



AGENDA
Regular Planning Board Meeting
April 25, 2023 - 6:30 PM

Town Hall 101 Huntersville-Concord Road

Live Stream: <https://www.youtube.com/@townofhuntersvillenc28078>

1. **Call to Order/Roll Call**
2. **Approval of Minutes**
 - 2.A. Consider approval of the March 28, 2023 regular meeting minutes ()
3. **Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
4. **Action Agenda**
 - 4.A. Petition #TA22-11, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 10 Signs to increase flexibility of sign regulations and codify current practices. *(Lauren Speight)*
 - 4.B. Petition #TA23-02, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 14.2.3 of the Zoning Ordinance, TIA reference no longer applicable as a result of the current administrative review of Sketch Plans; Section 6.300 of the Subdivision Ordinance for a TIA reference no longer applicable; Articles 11.8 and 14.4.4 of the Zoning Ordinance regarding the withdrawal of amendment petitions; Section 6.320 of the Subdivision Ordinance, Sketch Plan Community Meeting notification requirements; Article 11.4.3 of the Zoning Ordinance regarding Conditional Zoning Community Meeting notification requirements. *(Lauren Speight)*
 - 4.C. Petition #SUP23-01 is a request by hep Petra Development LLC on behalf of the City of Charlotte for a Special Use Permit for a major solar energy facility at 5824 Jim Kidd Road Huntersville, NC 28078 PIN 01305102. Major solar energy facilities are permitted in the Rural (R) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.54. *(Lauren Speight)*
5. **Other Business**

6. Adjourn

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, March 28, 2023.

Call to Order/Roll Call

Chairman Sny called the meeting to order at 6:30 pm.

Present: J. Sny, F. Gammon, S. Swanick, C. Boyd, J. Wright, T. Loomis, G. Baber (arrived at 6:32 p.m.), S. Hensley & J. Henson

Approval of Minutes

Item 2A. Consider approval of the February 28, 2023, Regular Meeting Minutes

Motion: S. Swanick made a Motion to Approve the amended February 28, 2023, minutes. J. Henson seconded the motion.

Vote: The motion passed (8-0-1) with S. Hensley abstaining as he was not present at the February 28, 2023, meeting.

Public Comments

No comments

Action Agenda

F. Gammon asked J. Glass, Town Attorney for clarification on what the Town Board may consider for Charter Caldwell Station Subdivision Sketch Plan recommendation from the Planning Board. J. Glass confirmed that the Planning Board motion will be included in the staff report presented to Town Board for this item.

Item 4A: Consider Recommendation for Charter Caldwell Station Subdivision Sketch Plan, a request by Charter Properties, Inc. to subdivide 5.51-acres located at 17223 Old Statesville Road (NC 115) (Parcel #s 005-44-317, 005-44-318, 005-44-319 & 005-44-331) for a 39-unit rental townhome development.

D. Peete, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the request and requested block length modification.

J. Henson asked if the application was submitted prior to the amendment to the zoning ordinance related to transit attached housing. Staff confirmed that is correct, this application predates those amendments so 100% attached housing is permitted and the hearing will be quasi-judicial.

The applicant Eric Williams, Charter Properties, 1520 South Blvd, Suite 215 Charlotte, NC commented that they have worked with staff to comply and would be available to answer questions.

C. Boyd asked for confirmation that the trash collection access has been confirmed as workable in the proposed alleys, and if the apartments amenity center will be accessible to these residents as well. Staff confirmed that they are designed per standard for trash collection. The applicant confirmed that the amenities will be available to these residents which is in keeping with current development practices and has worked well on other properties that they have developed.

J. Sny asked the applicant if they had any concerns or disagreed with any of the outstanding requirements as indicated by staff. The applicant stated they do not have any concerns and the Charlotte Water willingness to serve letter has already been provided.

F. Gammon asked staff to confirm that there is no commuter train and the only reason the applicant can achieve this density is because the application predates the amendment to the zoning ordinance which addresses density within quarter mile of proposed transit stations. Staff confirmed the application does predate the amended ordinance.

Motion: F. Gammon made the Motion to Approve, in considering the Charter Caldwell Station Subdivision Sketch Plan, the Planning Board finds: The application is complete; The Charter Caldwell Station Subdivision Sketch Plan is consistent with adopted public plans and policies and complies with all applicable requirements of the Zoning Ordinance, and the Huntersville 2040 Community Plan as stated within the finding of facts in Parts 2 - 4 of the staff report. The proposed Charter Caldwell Station Subdivision lies completely within the 2040 Community Plan Town Core Future Land Use Character Area, and is supported by Policies: EOS 8.3, EOS 10, LU 2.1, LU 5.3, LU 7.1, LU 8.3, LU 9.1, LU 10.1, and T 5.1.

The Planning Board recommends approval of the Charter Caldwell Station Subdivision Sketch Plan, and the requested block length modification for the NC 115 block, not to exceed 775 feet. The recommendations for approval are contingent upon the applicant working with Staff to resolve: The administrative amendment to Caldwell Station Apartments Phase 2 must be approved in order for the subdivision to be approved; townhome elevations are too similar, provide greater variation between building elevations for review; add a note regarding storm system by-pass through Caldwell Station Apartments - Phase 2 required for Charter Caldwell Townhomes; town Transportation comments must be addressed; water quality concept plan must be approved by Staff; and address any remaining redline comments with staff.

J. Henson seconded the motion.

Vote: The motion passed unanimously (9-0).

Other Business

Item 5A: Discussion: Overview and Update on Mobility Plan

H. Maloney, Senior Transportation Planner provided an update on the Mobility Plan as included in the agenda packet.

S. Hensley asked if there was a plan to create an app or something more public facing to utilize the GIS layer. H. Maloney commented that is something that could come out of this and creating the GIS layer is the first step. There was discussion regarding updating Google maps to include the walking and biking layers.

F. Gammon asked if the Greenway Trails and Bikeways Commission is involved in the Mobility Plan, and who will be the user of the Mobility Plan. H. Maloney commented she is attending and updating the Greenway Trails and Bikeways Commission on the Mobility Plan as well. This Plan is really a technical project to internally synthesize all the plans and get them up to date. The outcome will result in a public

facing map and formal report. J. Simoneau shared that the findings will affect anyone who does a project in Huntersville to identify what is planned for the public right of way. H. Maloney also commented that this will be used for funding requests to establish priority, which will be shaped by public input.

Item 5B: Discussion on townhomes as an allowable use in the Town Center (TC) and Neighborhood Residential (NR) zoning districts

B. Richards, Assistant Planning Director commented that the 2040 Community Plan identified a variety of housing types that are encouraged including townhomes. A variety of 100% attached townhome projects from other regions were presented to highlight the variety of housing stock options that are being developed. Currently staff receives numerous phone calls asking where this product type would be permitted.

J. Henson commented that he also receives numerous calls regarding townhome developments. Additionally, townhomes provide more flexibility in range of pricing with affordability to luxury being an option.

S. Swanick asked if one building one lot is currently allowed and staff confirmed that is correct. Currently that means only apartments or single-family are an allowed option for infill development. Townhomes could encourage ownership for infill development. Research to determine how to creatively structure the ordinance to not encourage large townhome communities versus true infill development would be important.

F. Gammon asked why 100% attached townhomes are not currently allowed. Staff reviewed the current methods that 100% attached can be achieved under the zoning ordinances. Applicants have the option to seek rezoning to Transit Neighborhood Development (TND) which allows 100% attached. Previously the ordinance was in place to allow the 100% attached within a quarter mile of the transit stations to create some flexibility where it made sense, then that was amended and removed based on the transit not coming any time soon. Additionally, you can currently have one building on one lot of multiple townhomes, but you cannot have multiple buildings. This research would be to identify new ways to possibly allow 100% attached and what caps to possibly place on that.

F. Gammon stated he does not have a problem with a discussion moving forward and looking at if three needs to be a change. He asked if we are ready to move away from single-family to multi-family homes and would that depend on the zoning. Staff stated that the discussion would include those questions and the many ways that this could be approached.

S. Swanick commented that the discussion will likely continue beyond the expiration of his term with the Board so he will share his comments now. He thinks this should be discussed and staying within Town Center for now makes sense to control the effects of the experiment. What is permitted in neighboring and nearby municipalities should be researched and identifying what lots could even potentially be built upon to identify potential impact and to include in the possible future amendment.

F. Gammon recommended not eliminating other zoning districts until there is discussion because the research may show this would be well suited for another district as well. S. Swanick concurred.

G. Baber commented that he would be in support of the discussion and research. He commented on a recent article regarding Cornelius position on townhomes in their downtown area and encouraged that be included in the research and discussion.

J. Henson commented that the one building on one lot can be placed in several zoning districts which equates to three story apartment buildings and likely greater density versus a townhome community that would be a major subdivision and likely trigger other possible improvement requirements.

F. Gammon commented that it all depends on the piece of land.

J. Simoneau shared the recently approved text amendment which increases the setbacks for apartments when adjacent to existing single-family developments. The Town has not been overrun with apartments because the ordinance only allows one building on one lot but now is the time for discussion on it because we are getting more conversations regarding this.

J. Sny asked the Board via straw poll of their interest in staff leading discussion and research on this topic. The straw poll was unanimous (9-0) in support of discussion and research. Staff will begin the research and return to the Planning Board for discussion.

Adjourn

Motion: C. Boyd made a Motion to Adjourn. T. Loomis seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

TA22-11 Article 10 Signs

PART 1: DESCRIPTION

TA22-11 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 10 Signs to increase flexibility of sign regulations, codify current practices, and clarify existing language.

PART 2: BACKGROUND

Article 10 of the Zoning Ordinance contains regulations for exterior signs. There are standards around sign size, height, placement, lighting, etc.

The purpose of the sign regulations are:

1. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
2. To minimize the distractions and obstruction of view that contribute to traffic hazards and endanger public safety;
3. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed, and sized signage;
4. To provide an effective guide for identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located.

A large portion of the amendment is to codify current practices and clarify existing language. The most substantial change proposed is to Article 10.7 Permanent Signs Requiring a Permit.

Sign contractors and business owners have made recommendations on how the Town may increase the flexibility of the sign regulations under 10.7 and make the section easier to understand. The proposed text amendment aims to address the feedback received by Staff.

The most frequent comments Staff receive are about how restrictive the parking lot sign standards are, specifically the 25% sign area limit and requirement to transfer square footage from the primary sign to the parking lot sign. The proposed text amendment will allow any qualifying structure to have 32 square feet in sign area on a wall that fronts a parking area and contains pedestrian entry.

10.7.2 was added to regulate signage for multi-story, multi-tenant buildings. Staff receives many inquiries from new tenants in multi-story, multi-tenant buildings about the restrictions for sign area. In some cases, the primary wall of the building is using the maximum sign area allowed on the primary wall. This prevents new tenants from being able to place a sign on the primary wall. Tenants often express frustration that the conditions of their lease promise space for a wall sign on the primary wall. The intent of the added language is to make property owners/managers be pro-active so that this situation will not happen.

For a detailed explanation of all the proposed changes, please see the summary document attached.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA22-11 is consistent with Land Use Policy LU-8 of the Huntersville 2040 Community Plan.

Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers.

- Staff Comment: The amendment will increase the flexibility of the sign regulations by slightly increasing the allowed size of wall signs and monument signs in certain zoning districts. The added flexibility mainly affects commercial signs which are found in all of the above centers/core.

PART 4: STAFF RECOMMENDATION

After input from Town Commissioners during the Public Hearing, Staff recommends approval of the proposed text amendment with the exception of Section 9.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board, with one board member abstaining, recommended approval (7-0-1) of the proposed text amendment on February 2, 2023.

PART 6: PUBLIC HEARING

April 3, 2023

PART 7: PLANNING BOARD RECOMMENDATION

April 25, 2023

PART 8: TOWN BOARD RECOMMENDATION

May 15, 2023

PART 9: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. Summary of Changes
4. Example of Maximum Wall Sign Area
5. February 2nd HOAB Minutes

PART 10: STATEMENT OF CONSISTENCY – TA22-11

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-11, Planning Staff recommends approval based on consistency with policy LU-8 of the Huntersville 2040 Community Plan with the exception of Section 9. It is reasonable and in the public interest to amend the Zoning Ordinance because it will clarify the current language and increase flexibility of the sign regulations while still meeting the intent of	APPROVAL: In considering the proposed amendment TA22-11, the Planning 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)	APPROVAL: In considering the proposed amendment TA22-11, 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)

signs being for identification purposes and not for advertising.		
DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-11, the Planning 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.... (Explain)	DENIAL: In considering the proposed amendment TA22-11, 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.... (Explain)



Text Amendment Application

TA22-11

Date of Application 01/03/23

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): 10, 12.2.2 Section(s): _____

Current Ordinance

see attached

Proposed Text

see attached

Reason for Proposed
Change

To update sign regulations to increase flexibility
of standards based on customer feedback & to
clean up some of the language.

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 Town of Huntersville Planning Department
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Municipality
Signature *Kayla Knielenz* Date 01/03/23
Title Planner I Email Knielenz@huntersville.org
Address of Applicant 105 Gilead Rd, 3rd Floor

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: 01/03/23

Staff Initials: LM

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING
ORDINANCE ARTICLE 10 SIGNS TO UPDATE AND CLEAN UP STANDARDS**

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.2 Applicability, is hereby amended as follows:

10.2 Applicability

Except as otherwise provided in this ordinance, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the ~~Mecklenburg County Building Standards Department~~ or designated permitting agency. In addition, a certificate of occupancy for the change in the use of property shall require compliance with Article 10, Signs.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.3 General Provisions, is hereby amended as follows:

10.3 General Provisions

The following provisions shall apply to all signs.

- .1 Construction Standards. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- .2 Electrical Standards. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be powered by an underground electrical source.
 - a) Sign lighting must comply with Article 8.26.3 (e-g).
- .3 Maintenance of Signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.
- .4 Content. Content of message, commercial or non-commercial, is not regulated by this ordinance.
- .5 No sign shall be placed so as to obstruct the clear sight triangle at a street intersection (Section 8.9).
- .6 **No sign shall be placed in a utility or storm drainage easement without permission from easement holder.**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.4 District Classification, is hereby amended as follows:

10.4 District Classification

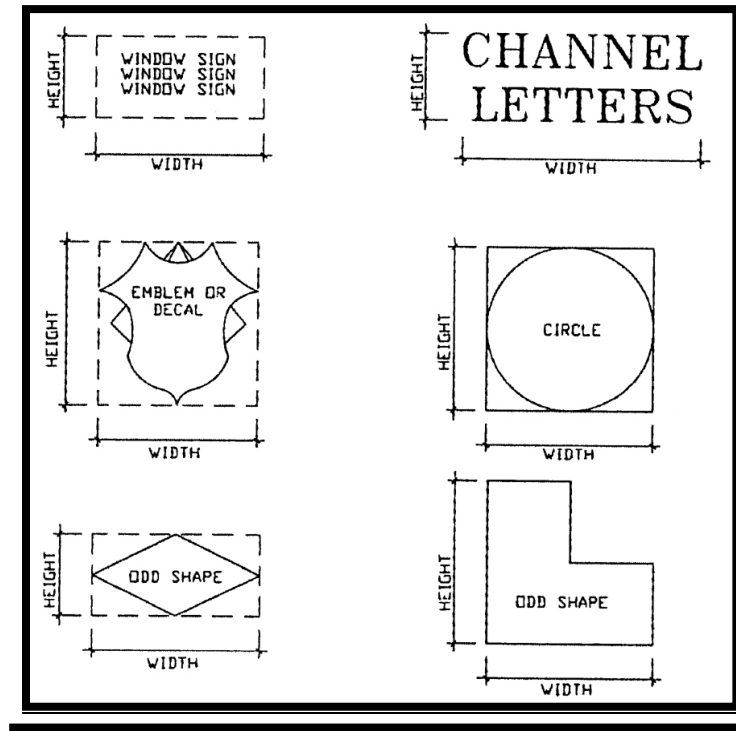
For purposes of this Article, zoning districts are classified as follows:

Rural District (R)	Residential
Transitional Residential (TR)	Residential
General Residential (GR)	Residential
Neighborhood Residential (NR)	Residential
Manufactured Home Overlay (MH-O)	Residential
Rural Traditional Neighborhood Development District (TND-R)	Mixed Use
Urban Traditional Neighborhood Development District (TND-U)	Mixed Use
Neighborhood Center (NC)	Mixed Use
Town Center (TC)	Mixed Use
Campus Institutional (CI)	Mixed Use
<u>Transit Oriented Development District- Employment (TOD-E)</u>	<u>Mixed Use</u>
<u>Transit Oriented Development District- Residential (TOD-R)</u>	<u>Commercial</u>
Highway Commercial (HC)	Commercial
Vehicle Sales (VS)	Commercial
Corporate Business (CB)	Commercial
Special Purpose (SP)	Commercial

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.6 Sign Measurement, is hereby amended as follows:

10.6 Sign Measurement

- .1 Sign Face Area: The area within a single, continuous perimeter enclosing the characters, lettering, logos, illustrations, and ornamentation, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.



Section 5. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.7 Permanent Signs Requiring a Permit, is hereby amended as follows:

10.7 Permanent Signs Requiring a Permit

10.7.1 On-Premise Signs are allowed, as indicated in the chart below

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CIVIC BUILDINGS, <u>PARKS, AND GREENWAYS</u> IN ANY DISTRICT Wall Mounted Sign Primary Sign Max Area: 10% of <u>the area of</u> any wall face area-fronting a street or approved alternate frontage, up to a maximum of 128 square feet. Parking Lot Sign Max Area: <u>One wall face that does not front a public street or approved alternative frontage, but which fronts a parking area and contains pedestrian entry, may have up to 32 square feet of parking lot wall signage.</u> Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 50% of the allowable sign face area for either wall or ground mounted signs	ANY BUILDING TYPE IN A MIXED-USE DISTRICT EXCEPT A DETACHED HOUSE (NC, TC, CI, TND-U, TND-R, <u>TOD-R</u>) Wall Mounted Sign Primary Sign Max Area: 10% of <u>the area of</u> any wall face area-fronting a street or approved alternate frontage, up to a maximum of 128 square feet. Parking Lot Sign Max Area: <u>One wall face that does not front a public street or approved alternative frontage, but which fronts a parking area and contains pedestrian entry, may have up to 32 square feet of parking lot wall signage.</u> Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs
ANY BUILDING TYPE IN A COMMERCIAL DISTRICT EXCEPT DETACHED HOUSE (HC², CB², SP, VS, <u>TOD-E</u>) Wall Mounted Sign Primary Sign Max Area: 10% of <u>the area of</u> any wall face area-fronting a street or approved alternate frontage, up to a maximum of 128 square feet. However, in the CB and SP zone, any building over 100,000 sq-uare <u>feet- of floor area</u> may have wall sign(s) not to exceed 384 square feet. In addition, one Secondary Business Identification Sign (defined in Article 12) is permitted for each secondary business, up to a maximum combined area of 64 square feet for all secondary business identification signs. Parking Lot Sign Max Area: <u>One wall face that does not front a public street or approved alternative frontage, but which fronts a parking area and contains pedestrian entry, may have up to 32 square feet of parking lot wall signage.</u> Notwithstanding the above, the total area of all wall-mounted signs shall not exceed 10% of the applicable wall face area. Ground Mounted Sign Maximum Number: 1 per street front Maximum Area: 32 square feet Maximum Height: 8 feet Not permitted for zero setback buildings Changeable copy¹ shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs	<u>COMMERCIAL USE OR MIXED USE IN CERTAIN MIXED-USE BUILDINGS WHERE PERMITTED IN RESIDENTIAL DISTRICTS (NR, <u>TR, R,</u>)</u> Wall Mounted Sign 1 sign per business bay², up to a maximum of 12 square feet per bay; the sign area for any mixed-use structure shall not exceed 5% of any wall face area fronting a street or approved alternate frontage. <u>Primary Sign Max Area: 5% of the area of any wall face fronting a street or approved alternate frontage, up to a maximum of 12 square feet.</u> Ground Mounted Sign Maximum Number: 1 per building street front Maximum Area: 42 <u>16</u> square feet Maximum Height: 6 feet Type permitted: pole and beam or framed only, as identified in 10.5.2 b). Illumination permitted: Down lighting or indirect lighting (no internal illumination) Changeable copy¹ shall not exceed 25% of the allowable sign face area for either wall or ground mounted signs
DIRECTORY SIGN Maximum Number: 1 per street front; maximum 3 signs; 1000-foot separation. Maximum Area: 96 square feet per sign Maximum Height of ground mounted signs: 12' (includes shopping centers, office complexes, schools, large-scale religious institutions, institutional or business	PLANNED DEVELOPMENT ENTRANCE SIGN <u>FOR DEVELOPMENTS OF 5 ACRES OR MORE</u> Maximum Number: 1 per street front; 2 sign faces may be used with a wall, fence, or other architectural entrance feature Total Maximum Area: 24 <u>32</u> square feet Maximum Height: 8 feet <u>Ground Mounted Sign limited to name and/or logo</u>

TA22-11 SIGNS

campuses, and similar large complexes which have a variety of tenants or uses) No individual tenant ground mounted signs are permitted.	(permitted for all residential, mixed use, and non-residential projects of 10 acres or more) Limited to name and/or logo
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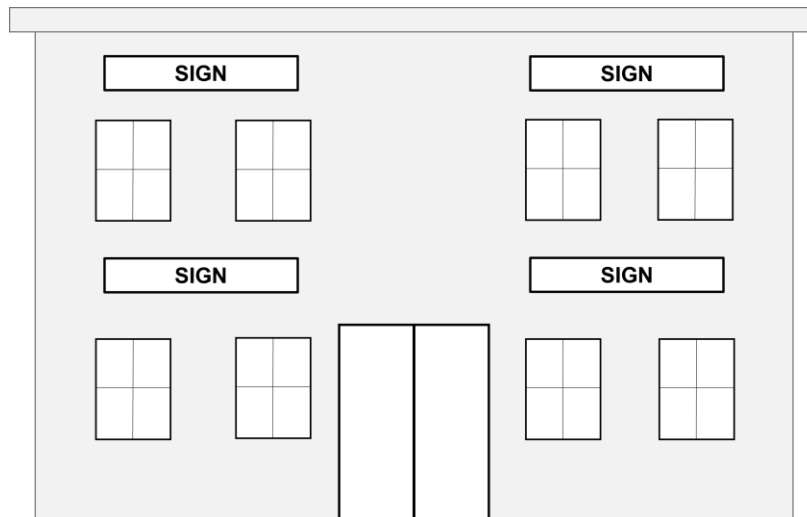
~~For buildings in all residential, mixed use and non-residential projects, 25% of the allowable wall mounted signage of one street fronting or approved alternate frontage wall face per individually constructed tenant space (up to 32 sq. ft.) may be transferred to one wall face that does not front a public street, but which fronts a parking area and contains pedestrian entry.~~

¹ Changeable copy that is internally illuminated or self-luminous shall meet the following standards:

- (a) Maximum brightness shall be 5,000 nits during daylight hours (dawn to dusk) and 150 nits during nighttime hours. The applicant or sign manufacturer must provide either written certification from the manufacturer that the light intensity has been factory-programmed not to exceed above listed light levels or provide an isolux lighting plan certified by an electrical engineer.
- (b) Message may change a maximum of twenty-four (24) times per 24-hour period. Change of message shall not occur within any thirty (30) minutes timespan from the last change of message.

² ~~A business bay in a mixed use building is the width of the first floor which is used for any single business, extended from the front of the building to the back of the building.~~

² Notwithstanding the above, in the Highway Commercial or Corporate Business zoning district, when a commercial site plan is submitted for a new or redeveloped multi-story, multi-tenant building(s) that is a Highway Commercial, Urban Workplace or Shopfront building type, a sign plan shall be submitted for administrative review that includes, but is not limited to, locations of wall signs for each tenant and the square footage of wall sign area devoted to each tenant. Sign plan shall be revised if the number of tenant spaces changes after the approval of the sign plan. The maximum area permitted for wall signs is 10% of the area of any wall face fronting a street or approved alternate frontage, up to a maximum of 128 square feet. One wall face that does not front a public street or approved alternative frontage, but which fronts a parking area, may have up to 16 square feet of parking lot wall signage for each building tenant.



Section 6. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.10 Signs Permitted without a Permit, is hereby amended as follows:

10.10 Signs Permitted without a Sign Permit

The following types of signs are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this ordinance.

- .4 On premise directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign, in which case it may not exceed 9 square feet. Maximum height: ~~4~~5 feet.

.20 Temporary Sporting Event Sign

- a) Signs shall be displayed only on the property on which the event is held.**
- b) No more than one sign per street front shall be permitted per event.**
- c) Signs shall not exceed 32 square feet in area or 6 feet in height.**
- d) Signs shall be erected no sooner than the day of the event and may only be erected through the duration of the event.**

.21 Government signs.

Section 7. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.11 Master Signage Programs, is hereby amended as follows:

10.11 Master Signage Programs

Master signage programs establish two alternatives in providing latitude to develop appropriate signage designs for new or existing areas with special unifying features. The alternatives are the Special Sign District **Option** and the Planned Development **Sign Flexibility Option**. ~~Special Sign Districts require approval by the Board of Commissioners following review and recommendation by the Huntersville Planning Board.~~

10.11.1 Special Sign District Option

Special Sign Districts require approval by the Board of Commissioners following review and recommendation by the Huntersville Planning Board. ~~For~~ The purpose of **a Special Sign District is to** establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, districts in which signs are regulated by special provisions may be established subject to the following conditions:

- .1 As a prerequisite to the establishment of such a special sign district, it must be determined that the modified rules established for said district shall:
 - a) Preserve and enhance the special character of the particular area; and
 - b) Not contravene the intent of this ordinance; and
 - c) Cause no disturbance to neighboring property lying outside the proposed district.
 - d) Without changing the basic structure of this ordinance, the modified rules for a special sign district may impose sign regulations which provide greater latitude or more stringent limitations than those provided elsewhere in this ordinance.
- .2 The special sign district constitutes an overlay district and shall conform to the procedures of Article 11 for purposes of adoption and administration. Districts for which special sign regulations may be

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imposed include, but shall not be limited to, the Town Center District, the Neighborhood Center District, the TND-U and TND-R districts.

- .3 **A Master Sign Plan shall be submitted that includes, but is not limited to, the following information in a digital format:**
 - a) **Detailed designs of all proposed signs including the size, height, changeable copy, and materials of such signs.**
 - b) **A graphic showing proposed number and location of signs.**
 - c) **Sign illumination plans.**
 - d) **Plans for landscaping and architectural features to be used in conjunction with such plans.**
- .4 **Once the Special Sign District has been approved, modifications to the Master Sign Plan must be reviewed and approved in the same manner in which the approval was originally made, including any necessary notice and public hearing. However, minor modifications, as defined by Article 12 of this ordinance, may be approved by the Zoning Administrator.**

10.11.2 Planned Development **Sign Flexibility Option**

For the purpose of providing flexibility and incentives for coordinated, well-designed sign systems for large-scale development, special provisions varying the standards of this ordinance may be approved by the Zoning Administrator, subject to the following:

- .1 The development is: a planned residential, nonresidential, or mixed-use development, 10 acres or greater in size; a hospital or other large-scale institutional complex; a large-scale cultural, civic or recreational facility; or a similar large-scale development.
- .2 A Master Sign Plan ~~program~~ **shall be submitted** that includes, **but is not limited to,** the following information in **a digital** ~~booklet format~~ **format** ~~is submitted~~:
 - a) Detailed designs of all proposed signs including the size, height, **changeable** copy, **and** materials, ~~and colors~~ of such signs.
 - b) **A graphic showing** ~~P~~proposed number and location of signs shall be submitted.
 - c) Sign Illumination Plans.
 - d) Plans for landscaping ~~or~~ **and** architectural features to be used in conjunction with such plans.
- .3 The proposed signs meet the following criteria: **To utilize any of the below special provisions, it shall be noted in the approved Master Sign Plan.**
 - a) All signs are coordinated in terms of design features.
 - b) ~~The maximum amount of allowable wall mounted signage per individually constructed tenant space of one non-street fronting wall shall not exceed 25% of the area of the street fronting sign, up to a maximum of 32 square feet. This 25% increase may only be used on one non-street fronting wall.~~ **The maximum size of wall mounted signage on a non-street fronting wall that contains pedestrian entry and fronts a parking area shall not exceed 40 square feet. This increase may only be used on one non-street fronting wall that contains pedestrian entry and fronts a parking area.**
 - c) Marquee and Hanging/Blade Signs may be increased by 25%, however they may project no more than 4 feet from the building wall, and no more than 3 feet over a sidewalk in a town-maintained right-of-way.
 - d) The maximum size of detached signs is not increased by more than 25%.
 - e) The number of detached signs along a street frontage does not exceed 3.
 - f) The maximum height of a detached sign does not exceed 12 feet.
 - g) Multi-information directional signs are no greater than 16 square feet and are located in the interior of a development.

Section 8. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 10.13 Application and Issuance of Sign Permits, is hereby amended as follows:

10.13 Application and Issuance of Sign Permits

10.13.1 Application.

Applications for permits shall contain or have attached the following information:

- .4 A site or ~~plot~~ plan of the property involved, showing accurate placement of the proposed sign **including distance from right-of-way and any sight triangles.** ~~intended use(s) of the property and zoning district designation.~~
- .5 ~~Two (2) blueprints or inked, scaled~~ Drawings of the **sign** plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of existing wall signs shall also be included.

Section 9. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 12.2.2 Sign Definitions, is hereby added to the Zoning Ordinance as follows:

Sign Types. The following are types of signs included in this ordinance.

Directional or Instructional Sign. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", **"Customer Pick Up", "Drive-Up", "Curbside Pick Up"**, or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Section 10. This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: February 2, 2023 (Recommended Approval)

PUBLIC HEARING DATE: April 3, 2023

PLANNING BOARD MEETING: April 25, 2023

TOWN BOARD DECISION: May 15, 2023

TA22-11 Changes to Zoning Ordinance Article 10

- 1) Section 1
 - a) Article 10.2
 - i) Removed outdated reference to who issues sign permits
- 2) Section 2
 - a) Article 10.3.6
 - i) Codify that signs are not allowed in utility/storm easements without permission from easement holder (this is already practice)
- 3) Section 3
 - a) Article 10.4
 - i) Amended to specify what type of zoning district TOD-E and TOD-R are classified as for the purposes of sign regulations
- 4) Section 4
 - a) Article 10.6.1
 - i) Add visual aid for measuring sign area to help when explaining to customers
- 5) Section 5
 - a) Article 10.7
 - i) Under Civic Buildings in any district, codify that signs for parks and greenways are subject to those standards as well
 - ii) Under Any Building Type in A Mixed-Use District Except A Detached House, added sign regulations for TOD-R.
 - iii) Under Any Building Type in A Commercial District Except Detached House, added sign regulations for TOD-E.
 - iv) Under Mixed Use Buildings where Permitted in Residential Districts, add sign regulations for commercial use and mixed use in R & TR. There are limited commercial uses allowed in R & TR and we currently do not have specific standards for signs in these districts. An example of a business in R that requested a sign is the ivory barn event venue.
 - (1) Increase allowed square footage of ground-mounted signage from 12 SF to 16 SF to give flexibility while still keeping the size smaller than ground-mounted signs allowed in other zoning districts so the sign will blend better with surroundings.
 - v) **Parking Lot Signage.** Currently, a building wall that does not front a street or urban open space is only allowed a wall sign if it contains a pedestrian entrance and fronts a parking area. When allowed, the maximum area of the non-street fronting (parking lot) sign is 25% of the allowed square footage for the street-fronting (primary) sign,

TA22-11 Changes to Zoning Ordinance Article 10

up to 32 SF. It also requires a square footage transfer (deduction of square footage) from the primary sign to the parking lot sign.

(1) Current Language

For buildings in all-residential, mixed use and non-residential projects, 25% of the allowable wall mounted signage of one street fronting or approved alternate frontage wall face per individually constructed tenant space (up to 32 sq. ft.) may be transferred to one wall face that does not front a public street, but which fronts a parking area and contains pedestrian entry.

(a) Example. If the primary sign is allowed 100 SF in sign area, the parking lot sign would be allowed 25 SF in sign area (100 x 25%). The 25 SF would then be transferred (deducted) from the primary sign to the parking lot sign, leaving the primary sign with only 75 SF of usable sign area.

(2) Staff is proposing to allow a 32 SF wall sign on a non-street fronting wall that fronts a parking lot and contains pedestrian entry.

(a) This removes away the 25% of the area of the primary sign limit and the requirement to transfer the square footage from the primary sign.

(b) Staff has gotten many comments on how restrictive the 25% size limit and the transfer requirement is over the years. Staff feels comfortable allowing 32 SF outright for a wall sign on a non-street fronting wall that fronts a parking lot and has a pedestrian entrance as it is still in keeping with the spirit of the ordinance.

vi) Changed size of Planned Development Entrance from 24 to 32 SF to align with the size allowed for other monument signs.

vii) 10.7.2 was added to regulate multi-story, multi-tenant buildings. Staff has received many inquiries from new tenants in multi-story, multi-tenant buildings about what size sign they can put up. In some cases, the primary wall of the building has already used up the allowed sign area on that primary wall. Tenants often express their frustration that the lease they signed promised space for a wall sign on the primary wall. 10.7.2 was added to make property owners/managers be pro-active so that this situation will not happen. If the number of tenant spaces were to change, the sign plan would need to be updated. This would be triggered by an application for a new sign permit for the building because staff would check to see if the number of tenant spaces for the building had changed.

(1) Staff has specified each tenant may have a 16 SF parking lot sign as previously the entire wall face for parking lot signage would be limited to 32 SF. Which, if there are multiple tenants, will not be enough for each tenant to have an identifiable sign.

(2) Example of multi-story/tenant building in Huntersville that has used all sign area

TA22-11 Changes to Zoning Ordinance Article 10



6) Section 6

a) Article 10.10.4

- i) Updating maximum height of instructional/directional signs to match the minimum height of 5' for a handicap parking lot sign. Since staff is specifying in Section 9 of the proposed ordinance that drive up/pick up signs are directional/instructional, staff increased the height limit from 4' to 5' to match the minimum height of handicap parking lot sign. The intention is to keep the drive up/pick up signs a comparable size/height to the handicap parking lot signs to prevent the drive up/pick up signs from overwhelming the parking lot landscape.

b) Article 10.10.20

- i) The ordinance does not permit sporting event flags. Staff has received feedback multiple times from local sports team about the desire to have these flags. Staff is not comfortable with permitting sporting flags because flags flutter and signs that flutter are prohibited by our ordinance, so as a compromise, staff is proposing to allow temporary sporting event signs instead of flags.

c) Article 10.10.21

- i) Government signs are defined by our ordinance but are not mentioned in Article 10 (other than under 10.7.1 there are regulations for signs specific to Civic Buildings). Government signs do not require a sign permit so Staff codified that under the Signs Permitted without a Permit section.

7) Section 7

a) Article 10.11.1 & 10.11.2

- i) Name of Master Sign Programs changed to include word 'sign' and 'option' in each for clarity
- ii) Added language under the Special Sign District to codify the requirement of approval by the Town Board and the amendment for such approval
- iii) Updated content requirements for the Master Sign Plans to align with what we currently request
 - (1) Codified requirements already being used for the Special Sign District Master Sign Plan.

TA22-11 Changes to Zoning Ordinance Article 10

- iv) Updated the sign criteria under the Planned Development Flex Option to allow a 40 SF sign on one non-street fronting wall. This aligns with the flexibility from general sign regulations allowed by the Planned Development Flex Option.

8) Section 8

a) Article 10.13.1.4 & 10.13.1.5

- i) Updated sign application requirements to reflect information we currently require.

9) Section 9

a) Article 12.2.2 Sign Definitions

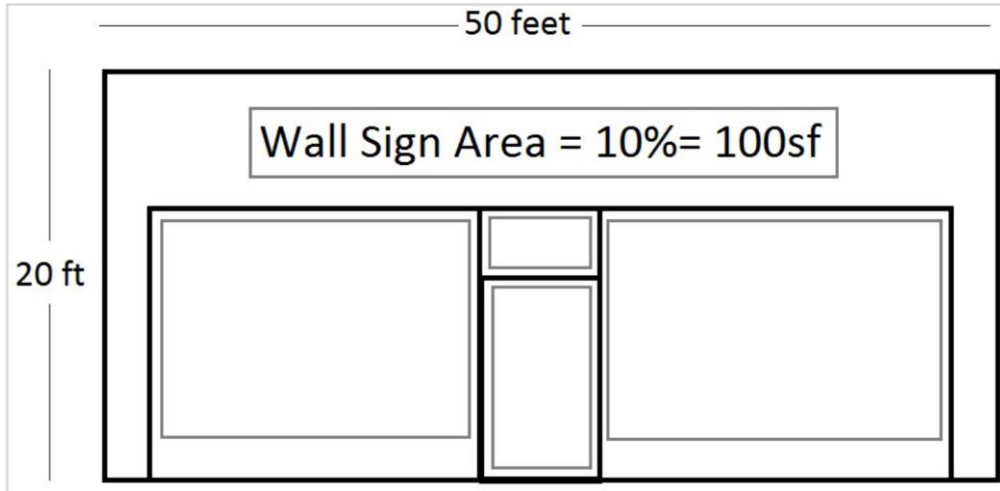
- i) Signs for customer pick up (curbside/drive up signs) are considered directional/instructional signs by our ordinance. These are permitted without a permit but still have size standards. We specified in the definition of directional/instructional signs that signs for customer pick up are considered such.
 - (1) Staff has had a few requests for drive up/curbside signs that are very large in height and size and look more like an advertising sign for curbside/drive up rather than directional/instructional sign. The addition of the language is to make pick up signs subject to the size and height limit of directional/instructional signs to prevent the signs for overwhelming the parking lot landscape.
 - (2) Example of large pick-up structure with large sign



Sign Area Example

How to calculate maximum wall sign area for street-fronting (primary) signs

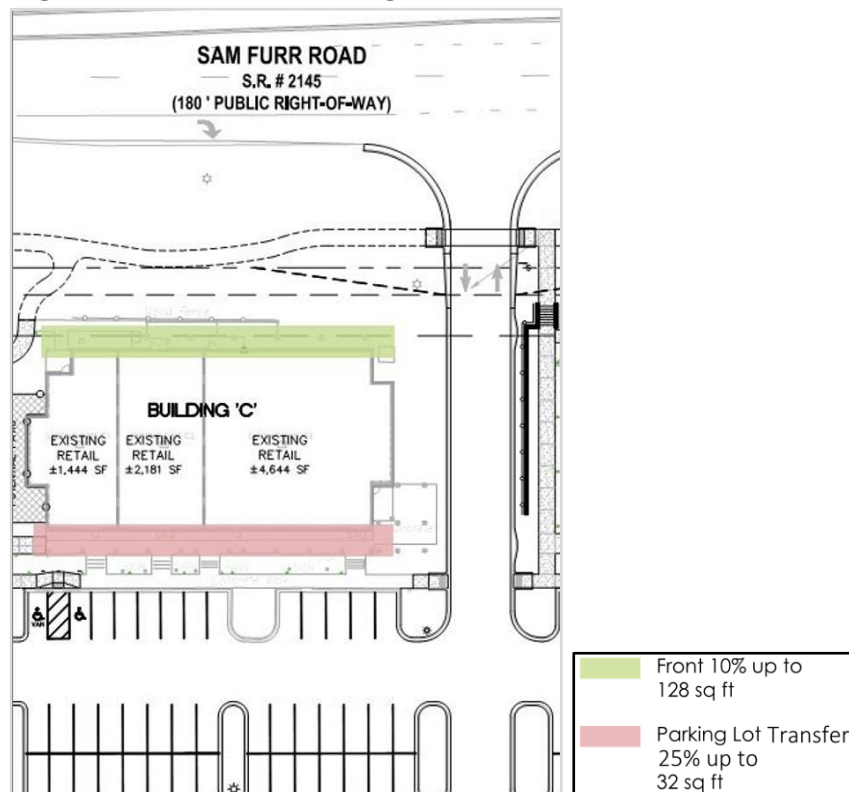
- Using the graphic below as an example, find the area of the street-fronting wall.
 - $50' \times 20' = 1,000 \text{ SF}$
- Multiply the area of the street-fronting wall by 10%. The resulting number is the maximum sign area for street-fronting signage.
 - $1,000 \text{ SF} \times 10\% = 100 \text{ SF}$



How to (currently) calculate maximum wall sign area for non-street fronting (parking lot) signs

- Multiply the maximum sign area of the street-fronting signage by 25%. The resulting number is the maximum sign area for non-street fronting signage.
 - $100 \text{ SF} \times 25\% = 25 \text{ SF}$
- Deduct the SF used for the non-street fronting sign from the maximum sign area of the street-fronting sign. The resulting number is the remaining maximum sign area for the street-fronting sign. If a non-street fronting sign is NOT erected, the maximum street-fronting wall sign area would remain at 100 SF.
 - $100 \text{ SF} - 25 \text{ SF} = 75 \text{ SF}$

Example of street-fronting and non-street fronting walls for a multi-tenant building in Birkdale Landing



Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, February 2, 2023.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, J. Kluttz, K. Jones, F. Gammon, B. Skelly (arrived at 3:52 p.m.), H. Whittaker, T. Taylor, A. Hallman & T. Finlay

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the January 5, 2023, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the amended January 5, 2023, minutes. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

No public comments.

Action Agenda

T. Finlay stated that he had a conflict of interest with Item 4A and requested to be recused.

Motion: F. Gammon made a Motion to recuse T. Finlay for Item 4A. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4A: Consider recommendation on petition #TA22-11, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 10 Signs to increase flexibility of sign regulations and codify current practices. (Kayleigh Mielenz)

K. Mielenz, Planner I reviewed the proposed amendment as included in the attached exhibits.

The Board had discussion related to clarifying terms, placement, safety concerns, and code enforcement.

Motion: K. Jones made a Motion to Approve TA22-11 to amend Article 10, Signs to increase flexibility of sign regulations and codify current practices. A. Hallman seconded the motion.

Vote: The motion passed (7-0-1) with H. Whittaker abstaining.

Motion: A. Hallman made a Motion to Reinstate T. Finlay. H. Whittaker seconded the motion.
Vote: The motion passed unanimously (8-0).

Item 4B: Consider recommendation on petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to Article 7 Landscaping and Open Space to update penalties for removal/damage of required vegetation. (Kayleigh Mielenz)

K. Mielenz, Planner I presented the proposed amendment as included in the attached exhibit. Staff stated that they will be redrafting the amendment to simplify the penalty calculation. Staff indicated that the revision will be so extensive that they would recommend the Board limit discussion on this item until the new version is presented.

Item 4C: Consider a recommendation on petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to Article 7, Part A: Landscaping altering the spacing and location of required street trees and providing greater flexibility for the types of supplemental residential lot trees. (Lauren Speight)

L. Speight, Senior Planner presented the proposed amendment as included in the attached exhibits.

H. Whittaker asked if the tree was placed on the homeowner's property who would be responsible for maintenance, replacement, and possible damages caused by the tree. Staff responded that currently the ordinance indicates the homeowner or homeowner's associated would be responsible as determined by that homeowner's association.

H. Whittaker asked about developer requirements for yard trees and types of trees. Staff relayed the history behind the ordinances related to yard trees, varying sizes of side paths, how tree types were considered, and how placement of trees is now being considered to reduce damages.

H. Whittaker stated he is not opposed to this. He commented on the importance of clear communication and expectations so that homeowners would fully understand their financial responsibilities.

K. Jones asked how a homeowner may be affected if an existing neighborhood is retrofitted with curb and gutter. Staff responded that a yard tree requirement would not apply and retrofit streets are typically too tight to allow for street trees.

Commissioner Munger added that this is a layered issue which includes sidewalks being adjacent to roads leading people to park on sidewalks, sidewalks being further in leads to homeowners parking in their driveway and partially blocking the sidewalk. This leads to the focus being on the correct tree installed correctly for the size of the planting strip. He added that in Vermillion, the homeowner is responsible for replacing the street tree if it dies and must get approval from the homeowner's association for which type of tree he may plant in that location.

F. Gammon commented that he does not want to add more regulation and burden on the homeowners regarding trees and there should be greater education related to the current regulations and resident requirements.

H. Whittaker commented that moving the tree up into the homeowner's property and the line fills up with roots it would become the responsibility of the homeowner which could create a serious cost.

M. Jones asked staff about how the tree is planted. Staff confirmed that the note is on the plan requiring a specific method for tree planting however this is not inspected, and trees are often found planted incorrectly.

S. Trott, Director of Engineering for Town of Huntersville commented that in addition to sewer, water, power, gas, and telecommunication lines are also typically in the planting strip. Stormwater is publicly maintained and typically also within the planting strip. Additionally street signs, regulatory signs, streetlights are also in this area that can conflict with trees. Trees located can also create a sight distance issue so the number, size, spacing are a few of many factors that go into selecting the trees.

Item 4D: Consider a recommendation on petition #TA23-02, a request by the Huntersville Planning Department for a text amendment to Article 14.2.3, Traffic Impact Analysis, Applicability to remove a reference to the Subdivision Ordinance that no longer applies to sketch plans reviews per the approved amendment TA22-05 making the major subdivision review process administrative.

L. Speight, Senior Planner presented each section of the proposed amendment.

Staff confirmed ZO Article 14.2.3 would be amended as presented with the additional strike out of "for rezoning cases."

The Board had discussion related to when an applicant would be allowed to withdraw their plans, when they can resubmit, and how this would affect the timeline.

Motion: T. Taylor made a Motion to recommend approval of TA23-02 as presented by staff. T. Finlay seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 5A: Acknowledge terms of service for Tim Taylor, Thomas Finlay & Brandy Skelley
Chairman Jones thanked all exiting Board members for their service.

Item 5B: Election of Chair and Vice-Chair

Nomination: F. Gammon nominated A. Hallman as Chair. H. Whittaker seconded the nomination. There were no other nominations.

Vote: The motion passed unanimously (9-0).

Nomination: A. Hallman nominated K. Jones as Vice-Chair. H. Whittaker seconded the motion. There were no other nominations.

Vote: The motion passed (8-1) with T. Finlay opposed.

Other Business

No other business.

Adjourn

Motion: J. Kluttz made a Motion to Adjourn. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Planning Board
April 25, 2023**

To: Town Board

From: Lauren Speight, Planner II

Date: April 25, 2023

Subject: TA 23-02

EXPLAIN REQUEST:

Make recommendation on Petition #TA23-02, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 14.2.3 of the Zoning Ordinance, TIA reference no longer applicable as a result of the current administrative review of Sketch Plans; Section 6.300 of the Subdivision Ordinance for a TIA reference no longer applicable; Articles 11.8 and 14.4.4 of the Zoning Ordinance regarding the withdrawal of amendment petitions; Section 6.320 of the Subdivision Ordinance, Sketch Plan Community Meeting notification requirements; Article 11.4.3 of the Zoning Ordinance regarding Conditional Zoning Community Meeting notification requirements.

ACTION RECOMMENDED:

Make a recommendation on Petition #TA 23-03

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA23-02 PB Staff Report 04.25 Final
2. TA23-02 Application
3. TA 23-02 PB 04.25.23 Ordinance
4. February 2 2023 Minutes

TA23-02– TIA Reference Removal, Withdrawal of Amendment Petitions, and Community Meeting Notifications

PART 1: DESCRIPTION

TA23-02 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 14.2.3 of the Zoning Ordinance, TIA reference no longer applicable as a result of the current administrative review of Sketch Plans; Section 6.300 of the Subdivision Ordinance for a TIA reference no longer applicable; Articles 11.8 and 14.4.4 of the Zoning Ordinance regarding the withdrawal of amendment petitions; Section 6.320 of the Subdivision Ordinance, Sketch Plan Community Meeting notification requirements; Article 11.4.3 of the Zoning Ordinance regarding Conditional Zoning Community Meeting notification requirements.

PART 2: BACKGROUND

Removal of TIA References, Sections 1 and 2

Prior to the adoption of TA22-05, the Town Board of Commissioners issued approvals of major subdivisions and certain other types of subdivisions. A reference remains in the Zoning Ordinance regarding a timeline for the submission of the draft TIA in advance of the public hearing. Since Sketch Plans for Major Subdivisions no longer require public hearings, this reference is no longer required. This reference only applies to cases where an applicant petitions for a map amendment (rezoning) of land for a major subdivision.

Additionally, a reference remains in the Subdivision Ordinance indicating the threshold for which a Traffic Impact Assessment is required. However, thresholds for a Traffic Impact Assessment is set by Article 14.2.1 of the Zoning Ordinance.

Withdrawal of Amendment Petitions, Sections 3 and 4

Section 3 of TA23-02 focuses on the resubmission of petitions for the reclassification of property (map amendments/rezonings). Currently, only petitions for the reclassification of property that have been denied in whole or in part, or approved to a classification other than the one originally requested are prohibited from resubmission “within one year of the date of the Town Board's action on the original petition, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.” TA23-02 proposes to require withdrawn petitions for the reclassification of property have the same waiting period before resubmission as denied petitions. Also, the text amendment proposes to clarify the regulations of Article 11.8.2 apply to petitions for the reclassification of property. The content of the regulations are already specific to the reclassification of property.

Section 4 of TA23-02 focuses on the withdrawal of petitions for zoning text and map amendments. Currently, petitions zoning map or text amendments may be withdrawn at any time up to the date of the public hearing. If, after the public hearing, the applicant no longer seeks to request the map or text amendment, it may not be withdrawn. The proposed text amendment seeks to allow petitioners to withdraw application at any time prior to final action by the Town Board.

The proposed text amendment also seeks to provide the Town Board with the authority to defer action for 30 days on any petition for a text or map amendment “to allow interested parties the opportunity to comment on the amendment to the petition.”

If amendments are proposed to submitted text amendments resulting in an intensification, TA23-02 specifies the new public hearing shall be called before final action.

The text amendment also proposes that regardless of the option to defer action as a result of amendments to a petition or intensifications of petitions, the Town Board may deny the petition.

Community Meeting Notifications, Sections 5 and 6

Staff have received feedback over the years regarding community meeting notifications. While some individuals prefer wider boundaries for mailed notifications, individuals that qualify for mailed notification per the Zoning and/or Subdivision Ordinance sometimes report not receiving the mailed notification. Currently, Community Meeting notifications are sent via first-class mail. Staff often received returned and undeliverable mail that is recorded with the case data. The Zoning and Subdivision Ordinances do not currently specify the method for mailed notifications. If a property owner that qualifies to receive notification per the regulations of the Zoning and/or Subdivision Ordinances claims to not have received the required notification and Staff do not have returned mail, there is no way to otherwise confirm the status of the mailed notification. Sections 5 and 6 of TA23-02 proposed to require Community Meeting notifications for Sketch Plans for Major Subdivisions and Zoning Map Amendments (Rezoning) be sent via certified mail. Sending notification via certified mail provides a record for residents and Staff of required meeting notifications.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

Sections 1 and 2 of TA23-02 is consistent with Land Use Policies T 6.6 of the 2040 Community Plan. Sections 3 - 6 of TA23-02 is consistent with Land Use Policy LU 1.1 of the 2040 Community Plan.

Policy T 6.6: Re-evaluate the Traffic Impact Analysis (TIA) Ordinance

Staff Comment: Amendment will update Zoning Ordinance to remove references that are no longer applicable.

Policy LU 1.1: Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.

Staff Comment: Amendments to: proposes to require withdrawn petitions for the reclassification of property have the same waiting period before resubmission as denied petitions; allow petitioners to withdraw application at any time prior to final action by the Town Board; provide the Town Board with the authority to defer action for 30 days on any petition for a text or map amendment “to allow interested parties the opportunity to comment on the amendment to the petition”; require new public hearings called if changes to amendments result in intensification before final action; and, require notifications for Community Meetings for Sketch Plans and the reclassification of property sent by certified mail.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval (9-0) of the proposed text amendment on February 2, 2023.

PART 6: PUBLIC HEARING

April 3, 2023

PART 7: PLANNING BOARD RECOMMENDATION

April 25, 2023

PART 8: TOWN BOARD RECOMMENDATION

May 15, 2023

PART 9: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. February 2, 2023 HOAB Minutes

PART 10: STATEMENT OF CONSISTENCY – TA23-02

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-02, Planning Staff recommends approval based on consistency with policies LU 1.1 and T 6.6 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment will remove references no longer applicable, provide community members more opportunities for input in public processes, and allow petitions for amendments to be withdrawn at any time before final action.	APPROVAL: In considering the proposed amendment TA23-02, the Planning 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...<i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA23-02, 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...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-02, the Planning 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>	DENIAL: In considering the proposed amendment TA23-02, 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 01/30/2023

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): See Attached Article(s): See Attached Section(s): See Attached

See Attached

Current Ordinance

See Attached

Proposed Text

Miscellaneous clarifications and revisions

**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 Town of Huntersville Planning Department

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

Signature Lauren Speight Date 01/30/2023

Title Lauren Speight, Sr. Planner Email LSPEIGHT@HUNTERSVILLE.ORG

Address of Applicant 105 Gilead Road, 3rd Floor

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: _____

AN ORDINANCE TO AMEND ARTICLE 14.2.3 OF THE ZONING ORDINANCE, TIA REFERENCE NO LONGER APPLICABLE PER ADMINISTRATIVE REVIEW OF SKETCH PLANS; SECTION 6.300 OF THE SUBDIVISION ORDINANCE FOR A TIA REFERENCE NO LONGER APPLICABLE; ARTICLES 11.8 AND 14.4.4 OF THE ZONING ORDINANCE, WITHDRAWAL OF AMENDMENT PETITIONS; SECTION 6.320 OF THE SUBDIVISION ORDINANCE, SKETCH PLAN COMMUNITY MEETING NOTIFICATION REQUIREMENTS; ARTICLE 11.4.3 OF THE ZONING ORDINANCE, CONDITIONAL ZONING COMMUNITY MEETING NOTIFICATION REQUIREMENTS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.3 of the Zoning Ordinance is hereby amended by modifying the requirements for a draft TIA as follows:

14.2.3 TIA Submission And Completion Requirement

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA scoping. Once the TIA scoping is complete, the applicant may proceed with the TIA, in accordance with the terms of the most recent version of the Town of Huntersville TIA Process and Procedures Manual, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to the Town Board Public Hearing ~~(for rezoning cases) or as provided in the Subdivision Ordinance.~~ Resubmittals of TIAs **for rezoning cases** shall be submitted a minimum of 20 business days prior to the scheduled Town Board final action. **In all other cases, the draft TIA and any resubmittals shall be submitted as provided in the most recent version of the Town of Huntersville TIA Process and Procedures Manual.** The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.300.1 of the Subdivision Ordinance is hereby amended by modifying a TIA reference that is no longer applicable:

6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS

Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Planning Director and any Designated Administrative Agent for review. When submitted, this **Sketch Plan shall be on a topographical map showing original contours at intervals of not less than four feet highlighting slopes over 25% and existing tree lines.** It shall show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It shall include the following information:

1. The boundary lines of the property being subdivided;
2. Water courses on the land to be subdivided;

3. The location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
4. The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by Section 7.280;
6. Zoning information for the proposed project site;
7. Proposed front, rear, and side yard dimensions for each building type along each street type;
8. For projects within a regulated watershed protection area, the location of required buffers and high density option detention, if applicable;
9. The location of general buffers or screens required for the project area, as a whole;
10. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. A small scale vicinity map.
12. Information necessary to evaluate the proposed development site for compliance with the water quality standards of Section 8.17 of the Huntersville Zoning Ordinance and the Performance Criteria as detailed in Section 9 of the Huntersville Water Quality Design Manual. Further, the Site Evaluation Tool (SET) output shall be submitted for each proposed development site. Section 9 of the Huntersville Water Quality Design Manual contains detailed information concerning the submission requirements for SET.
13. **Traffic Impact Assessments; Physical Analysis.**
 1. a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.
 - ~~2. for developments of twenty (20) or more residential units or equivalent traffic generation a physical analysis (type of units expected, including number of bedrooms, projected values, size and timing of phases, etc.).~~
14. An "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application and for Farmhouse Cluster developments in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:
 1. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);

2. The location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;
3. The location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;
4. A topographical map showing original contours at intervals of not less than four feet and existing tree lines;

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.8 of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

11.8 Effect of Denial of Petition

1. **Any** petition for the reclassification of property that has been **withdrawn**, denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the Town Board's action on the original petition, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.
2. The Town Board may allow re-submission of a petition **for the reclassification of property** within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
 1. There has been a similar change in the zoning district classification of an adjacent property; or
 2. The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
 3. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or
 4. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or parallel conditional zoning district, or MH Overlay district, a change in the scale or features of the development proposed in the prior petition.

3. Any petition allowed by the Town Board under subsection (2) above must be reviewed and approved in accordance with the procedures and standards of Section 11.4, Amendment Process, of these regulations.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.4 of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

11.4.4 Withdrawal or Amendment of Petition.

- a. A petition filed according to this section may be withdrawn by the petitioner at any time ~~up to the date of the public hearing on the petition~~ **prior to final action by the Town Board.**
- b. Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Planning Director no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.
- c. If the Town Board deems any ~~requested~~ amendment **requested pursuant to Section 11.4.4 (b)** to be a substantial change to the petition ~~prior to a final decision~~, which does not result in an intensification of the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition. **Notwithstanding the foregoing, the Town Board may deny the petition.**
- d. If the Town Board deems any ~~requested~~ amendment **requested pursuant to Section 11.4.4 (b)** to be an intensification of the petition, it shall call a new public hearing **prior to final action as required by North Carolina General Statutes. Notwithstanding the foregoing, the Town Board may deny the petition.**
- e. Once a development approval is issued, modifications to the development approval must be reviewed and approved in the same manner in which it the approval was originally made, including any necessary notice and public hearing. However, minor modifications to development approvals as defined by Article 12 of this ordinance may be approved by staff.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.320 of the Subdivision Ordinance is hereby amended by modifying the requirements for mailing requirements for major subdivision sketch plan community meetings:

6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN

1. Upon submission, the Planning Director and any Designated Administrative Agent shall have fifteen (15) working days to review and comment on the Sketch Plan. Upon

completion of review, Planning Staff shall provide comments to the subdivider on any portions of the Sketch Plan that are not in compliance with the Town's Sketch Plan submission requirements or the Town's Zoning and Subdivision Ordinances.

2. The subdivider shall address all Town Staff comments prior to refining a revised Sketch Plan with the Planning Department. If subsequent corrections or changes to a sketch plan are necessary, the reviewer shall have fifteen (15) working days to review any revised sketch plan.
3. A written report of at least one community meeting held by the subdivided must be submitted within forty-five (45) days of the initial filing of the sketch plan for review by the Planning Department. The community meeting shall not be held on regularly scheduled Town Board and Planning Board meeting nights. Notice of such a meeting shall be ~~given~~ provided to all of the following via certified mail using the parcel ownership information listed in the current Mecklenburg County tax records:
 - a. Owner of each property petitioned for subdivision
 - b. Owner of each abutting property
 - c. Owner of each property within 250 feet of the petitioned property
 - d. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
 - e. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
 - f. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2000 feet of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map).

The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the subdivision petition made by the petitioner as a result of the meeting. In the event the subdivider has not held at least one meeting pursuant to this paragraph, the subdivider shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered but shall not be subject to judicial review.

4. Within 30 days of receiving the final Sketch Plan, the Planning Director or Designated Administrative Assistant shall prepare a written decision setting forth findings concerning the application's compliance with applicable regulations. If the staff decision proposes a finding or conclusion that the application fails to comply with applicable regulations, it shall identify the

requirement in question and specifically state supporting reasons for the proposed findings or conclusions. Notice of the decision to approve or deny a sketch plan shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a sketch plan may be appealed in accordance with Section 4.000.

Section 6. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.3 (d) of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

11.4.3 Amendment Process, Initiation

d. Before a public hearing may be held on a petition for a conditional zoning, the petitioner must file in the Office of the Planning Department a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be ~~given~~ **provided** to all of the following **via certified mail** using the parcel ownership information listed in the current Mecklenburg County tax records:

1. Owner of each property petitioned for rezoning
2. Owner of each abutting property
3. Owner of each property within 250 feet of the petitioned property
4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000 feet of any portion of the rezoning site (distance scaled on a Town of Huntersville or Mecklenburg County official map). If fewer than two registered associations are identified within 2,000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2,000 feet of the site, such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.
7. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this paragraph, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The

adequacy of a meeting held or report filed pursuant to this paragraph shall be considered by the Town Board but shall not be subject to judicial review.

Section 7. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 2/2/23, Recommended for Approval 9-0

PUBLIC HEARING DATE: 4/3/23

PLANNING BOARD MEETING: 4/25/23

TOWN BOARD DECISION: 5/15/23

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, February 2, 2023.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, J. Kluttz, K. Jones, F. Gammon, B. Skelly (arrived at 3:52 p.m.), H. Whittaker, T. Taylor, A. Hallman & T. Finlay

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the January 5, 2023, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the amended January 5, 2023, minutes. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

No public comments.

Action Agenda

T. Finlay stated that he had a conflict of interest with Item 4A and requested to be recused.

Motion: F. Gammon made a Motion to recuse T. Finlay for Item 4A. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4A: Consider recommendation on petition #TA22-11, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 10 Signs to increase flexibility of sign regulations and codify current practices. (Kayleigh Mielenz)

K. Mielenz, Planner I reviewed the proposed amendment as included in the attached exhibits.

The Board had discussion related to clarifying terms, placement, safety concerns, and code enforcement.

Motion: K. Jones made a Motion to Approve TA22-11 to amend Article 10, Signs to increase flexibility of sign regulations and codify current practices. A. Hallman seconded the motion.

Vote: The motion passed (7-0-1) with H. Whittaker abstaining.

Motion: A. Hallman made a Motion to Reinstate T. Finlay. H. Whittaker seconded the motion.
Vote: The motion passed unanimously (8-0).

Item 4B: Consider recommendation on petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to Article 7 Landscaping and Open Space to update penalties for removal/damage of required vegetation. (Kayleigh Mielenz)

K. Mielenz, Planner I presented the proposed amendment as included in the attached exhibit. Staff stated that they will be redrafting the amendment to simplify the penalty calculation. Staff indicated that the revision will be so extensive that they would recommend the Board limit discussion on this item until the new version is presented.

Item 4C: Consider a recommendation on petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to Article 7, Part A: Landscaping altering the spacing and location of required street trees and providing greater flexibility for the types of supplemental residential lot trees. (Lauren Speight)

L. Speight, Senior Planner presented the proposed amendment as included in the attached exhibits.

H. Whittaker asked if the tree was placed on the homeowner's property who would be responsible for maintenance, replacement, and possible damages caused by the tree. Staff responded that currently the ordinance indicates the homeowner or homeowner's associated would be responsible as determined by that homeowner's association.

H. Whittaker asked about developer requirements for yard trees and types of trees. Staff relayed the history behind the ordinances related to yard trees, varying sizes of side paths, how tree types were considered, and how placement of trees is now being considered to reduce damages.

H. Whittaker stated he is not opposed to this. He commented on the importance of clear communication and expectations so that homeowners would fully understand their financial responsibilities.

K. Jones asked how a homeowner may be affected if an existing neighborhood is retrofitted with curb and gutter. Staff responded that a yard tree requirement would not apply and retrofit streets are typically too tight to allow for street trees.

Commissioner Munger added that this is a layered issue which includes sidewalks being adjacent to roads leading people to park on sidewalks, sidewalks being further in leads to homeowners parking in their driveway and partially blocking the sidewalk. This leads to the focus being on the correct tree installed correctly for the size of the planting strip. He added that in Vermillion, the homeowner is responsible for replacing the street tree if it dies and must get approval from the homeowner's association for which type of tree he may plant in that location.

F. Gammon commented that he does not want to add more regulation and burden on the homeowners regarding trees and there should be greater education related to the current regulations and resident requirements.

H. Whittaker commented that moving the tree up into the homeowner's property and the line fills up with roots it would become the responsibility of the homeowner which could create a serious cost.

M. Jones asked staff about how the tree is planted. Staff confirmed that the note is on the plan requiring a specific method for tree planting however this is not inspected, and trees are often found planted incorrectly.

S. Trott, Director of Engineering for Town of Huntersville commented that in addition to sewer, water, power, gas, and telecommunication lines are also typically in the planting strip. Stormwater is publicly maintained and typically also within the planting strip. Additionally street signs, regulatory signs, streetlights are also in this area that can conflict with trees. Trees located can also create a sight distance issue so the number, size, spacing are a few of many factors that go into selecting the trees.

Item 4D: Consider a recommendation on petition #TA23-02, a request by the Huntersville Planning Department for a text amendment to Article 14.2.3, Traffic Impact Analysis, Applicability to remove a reference to the Subdivision Ordinance that no longer applies to sketch plans reviews per the approved amendment TA22-05 making the major subdivision review process administrative.

L. Speight, Senior Planner presented each section of the proposed amendment.

Staff confirmed ZO Article 14.2.3 would be amended as presented with the additional strike out of "for rezoning cases."

The Board had discussion related to when an applicant would be allowed to withdraw their plans, when they can resubmit, and how this would affect the timeline.

Motion: T. Taylor made a Motion to recommend approval of TA23-02 as presented by staff. T. Finlay seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 5A: Acknowledge terms of service for Tim Taylor, Thomas Finlay & Brandy Skelley
Chairman Jones thanked all exiting Board members for their service.

Item 5B: Election of Chair and Vice-Chair

Nomination: F. Gammon nominated A. Hallman as Chair. H. Whittaker seconded the nomination. There were no other nominations.

Vote: The motion passed unanimously (9-0).

Nomination: A. Hallman nominated K. Jones as Vice-Chair. H. Whittaker seconded the motion. There were no other nominations.

Vote: The motion passed (8-1) with T. Finlay opposed.

Other Business

No other business.

Adjourn

Motion: J. Kluttz made a Motion to Adjourn. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Planning Board
April 25, 2023**

To: Town Board

From: Lauren Speight, Planner II

Date: April 25, 2023

Subject: Petition #SUP23-01

EXPLAIN REQUEST:

Make a recommendation on Petition #SUP23-01 is a request by hep Petra Development LLC on behalf of the City of Charlotte for a Special Use Permit for a major solar energy facility at 5824 Jim Kidd Road Huntersville, NC 28078 PIN 01305102. Major solar energy facilities are permitted in the Rural (R) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.54.

ACTION RECOMMENDED:

Staff recommends continuing the hearing for recommendation on Petition SUP#23-01. Staff find this Special Use Permit application meets several of the requirements for the proposed major solar facility based on the above findings of fact. However, the following information is missing or additional information is required before Staff can provide a recommendation of approval: documentation the individual submitting the SUP application has authority to sign; additional information to confirm specimen tree save; approval by the Town Engineering and Public Works Departments that submitted plans are satisfactory for transportation and land development requirements; drawings to demonstrate the panels are maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure; competent, material, and substantial evidence to support the claims in the Special Use Permit Applicant Burden Document.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

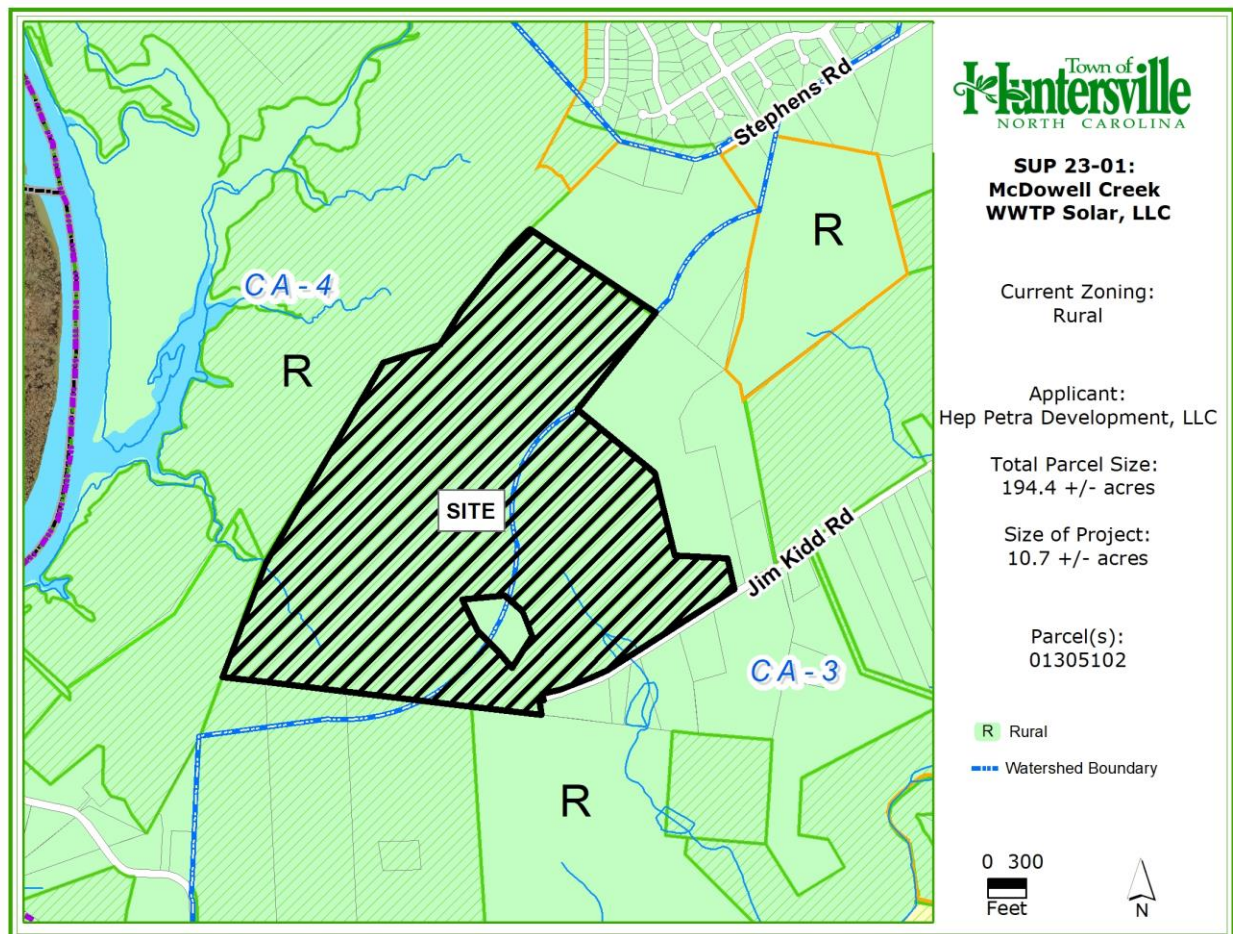
1. SUP23-01 PB Staff Analysis
2. McDowell_Creek_WWTP_Solar_SUP_(General_Application)_4-5-23
3. McDowell_Creek_WWTP_Solar_SUP_(Site_Plan_Reoriented)_4-3-23
4. McDowell_Creek_WWTP_Solar_SUP_(Tree_Survey)_4-5-23
5. McDowell_Creek_WWTP_Solar_SUP_(Applicant_Burden)_4-3-23
6. McDowell_Creek_WWTP_Solar_SUP_(Supporting_Documentation)_4-3-23

REQUEST: Special Use Permit Application for Major Solar Energy Facility in Rural Zoning District, SUP23-01

1: DESCRIPTION

Petition #SUP23-01 is a request by hep Petra Development LLC on behalf of the City of Charlotte for a Special Use Permit for a major solar energy facility at 5824 Jim Kidd Road Huntersville, NC 28078 PIN 01305102. Major solar energy facilities are permitted in the Rural (R) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.54.

PART 2: LOCATION



PART 3: STAFF FINDINGS

Article 9.54 Solar Energy Facilities:

General Requirements for Major Solar Energy Facilities.

1. The minimum lot size requirement for major solar facilities is 10 acres.

Staff Findings: The site plan indicates the area for the solar facility is proposed to be 10.7 acres. The survey indicates the future lease area will be 10.059 acres. The exact area needs to be confirmed. Regardless, the proposed area exceeds the 10 acre minimum for a major solar facility.

2. Setbacks for major solar energy facilities shall:

(1) meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.

Staff Findings: In the Rural Zoning District, the front yard setback for residential lots shall be a minimum of 25'. The minimum side yard setback is 8' and the minimum rear yard setback is 25'. The site plan shows the panels are proposed to be located at distances greater than the minimum setbacks for the Rural Zoning District.

(2) be a minimum of 20 feet from any property line in the SP zoning district.

Staff Findings: The site plan shows the panels are proposed to be located at distances greater than 20' from any property line.

2. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

Staff Findings: Evidence is not included with dimensions of the proposed panels.

Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.

Article 11.4.10(e)(2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:

- i. The proposed special use will not materially endanger the public health or safety;

STAFF FINDINGS: The applicant states there is no evidence that, "solar facility operations have a negative impact or pose any hazard to public health or safety."

- ii. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;

STAFF FINDINGS: The applicant states, "There is no historical evidence that solar facilities injure the value of adjacent properties."

- iii. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;

STAFF FINDINGS: The applicant states the solar facility is not proposed to impact surrounding properties and “is expected be in conformity with all plans.” The proposed solar energy facility is compliant with LU-1, PS-7.2, EOS-3, EOS-5, EOS-6, and EOS-7.

- iv. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located;

STAFF FINDINGS: The proposal complies with all applicable standards and ordinances with the exception of the demonstration that the free standing major solar facilities are a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure.

Regarding other standards, per subsection 4 of Article 7.4.2, f of the Zoning Ordinance, “In the Rural district (R) minimum tree save required for non-residential uses are reduced to require preservation of >30% of existing canopy and specimen trees.”

The total area of the parcel to include the solar energy facility is 196.017 acres. Based on the site plan and survey, greater than 30% of the existing canopy will remain. Additional information is needed to confirm specimen tree save requirements will be met, but based on the size of the parcel Staff is confident specimen tree save requirement will be met.

According to Article 7.5.3, any non-residential use abutting a lesser intense use and/or district when not internal to a planned development, a 30 ft buffer is required composed of 4 trees per 1000 sq/ft of buffer area (50% large maturing; 25% small maturing; 50% evergreen) and 7 shrubs per 1000 sq/ft (100% evergreen). There is an option to use some existing vegetation for the buffer requirement. There is also an option to request a reduction of the buffer per subsection 5 of Article 7.5.3, “Except where non-residential uses in the HC and VS district abut residential uses, buffer yard width may be reduced to 10’ if evergreen shrubs are used that will reach a minimum height of 8’ at maturity. Shrubs shall be planted to create a complete visual buffer.” Additional information is required from the application about how they plan to meet the buffer requirement.

- v. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

STAFF FINDINGS: All standards will be met before Staff stamps approval of the SUP site plan.

PART 4: PLANNING STAFF RECOMMENDATION

At this point and time, Staff recommends continuing the hearing for recommendation on Petition SUP#23-01. Staff find this Special Use Permit application meets several of the requirements for the proposed major solar facility based on the above findings of fact. However, the following information is missing or additional information is required before Staff can provide a recommendation of approval:

- Substantial, competent, material evidence has not been submitted to confirm the proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity. See Special Use Permit Applicant Burden page 1 for guidance.

- Evidence has not been submitted to confirm solar facilities will be 8 ft in height or less. The panels shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure.
- Substantial, competent, material evidence has not been included to confirm the proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located. While the 20 ft gravel drive for access to the solar facility is 30 ft from the shared property line with Parcel 01305105, it is unclear if the 30 ft access easement could be cleared in violation of the minimum 10 ft vegetative buffer requirement between the solar facility and the adjoining property.

PART 5: PUBLIC HEARING/FINAL ACTION

The Special Use Permit Hearing is proposed to be held on May 15, 2023.

PART 6: ATTACHEMENTS

- A: Application
- B: Special Use Permit Set (Site Plans)
- C: Tree Survey
- D: Special Use Permit Applicant Burden Document
- E: Supporting Documentation

PART 7: Planning Board Decision Statements

In Favor of the Special Use Permit

In considering the Special Use Permit SUP23-01, McDowell Creek WWTP Solar, we, the Planning Board, find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings:

- 1)
 - 2)
- Add additional statements as necessary.

Against the Special Use Permit

In considering the Special Use Permit SUP23-01, McDowell Creek WWTP Solar, we, the Planning Board, find that the request does not meet the required conditions and specifications.
(List which conditions are not being met)

- 1)
- 2)

Add additional statements as necessary.

In addition, the use poses an injurious effect on adjoining properties and the Planning Board finds that the request is not character of the neighborhood and there will be negative effects on the health, safety and general welfare of the surrounding community based on the following findings:

1)

2)

Add additional statements as necessary.



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☒ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 04/03/2023

Name of Project McDowell Creek WWTP Solar, LLC Phase # (if subdivision) _____

Project Address 5824 Jim Kidd Rd, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01305102

Current Zoning District CA-4 (R) Rural Proposed District (for rezoning only) _____

Property Size (acres) 10.7 Street Frontage (feet) 300'

Current Land Use None (Forested)

Proposed Land Use(s) Solar Facility

Is the project within Huntersville's corporate limits?

Yes X No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Seeking a Special Use Permit for the construction and operation of a 2.00MW_{AC} Solar Facility on 10.7 acres of the parcel located at 5632 Jim Kidd Rd, Huntersville, NC 28078.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name hep Petra Development, LLC

Phone 704-516-1880

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] Printed Name: Tim Holder

Title SVP, hep Petra Development, LLC Email t.holder@hep.global

Address of Applicant 11330 Vanstory Dr, Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name City of Charlotte

Phone 704-336-7600

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] Printed Name Carl Wilson

Title Chief Engineer Email carl.wilson@charlottenc.gov

Address of Property Owner 4901 Neck Rd, Huntersville, NC 28078

* 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 application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), 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.**

8. Development/Design Firm Contact Information

hep Petra Development, LLC	Tim Holder	704-516-1880	t.holder@hep.global
Development Firm	Name of Contact	Phone	Email
hep Petra Construction, LLC	Jason Sparks	704-309-0629	j.sparks@hep.global
Design Firm	Name of Contact	Phone	Email

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department



General notes:

Coordinates:	35°23'27.7"N & 80°56'39.7"W
Sun Angle / Date:	31.19° / 12/21/2022
Shadow Angle Plant:	21.6°
Nominal DC-Power:	2471.04 kW _p
Nominal AC-Power:	2000.00 kW _{ac}
Module:	4576 x JAM72D30-550/MB (o.s.)
Inverter:	8 x SunGrow SG-250-HX-US (o.s.)

Construction:

Table:	Schletter Fixed Tilt (o.s.)
Table Type:	2V x 26 & 2V x 13 Fixed Tilt
Amount:	85 pcs. & 6 pcs.
Azimuth / Tilt:	180° / 25°
Distance between modules on a table:	0.787 in. (ver. & hor.)
Distance between tables in a row:	0.656 ft.
Distance between rows in a field:	015.00 ft.

Electrical Concept:

Maximum System Voltage DC:	1500V
String length:	26 Modules
Strings per Inverter:	22 Strings
DC/AC Ratio total:	1.24 at cos(φ)=1

Legend:

	Parcel Boundary
	Facility Boundary Fence
	Facility Gate
	Facility Signage
	Facility Access/Maintenance Road
	Existing Easement
	Module Table 2V x 13
	Module Table 2V x 26

McDowell Creek WWTP Solar - NC -

Layout C-04

Date	Version	Changes	Initials
03/01/2023	C-04	Updated details after SUP meeting with town	WPH
02/14/2023	C-03	Updated to bifacial modules & added construction details	WPH
11/16/2022	C-02	Updated to different modules and better shading analysis	WPH
11/09/2022	C-01	Maximum configuration according to given areas	WPH

hep there is no planet b.

hep Petra Development LLC
 11330 Vanstory Dr, Huntersville, NC 28078
www.hep.global

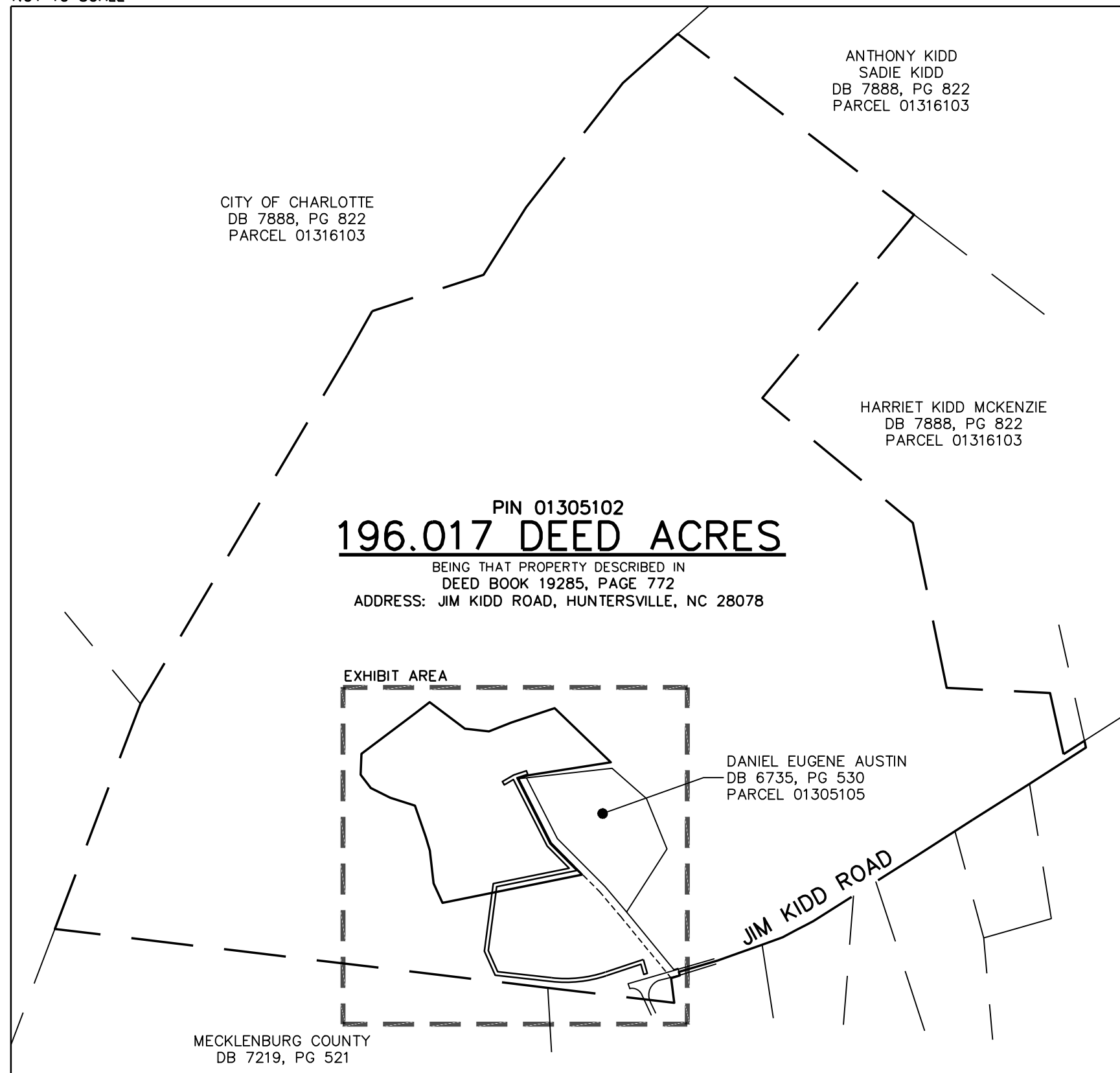
GENERAL NOTES

1. THE PURPOSE OF THIS EXHIBIT IS TO SHOW CERTAIN TREES WITHIN THE "FUTURE LEASE AREA" AS SHOWN HEREON. NO BOUNDARY WORK WAS PERFORMED.
2. ALL DISTANCES SHOWN ARE HORIZONTAL MEASUREMENTS.
3. SEE DATUM DESCRIPTION NOTE FOR NCGS TIE INFORMATION.
4. THIS MAP IS NOT PREPARED FOR RECORDATION AS PER G.S. 47-30.
5. UNDERGROUND UTILITIES WERE NOT MARKED OR LOCATED AS PART OF THIS SURVEY. UNDERGROUND UTILITIES NOT SHOWN MAY EXIST.

LEGEND

⊙	FOUND PROPERTY MARKER	-----	FUTURE LEASE AREA
⊙	FOUND PROPERTY MARKER	-----	PROPERTY LINES PER DEED (NOT SURVEYED)
△	COMPUTED POINT (NOT SET)	-----	APPARENT RIGHT OF WAY LINES (NOT SURVEYED)
◆	SET OPS GRID TIE	-----	TIE LINE
DB	DEED BOOK	-----	EASEMENT AS NOTED
PB	PLAT BOOK		
PG	PAGE		
R/W	RIGHT OF WAY		
G.S.	GENERAL STATUTE		
SR	STATE ROAD		
(TYP)	TYPICAL		
CONC.	CONCRETE		
NC	NORTH CAROLINA		
RTK	REAL-TIME KINEMATICS		
VRS	VIRTUAL REFERENCE STATION		
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY		
NAVD	NORTH AMERICAN VERTICAL DATUM		
GIS	GEOGRAPHICAL INFORMATION SYSTEM		
NCGS	NORTH CAROLINA GEODETIC SURVEY		
ADA	AMERICANS WITH DISABILITIES ACT		
PIN	PARCEL IDENTIFICATION NUMBER		
ALTA	AMERICAN LAND TITLE ASSOCIATION		
NSPS	NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS		
CORS	CONTINUOUSLY OPERATING REFERENCE STATION		
NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988		
NAD83	NORTH AMERICAN DATUM OF 1983		

OVERALL PARCEL BOUNDARY - PER DEED
NOT TO SCALE



DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON STATE PLANE COORDINATES ESTABLISHED BY DEWBERRY GPS #102 HAVING NAD83(2011) STATE PLANE COORDINATES OF:
NORTHING: 602,207.13'
EASTING: 1,421,115.18'
ELEVATION: 732.36'

THE AVERAGE COMBINED GRID FACTOR USED ON THIS PROJECT (GROUND TO GRID) IS: 0.999845286

VERTICAL DATUM: NAVD88
ALL LINEAR DIMENSIONS SHOWN HEREON ARE LOCALIZED HORIZONTAL DISTANCES.

NOTE: PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL FIELD SURVEY. BEARINGS ARE BASED ON N.C. STATE GRID NORTH. THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS MAP WAS PREPARED UNDER MY SUPERVISION.

GAVIN D. PROFFIT

PRELIMINARY
NOT FOR RECORDATION, SALES, OR CONVEYANCES

NC PLS L-5298



GPS CERTIFICATION

I, GAVIN D. PROFFIT, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: <0.100'
- (3) TYPE OF GPS FIELD PROCEDURE: RTK
- (4) DATES OF SURVEY: 2023-03-16
- (5) DATUM/EPOCH: NAD 83(2011)
- (6) PUBLISHED/FIXED-CONTROL USED: VRS
- (7) GEOD MODEL: GEOD18
- (8) COMBINED GRID FACTOR(S) AT SET GRID TIE: 0.999845286
- (9) UNITS: METERS CONVERTED TO US SURVEY FEET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 30TH DAY OF MARCH, A.D., 2023

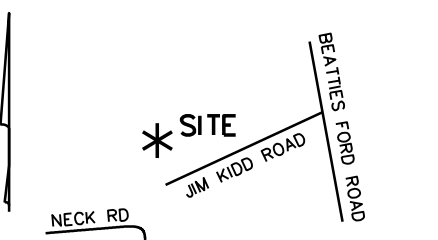
GAVIN D. PROFFIT, PROFESSIONAL LAND SURVEYOR L-5298



Dewberry
Engineers Inc.
LICENSE # F-0929

9300 HARRIS CORNERS PARKWAY
SUITE 220
CHARLOTTE, NC 28269-3797
PHONE: (704) 509-9918
FAX: (704) 509-9937

VICINITY MAP



CURRENT OWNER

CITY OF CHARLOTTE

600 EAST FOURTH STREET
CHARLOTTE, NC 28202

HEP Petra Development, LLC

SCALE: 1" = 60'

DATE: MARCH 30, 2023

DRAWN BY: FAS

CHECKED BY: GDP

JOB NUMBER: 50163108

TOWNSHIP / CITY:

LOCATED IN TOWN OF HUNTERSVILLE,
MECKLENBURG COUNTY, NORTH CAROLINA

GRAPHIC SCALE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	518.32'	224.44'	222.69'	S 84°02'27" W	24°48'34"
C2	503.32'	217.94'	216.24'	N 84°02'27" E	24°48'34"

LINE	BEARING	DISTANCE
L1	N 16°06'44" W	41.95'
L2	S 71°38'10" W	145.52'
L3	N 83°33'16" W	227.47'
L4	N 24°16'00" W	105.44'
L5	N 07°26'09" E	236.75'
L6	S 07°26'09" W	237.63'
L7	S 24°16'00" E	92.65'
L8	S 83°33'16" E	218.94'
L9	N 71°38'10" E	161.12'
L10	S 16°06'44" E	157.55'
L11	S 73°53'16" W	15.00'
L12	N 07°26'09" E	37.19'
L13	N 78°32'59" E	511.84'
L14	N 44°53'58" W	126.01'
L15	N 26°50'45" W	299.62'
L16	S 59°32'43" W	42.75'
L17	N 30°27'17" W	15.00'
L18	N 59°32'43" E	52.81'
L19	N 71°49'20" E	53.81'
L20	S 18°10'40" E	15.00'
L21	S 71°49'20" W	45.55'
L22	S 26°50'45" E	296.77'
L23	S 44°53'58" E	151.51'
L24	S 78°32'59" W	1329.00'
L25	S 07°26'09" W	21.33'

TREE SUMMARY WITHIN FUTURE LEASE AREA		
NUMBER	SIZE (INCHES)	TYPE
1	25	ASH
1	26	ASH
1	14	CHERRY
13	12	CHERRY
4	13	CHERRY
4	15	CHERRY
1	16	CHERRY
1	18	CHERRY
1	20	CHERRY
2	24	CHERRY
1	26	CHERRY
13	12	CEDAR
12	15	CEDAR
1	13	CEDAR
10	14	CEDAR
2	16	CEDAR
1	17	CEDAR
4	18	CEDAR
2	24	CEDAR
1	26	CEDAR
2	24	HACKBERRY
1	14	HOLLY
1	24	LOCUST
1	24	OAK
1	28	OAK
1	40	OAK
3	24	PINE
1	14	WALNUT
87 TOTAL SPECIFIED TREES WITHIN LEASE AREA		



Applicant Burden of Proof for Special Use Permits, Article 11.4.10(e).2:

The applicant has the burden of producing competent, material, and substantial evidence establishing that:

1. The proposed special use will not materially endanger the public health or safety;
2. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;
3. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;
4. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
5. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

Please note, if the applicant fails to provide substantial, material, and competent evidence addressing the applicable criteria, then the Town Board must deny the permit. That is true regardless of whether potential opponents present any evidence on point or not.

Expert Witness & Competent, Material, and Substantial Evidence:

Expert Witness:

- Generally, an expert witness is one qualified by knowledge, skill, experience, training, or education to provide specialized knowledge to help with the understanding of evidence or the determination of facts.
- Expert witnesses may include (but are not limited to):
 - A qualified appraiser when determining property value impact.
 - In North Carolina an owner of real property is generally competent to testify as to the value of their own property even though their knowledge on the subject would not qualify them as a witness were they not the owner.
 - An owner is generally expected to know what price the owner paid for the property and the uses to which the property may be put and to have a reasonably good idea of what it is worth. It is understood that the owner's opinion of the value of her own property may be subject to bias.
 - A transportation engineer when determining traffic impact.
 - A doctor or scientist when determining if the emissions from a proposed development would endanger the public health.

Competent, Material, and Substantial Evidence:

- Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board.
 - Speculative, irrelevant, or vague evidence; non-expert opinions on something that requires an expert; and hearsay evidence will likely not be competent evidence.
- Material evidence is evidence that shows that the standards will or will not be met.
- Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion.
 - Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

- Competent, material, and substantial evidence may include (but is not limited to):
 - Documentation
 - Staff Reports
 - Notice of Violation
 - Adopted Town Plans
 - Academic Journal
 - Wills and Deeds
 - Financial Reports and Documents
 - Transactional Reports and Documents
 - Photograph
 - Expert Testimony

Applicant Response:

In the following space, indicate what competent, material, & substantial evidence you will provide to establish that:

1. The proposed special use will not materially endanger the public health or safety.

There is no historical evidence that solar facility operations have a negative impact or pose any hazard to public health or safety.

2. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity.

There is no historical evidence that solar facilities injure the value of adjacent properties.

3. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan.

The location for the facility is in a rural (R) zoning district and has no foreseen impact on surrounding parcels/areas. It is expected to be in conformity with all plans.

4. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located.

The location for the facility is 10.7 acres of a 190-acre parcel in a rural (R) zoning district and is expected to follow all ordinances relating to such properties.

5. The proposed special use will comply with all general standards in Article 11.4 and all specific standards in Article 9 for the issuance of a special use permit for this use.

The planning for this facility is following the standard process for Special Use Permit acquisition, and will be in compliance with Town of Huntersville Zoning Ordinances Article 9.54, Section (2), Subsections 1.1, 1.2, 1.3, and 1.3c by acquiring a Special Use Permit and facilitating all required setbacks and maximum structure heights.

Attach additional documents if needed.

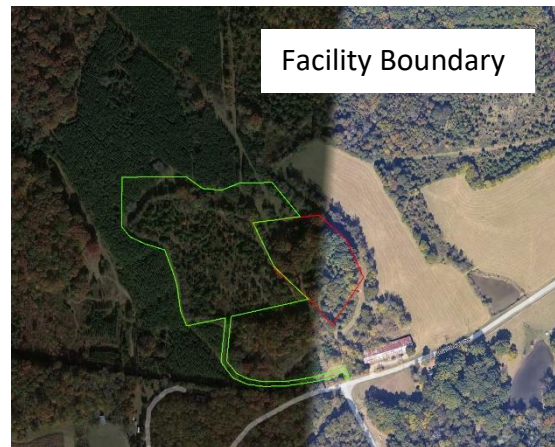
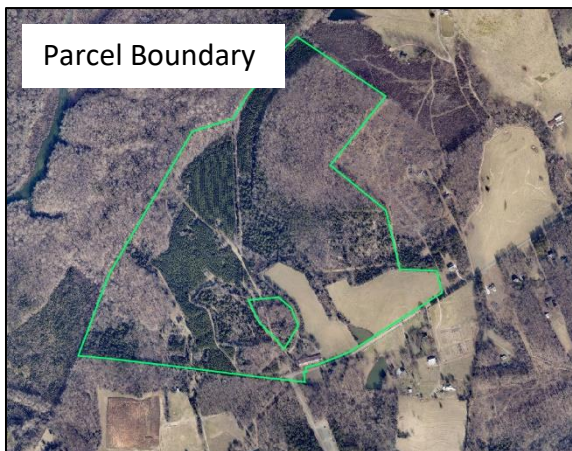
McDowell Creek WWTP Solar Project

hep Petra Proposed Solar Facility at
5824 Jim Kidd Rd, Huntersville, NC, 28078
Utility: Energy United

The below documentation provides project details not included in the attached site plan. Items below correspond to their specified denotations in the attached Special Use Permit Checklist.

Item 1: "A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow."

- Vicinity of Site is shown on attached site plan. The 194.4-acre parcel boundary extends far beyond the 10.7-acre facility boundary. See attached site plan and graphics for details.



- Site can be accessed from Jim Kidd Rd., a secondary NCDOT State Maintained Route.
- Site is approximately 2400' from lacustrine on the Mecklenburg/Gaston county border, which feeds into Mountain Island Lake to the south.
- There are no nearby railroads.

Item 2: "Existing topography and the general nature of the proposed topography at four-foot contour intervals or less."

- Topography contour lines are shown on drawings, superimposed on the background image in yellow (1') and red (5').

Item 3: "All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land."

- Existing Interior Lot Easement is located along the western edge of the facility boundary. See attached plan map for more details.

Item 4: "Number and general location of proposed structures."

- There is 1 existing structure contained within the parcel boundary, but not within the facility boundary. Proposed structures include the Facility Boundary Fenceline, at a height of 7', and equipment (inverters/transformers) with approximate height of 8'. See attached site plan.

Item 5: *"Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development."*

- Land within the proposed facility boundary on attached site plan is solely for the construction, operation, and maintenance of solar production and interconnection. The structure mentioned above is a covered stable, converted for storage of farm tools and equipment, and is approximately 18,500 square feet. See site plan for more details.

Item 6: *"All yards, buffers, screening, and landscaping required by these regulations."*

- Proposed landscaping includes removal of all trees/shrubs within facility boundary indicated on attached site plan.

Item 7: *"Any proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features."*

- Not applicable. See Item 6 and attached site plan for landscaping details.

Item 8: *"All existing and proposed points of access to public streets; the location of proposed new streets."*

- Proposed access point is a gate located at the southeastern end of the facility near the proposed interconnection location. A 20'-wide gravel access road for construction and maintenance will be located starting at the gate and follow a cleared area around the southwest side of the facility boundary to the fenceline, at which point it becomes a 15'-wide interior gravel access road. See attached site plan for details.

Item 9: *"Delineation of areas within the regulatory flood plain as shown on the Official Floodway Maps for Mecklenburg County."*

- Not applicable. None of the proposed development area is within the regulatory floodplain for Mecklenburg county based on the Official County Floodway maps at the following URL: <https://meckmap.mecklenburgcountync.gov/3dfz/#matid=156156&taxpid=01305102&groundpid=01305102>

Item 10: *"Proposed number and location of signs."*

- Proposed signage includes a company sign denoting the location attached the gate at the entrance to the facility, and "High Voltage" signs on the fence at 50' intervals around the perimeter. See attached site plan for details.

Item 11: *"Proposed phasing, if any, and approximate completion time for the project."*

- Intent is for a single-phase project through development and construction. Construction expected to begin in Q3 of 2024.

Item 12: *"The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the town's consulting engineer."*

- Based on existing topography, water drainage aggregation is expected to take place in the forested area along the eastern edge of the facility boundary. SWPPP Plan to be compiled at a later point in project development.

Item 13: *“Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed.”*

- Not applicable. No parking or traffic alteration are proposed beyond the access road described in Item 8. See attached site plan for details.

Item 14: *“A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.”*

- Northwestern Parcel: 01316103 (City of Charlotte; 600 E 4th St, Charlotte NC, 28202)
- Northeastern Parcel: 01309107 (Anthony/Sadie Kidd; 5900 Stephens Rd, Huntersville NC, 28078)
- Eastern Parcel: 01305104 (Harriet Kidd McKenzie; 5840 Jim Kidd Rd, Huntersville NC, 28078)
- Southeastern Parcels: 01320103 (Daniel E Austin; 5730 Jim Kidd Rd, Huntersville NC, 28203)
01320104 (Mary Alexander; 5720 Jim Kidd Rd, Huntersville NC, 28078)
01320105 (Donna Long; 5632 Jim Kidd Rd, Huntersville NC, 28078)
01320106 (Daniel E Austin; 5730 Jim Kidd Rd, Huntersville NC, 28203)
01320107 (Nellie Austin; 7980 Worth Wy, Denver NC, 28078)
- Southern Parcels: 01323105 (City of Charlotte; 600 E 4th St, Charlotte NC, 28202)
01323103 (Mecklenburg County; 600 E 4th St, Charlotte NC, 28202)
01323102 (Mecklenburg County; 600 E 4th St, Charlotte NC, 28202)
01323101 (Mecklenburg County; 600 E 4th St, Charlotte NC, 28202)
- Western Parcel: 01304226 (Mecklenburg County; 600 E 4th St, Charlotte NC, 28202)
- Self-Contained Parcel: 01305105 (Daniel Austin; 5730 Jim Kidd Rd, Huntersville NC, 28203)