled